United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, OCTOBER 5, 2000 No. 123

Senate

(Legislative day of Friday, September 22, 2000)

MORNING BUSINESS

(Continued)

RETIREMENT OF CHARLES A. GILLIS

Mr. LOTT. Mr. President, I would like to acknowledge the upcoming retirement of Mr. Charles A. Gillis, who will retire on October 20, 2000, as Branch Manager of the Gulfport Branch Office, United States Small Business Administration (SBA). I know that I am joined by the entire business community of South Mississippi, Charlie's colleagues at the SBA, and all those who have had the privilege of interacting with him over the years.

I especially want to thank Charlie for a long career of completely devoted service to his community, the State of Mississippi, and this Nation. I have known Charlie for many years and have seen firsthand the substantial impact his extensive knowledge and business expertise have had on countless small businesses and the local economy of Southern Mississippi.

Charles Gillis' ties to the Gulf Coast run deep, as does his record of service and achievement. He is a life-long resident of Harrison County and a graduate of Gulfport High School. Charlie served in the First Cavalry Division in Korea in 1951. He received his Bachelor of Arts in Business Administration from the University of Southern Mississippi (USM), and later completed additional graduate studies in business at the USM-Gulf Park Campus.

Prior to serving with the SBA, Charlie was a small business entrepreneur in his own right, as owner and operator of Gillis Furniture in Gulfport. Moreover, Charlie served as a furniture manufacturers representative with regular travel assignments covering five states. Throughout his private sector career, Charlie honed the business skills that later made him such an invaluable public sector resource to other small business owners and operators.

Charlie began his tenure of service with the SBA in July 1982, and has faithfully served the agency ever since. His service in the SBA's Gulfport Branch Office is especially important to me since the branch office was created after Hurricane Camille devastated the Mississippi Gulf Coast and its economy in 1969, and during my service as Administrative Assistant to then Congressman William Colmer.

Charlie has been recognized for his continuous dedication to duty and his tireless community spirit. Over the years, he has been chosen as one of the ''Outstanding Men in America,'' recognized as among the ''Personalities of the South,'' and selected as ''SBA District Employee of the Year.''

In addition to personal accolades and longstanding official service, Charlie generously has given of his time in many ways to improve his community. He served as President of the University of Southern Mississippi's Alumni Association, as Chairman of the Harrison County Election Commission, and as Vice President of Governmental Affairs for the Gulfport Area Chamber of Commerce. Moreover, Charlie is an associate member of Delta Sigma Pi Fraternity, and serves as a Mason, a Shriner, Rotarian, and a charter member of Trinity United Methodist Church in Gulfport.

Charlie's constant professionalism and vast knowledge will be greatly missed by the Small Business Administration, the South Mississippi business community and officials at every level of government, who have had the distinct pleasure and benefit of his insight. Whenever called, Charlie always responds in a timely and effective manner with eagerness, efficiency and courtesy. Although I know he will miss daily interactions with his co-workers and colleagues, I also know that Charlie, his wife Rose, and their family, will have many opportunities to focus their abundance of energy and exemplary community spirit.

NOTICE

Effective January 1, 2001, the subscription price of the Congressional Record will be $393 per year or $197 for six months. Individual issues may be purchased for $4.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

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

Printed on recycled paper.

THE ACID DEPOSITION AND OZONE CONTROL ACT OF 1999 AND EPA'S ANALYSIS OF S. 172

Mr. MOYNIHAN. Mr. President, I rise today to express concern and dismay over the unwarranted delay of a critical analysis of S. 172, the Acid Deposition and Ozone Control Act. This analysis thoroughly documents the substantial benefits to be achieved, at comparatively insignificant costs, by passing S. 172. Unfortunately, we have received this information only after it is too late to coordinate the bill's passage this year.

I first asked the Environmental Protection Agency (EPA) to analyze the impacts of S. 172 in 1998. Specifically, EPA was asked to calculate the costs and benefits of the legislation with regard to effects on human health, environment and the business community. EPA completed the report in March, 2000 and submitted it to the Office of Management and Budget (OMB) for their review. Unfortunately, OMB withheld the analysis for six months despite the fact that co-sponsors in both the House and Senate requested the report's release in letters to Director Jacob Lew. We have EPA's report today because Representative DAN BURTON, Chairman of the House Committee on Government Reform, was willing to subpoena the report. I am disappointed that this course of events had to occur.

Nonetheless, I am quite pleased with the results of EPA's analysis. Not only would S. 172 significantly improve visibility and the state of ecosystems sensitive to acid rain and nitrogen loading, but it would produce approximately $60 billion in public health benefits annually and save 10,000 lives each year. All this for an additional cost to utilities of $3.3 billion. What a tremendous service we could do to society by simply passing this legislation. If we don't, an epidemic could ensue. For example, according to EPA an DGAO, 43% of the lakes in New York's Adirondack Park will become acidified by 2040 even with the reductions mandated by the 1990 Clean Air Amendments.

As far back as the 1960s, fisherman in the Adirondacks began to complain about more than ''the big one that got away.'' Fish, once abundant in the pristine, remote Adirondack lakes, were not just getting harder to catch—they were gone.

When I entered the Senate in 1977, there was much we needed to learn about acid rain. So I introduced the first Federal legislation to address our ''knowledge deficit'' about acid rain—the Acid Precipitation Act of 1979. My bill was enacted into law as Title VII of the energy Security Act, which Congress passed in June 1980. Title VII established the National Acid Precipitation Assessment Program (NAPAP), an interagency program charged with assessing the causes and damages of acid deposition, and reporting its findings to Congress. NAPAP spawned tremendous academic interest in the subject of acid deposition, and our understanding of the subject has since developed substantially.

In 1990, I helped write Title IV of Clean Air Act Amendments, which established a ''Sulfur Dioxide Allowance Program.'' Its creation represented a radical departure from the traditional ''command and control'' approach to environmental regulation, common at the time. This program was the first national, statutorily-mandated, market-based approach to pollution control. It has been immensely successful.

We can be proud of these accomplishments, but we have a long way to go yet. Since 1990 we have learned, for instance, that the sulfur dioxide (SO_2) emissions reductions required under the Clean Air Act Amendments of 1990 are insufficient to prevent continued damage to human health and sensitive ecosystems. NAPAP has reported that forests, streams, and rivers in the Front Range of Colorado, the Great Smoky Mountains of Tennessee, the San Gabriel and San Bernardino Mountains of California are also now showing the effects of acidification and nitrogen saturation. We have learned that nitrogen oxides (NO_X), which we largely ignored nine years ago, are significant contributors to our nation's air quality deficiencies. And finally, we have demonstrated that legislation containing regulatory flexibility and market incentives is highly effective.

S. 172, which I first introduced with Senator D'Amato in 1997, seeks to build upon this new body of knowledge, combining the best and most current scientific evaluation of our environmental needs with the most effective and efficient regulatory framework. Today, S. 172 is cosponsored by Senators SCHUMER, JEFFORDS, LIEBERMAN, REED, DODD, KERRY, FEINSTEIN, LAUTENBERG, KENNEDY, BOXER, and WYDEN. In the House, the bill is sponsored by Representatives BOEHLERT and SWEENEY, and co-sponsored by 48 House Members.

These are my final days in this great legislative body, and I will surely cherish the accomplishments we have made through the years. Today, I ask my friends and colleagues to continue the push to protect our nation's public health and environment from critical pollutants such as nitrogen oxides, sulfur dioxide, mercury and carbon dioxide. It is my understanding that the able Chairman of the Environment and Public Works Committee, Senator BOB SMITH, has indeed made this commitment and I commend him for it.

As I mentioned before, I am disappointed that the release of important information regarding the effects of S. 172 was withheld for so long. However, now that we have this information, we must act upon it and pass legislation that goes beyond our clean air achievements so far. The SO_2 Allowance Program established by the Clean Air Act Amendments of 1990 has achieved extraordinary benefits at costs less than half of initial projections. The efficacy of the approach is proven. The science indicates that we did not go far enough. The Acid Deposition and Ozone Control Act endeavors to build upon our accomplishments, and to begin the work which remains to be done.

Mr. President, I ask unanimous consent that my remarks and two recent articles on this issue be printed in the RECORD.

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

[From the Poughkeepsie Journal, Sept. 20, 2000]

RELEASE STUDY ON ACID RAIN

Why is the government withholding documents that could shed light on how best to deal with the ravages of acid rain?

Remarkably, that's the case now involving a federal Office of Management and Budget report. The report likely shows a remedy put forth by Sen. Daniel Patrick Moynihan won't be too financially onerous on the utility industry, a leading cause of acid rain, according to the Adirondack Council. But it would better protect the environment, the environmental group states.

Acid rain occurs, in part, when polluting emissions from utility plants are carried in the wind hundreds of miles from their origin, often causing smog. They also can mix with water vapor, falling as the acid rain that kills lakes and aquatic life in the Adirondack and Catskill regions and elsewhere.

Council officials express concern the White House is putting the lid on the OMB study because it could show just how ineffective government efforts to curb acid rain have been. It also might demonstrate why more environmental regulations must be imposed on Midwestern utilities in particular, something that won't play well in those states right before the national presidential election.

''OMB is stonewalling while Adirondack lakes continue to die,'' said Timothy Burke, executive director of the council.

At issue are Moynihan's suggested changes to a federal program intended to convince power producers to run cleaner generating plants. Under the 1990 Clean Air Act, the Environmental Protection Agency program gives utilities a financial incentive by allowing them to sell pollution credits to other companies. The program has been fairly successful in New York, allowing utilities here to reduce pollution below the federal maximums and then sell unused pollution credits to out-of-state utilities. By purchasing the credits, some utilities can stay within EPA pollution guidelines and avoid huge fines. Thus it's more cost-effective for them to continue to buy the credits rather than make expensive alterations to their plants to cut emissions.

Problem is, many of these utilities are located in the Midwest and are believed to be major contributors to acid rain. This year, New York lawmakers took it upon themselves to close the loophole by passing a law prohibiting utilities in this state from selling credits to utilities in the Midwest. But that will only go so far to fight acid rain, unless other Northeastern states follow suit.

SOLUTION CAN'T WAIT ANY LONGER

And it's clear dramatic changes are needed soon. Hundreds of Adirondack lakes and streams have been killed by acid rain, and they'll never recover. And for years, environmentalists have projected that 40 percent of the lakes will be dead within 50 years. Most recently, the U.S. General Accounting Office, the independent investigative arm of Congress, said the Adirondacks have been socked

with so much acid rain, the fragile mountain soil can no longer soak up the pollutant nitrogen oxide. And that means the nitrogen oxide is flowing into Adirondack lakes at a more rapid rate than previously believed.

Moynihan and the rest of the state's congressional delegation are proposing a 50-percent cut in emissions beyond what's called for under the credit allowance program. They would do so by halving the amount of sulfur dioxide that can be produced through the purchase of one pollution credit. Before congressional leaders are willing to consider the measure further, however, they want to know the potential costs of the legislation. Fair enough. The Adirondack Council says the study will show the costs won't be astronomical to the utilities, pointing out they were greatly off base on their projections of how much the original allowance program would cost their businesses.

The Office of Management and Budget could shed light on this important matter. But the only way that will happen is if President Clinton shows sufficient political courage to order the study to be released. He should do so immediately.

[From the Albany, New York, Times Union, Oct. 4, 2000]

ACID RAIN BOTTOM LINE—A NEW EPA STUDY SHOWS JUST HOW AFFORDABLE IT IS TO FIGHT POLLUTION

How much would it cost to keep Adirondack lakes from dying from acid rain? How much to spare thousands of Americans who suffer respiratory illnesses caused by the smokestack pollutants that contribute to acid rain? New York Sen. Daniel Patrick Moynihan put those questions to the Environmental Protection Agency two years ago, as he and Rep. Sherwood Boehlert, R-Utica, struggled to push through strict new federal limits on emissions of nitrogen and sulfur that drift from power plants in the Mid-west and South and descend on the Northeast, causing health problems in populated areas and killings trees and aquatic life in the Adirondacks and other pristine regions.

Now, after an unjustified delay by the Clinton administration that some critics are attributing to election-year politics, the EPA report is finally public, thanks to a subpoena issued by the House Government Reform Committee. And the price tag turns out to be so affordable that any further delay in reducing smokestack pollution is indefensible. The bottom line: $1. That is how little the average household monthly utility bill would rise if the Moynihan-Boehlert bill were law.

But time is running short, Congress has only a few days left to conclude its business this year, and there are no encouraging signs that lawmakers will give the Moynihan-Boehlert bill the prompt attention it deserves.

But they should. The EPA report not only makes a convincing case for stricter pollution controls, but it also spells out the benefits that the nation—not just the Northeast—stands to reap in return. In a cost-benefit analysis sought by Mr. Moynihan, the EPA pegs the benefits of reducing acid rain at $60 billion, compared with $5 billion that power plants would have to pay to meet the tighter emissions standards. That's a $55 billion payback, as represented in savings on treating chronic bronchitis, reducing emergency room visits for asthma and eliminating 1.5 billion days of lost work each year because of respiratory illnesses. There would be scenic improvements as well as the atmosphere cleared over national treasures like the Adirondacks and the Shenandoah and Great Smoky Mountains national parks.

In the Adirondacks, the struggle is a life-and-death one. A recent Times Union series found that without sharp new curbs on acid rain, half of the Adirondack lakes will no longer be able to support aquatic life in 40 years. Already it is too late to save some ponds and lakes that have been contaminated by nitrogen oxide. The pattern will continue unless prompt action is taken. As our series noted, state leaders and the New York congressional delegation have made a strong bipartisan effort to combat the problem. Now it is Congress' turn. No one state can stop acid rain on its own. But Congress can, and should, provide the necessary federal remedy. The EPA has just given 55 billion reasons to act now.

RAIL SERVICE ISSUES

Mr. MCCAIN. Mr. President, I would like to discuss a subject of great importance to our nation and its economy, that is rail transportation.

Earlier today, a few of my colleagues expressed views alleging a failure by this Congress for not passing legislation to regulatorily address rail service and shipper problems. As Chairman of the Senate Commerce, Science, and Transportation Committee, I want to set the record straight concerning the work of the Committee to address service and shipper problems.

Since becoming Chairman of the Senate Commerce Committee, the Committee has held no less than six hearings during which rail service and shipper issues were addressed. Three were field hearings, one each in Montana, North Dakota, and Kansas. Three hearings were conducted here in the Senate at which the topic of rail service dominated the testimony and members' questioning. I also have publicly stated a willingness for the Committee to hold even more hearings.

Further, Senator HUTCHISON, the Chairman of the Surface Transportation Subcommittee, and I requested the Surface Transportation Board (STB) to conduct a comprehensive analysis of rail service and competitive issues. The STB is the federal agency which oversees rail service and other matters. The Board's findings are extremely important and they were widely discussed during our Committee hearings last year. In addition, earlier this year the Board announced it would conduct a proceeding to change its merger guidelines in recognition of the drastically changed rail industry dynamic that has transformed since the rail deregulation movement of the late 1970's and the 1980's. The Board announced its new guidelines proposal earlier this week and will be taking comments on the proposal through November 17.

Three very diverse bills concerning the STB's authorities have been introduced in the Senate and another bill was submitted in the House. However, to date no consensus on a legislative approach has been achieved. I have had the privilege to serve in Congress nearly twenty years and during that time I have learned that significant legislation is always the product of careful analysis and bipartisan compromise. Pending rail legislation and the STB's future will be no exception.

My colleagues from North Dakota and West Virginia referred to a letter with 277 signatures seeking rail regulatory changes. I am in receipt of that letter. But I am also in receipt of literally hundreds of letters—letters from Governors, rail shippers, and others—strongly opposing any rail reregulatory efforts.

To allege the Senate Commerce Committee doesn't take the issue of rail service seriously is a gross misstatement. The fact is, and I will repeat it, there is no consensus. A bill supported by only five members is not a solution, but it does allow those sponsors to sound high and mighty about their good intentions.

In order to pass a bill and send it to the President, we clearly have a long way to go. But I remain optimistic, and as a deregulator, stand ready to support any proposal that fairly and safely balances the needs of shippers and carriers.

POLICE REFORM IN NORTHERN IRELAND

Mr. DODD. Mr. President, yesterday, an op-ed on police reform in Northern Ireland written by my friend and colleague Senator KENNEDY appeared in the Washington Post. In that op-ed Senator KENNEDY very concisely and eloquently stated why it is so important that meaningful police reform happens in Northern Ireland. As all of our colleagues know full well, Senator KENNEDY has worked tirelessly to promote peace and reconciliation in Northern Ireland for many years. It has been an honor to work closely with him in that effort and I commend him for his leadership on this issue. Needless to say I agree completely with him that the recommendations of the Patten Commission must be fully implemented, to ensure a genuine new beginning for a police force in Northern Ireland that will be acceptable to the Catholic community.

I hope and pray that those who are currently playing a role in the legislative process in the British Parliament take time to reflect upon the thoughts expressed in this very important op-ed. I would ask unanimous consent that a copy of Senator KENNEDY's article be printed in the RECORD at the conclusion of my remarks. I would urge all of our colleagues to take a moment to read it when they have the opportunity to do so.

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

[From the Washington Post, Oct. 4, 2000]

A POLICE FOR ALL IN N. IRELAND

(By Edward M. Kennedy)

This month Britain's House of Lords will have the opportunity to improve the flawed legislation approved by the House of Commons in July to reform the police force in Northern Ireland and give it the support and respect it needs from the Catholic community.

The case for reform is clear. The current force—the Royal Ulster Constabulary (RUC)—is 93 percent Protestant. The vast majority of Catholics, who make up more than 40 percent of the population in Northern Ireland, do not support it because it does not represent them or protect them and has too often failed them.

Many Catholics believe the RUC has been involved in a long-standing ''shoot-to-kill'' policy. Questions continue about collusion of the RUC with Protestant paramilitaries in the murder of Patrick Finucane, a defense attorney shot dead in front of his wife and children in 1989. In 1997 RUC officers stood by as Robert Hamill, a young Catholic, was kicked to death by 30 Protestants shouting ''kill him'' and ethnic slurs. The RUC was shamefully inactive when death threats were made against another defense attorney, Rosemary Nelson, who was later murdered when her car was blown up as she drove to work last year. Many other examples could be cited to demonstrate why Catholics distrust the police.

Northern Ireland's 1998 Good Friday agreement presented a historic opportunity to change all that—to reform the police service and make it representative of the entire community. Under the agreement, an independent eight-member international commission was established, led by a former chairman of the British Conservative Party, Christopher Patten. Its mission was to propose an alternative and create a community-oriented, human rights-based police service that Catholics and Protestants alike would be prepared to join. In September 1999, the Patten Commission published its unanimous report containing 175 recommendations for change.

The assertion has been made that in the current legislation, the British government will implement 95 percent of the Patten's recommendations. But quantity does not measure quality. In fact, the most significant reforms recommended by the commission are not adequately implemented in the legislation.

The commission's task was to balance the desires of each community against what is necessary to create a fair and representative police force. The recommendations of the Patten Commission reflected those compromises. Patten is the compromise. It must not be diluted.

Unfortunately, the British government has done just that. It has made unwise concessions to those of the Protestant majority who still view the police as ''theirs,'' and to the police themselves, who have always resisted reform. If the new police service is to succeed, it must represent and be accepted by the community it serves. Catholics must be convinced they should support and join it. Otherwise, the entire Good Friday agreement is in jeopardy.

As the legislation is considered by the House of Lords, the British government should propose changes to implement fully the Patten recommendations. Among the most obvious:

Name, badge and flag: As Patten recommended, to attract Catholics, the police force should have a neutral name and symbols. The legislation should ensure that the proposed name change to the neutral ''Police Service of Northern Ireland'' is made for all purposes, not just some purposes. The badge should be free of any association with Great Britain or Ireland, and the British flag should no longer fly above police buildings.

Oversight Commissioner: Patten recommended the appointment of an oversight commissioner to supervise the implementation of its recommendations. Thomas Constantine, former New York State police chief and former head of the U.S. Drug Enforcement Administration, was recently named oversight commissioner. He should be free to comment on the adequacy of British decisions in implementing the Patten Report—not just oversee the changes made by the government.

Accountability: Patten recommended a new policing board to hold the police accountable and an ombudsman to investigate complaints against and wrongdoing by the police. Restrictions on the board's power to initiate inquiries and investigate past complaints should be eliminated, as should the British government's power to interfere in its work. The ombudsman should be able to investigate police policies and practices—not just report on them.

On June 15 British Secretary of State for Northern Ireland Peter Mandelson wrote, ''I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service—accepted in every part of Northern Ireland—that his report aims to secure.'' This determination has yet to be convincingly demonstrated.

Full implementation of the recommendations of the Patten Commission is essential to guarantee fair law enforcement and to create a new police service that will have and deserve the trust of all the people of Northern Ireland. It will be a tragedy if this opportunity to achieve a new beginning is lost.

The writer is a Democratic senator from Massachusetts.

PIERRE ELLIOT TRUDEAU

Mr. HATCH. Mr. President, it is often said that Canada and the U.S. share the longest undefended border in the world. While this is repeated so often it has become a cliche, like all cliches, there is a fundamental truth in it. In this case, the fundamental truth is a striking geopolitical reality which Americans do not always appreciate. The peace we enjoy in North America is largely a function of this border.

With our neighbor to the north, we share a border of approximately 4,000 miles, a border that runs through New England and the Great Lakes, through the great forests, plains, and mountains, and along the Alaskan frontier of this rich North American continent. Mutually respected sovereignty is the fundamental basis of peaceful international discourse. But I will add that an undefended border makes for the warmest of relations, and the greatest of respect.

Last Thursday, Canada lost perhaps its best known Prime Minister of recent times, when Pierre Elliott Trudeau died, at the age of 80. For the past week, our neighbors to the north have been in mourning, and I stand today to pay my respects to the family of former Prime Minister Trudeau and to all the citizens of the country he served with singular dedication.

Mr. Trudeau and I did not share a common political tradition, nor did we share a political ideology. This does not diminish my respect for the man and his work one bit. I note, with appreciation, that one of Mr. Trudeau's mottos was ''reason before passion,'' a principle I certainly believe conservative lawmakers would share.

I admired former Prime Minister Trudeau for his dedication to his country, to the rule of law, and to the betterment of the world. In his moving tribute at his father's funeral earlier this week, Justin Trudeau said, ''My father's fundamental belief never came from a textbook, it stemmed from his deep love and faith in all Canadians.''

Pierre Trudeau led Canada at a tumultuous time in its history and in the history of the world. In 1970, he was confronted with a terrorist, separatist threat from Quebecois extremists. Prime Minister Trudeau—who, in Canadian history, was at the time, only its third of Quebecois descent himself—was a dedicated federalist and, even more fundamentally, dedicated to the rule of law. He faced down the terrorists, and since then issues of separatism have been dealt with at the ballot box. While he successfully defended the rule of law, Canadians recognize the advances he instituted to preserve Canada's unique cultural diversity.

Mr. Trudeau had a different view of geopolitics than did most of the American administrations with which he dealt. It is said that he succeeded, at times, in aggravating U.S. presidents from Nixon to Reagan.

Some of this had to do, in my opinion, with the nature of the relationship between our countries. While Canada is the second largest political land-mass in the world, its population is small, approximately one-tenth of ours, and its economy is dwarfed by ours. In fact, the former Prime Minister famously said once: ''Living next to you is in some ways like sleeping with an elephant. No matter how friendly and even-tempered is the beast, one is affected by every twitch and grunt.''

While Mr. Trudeau held substantively different views on the world than many American leaders, he demonstrated that policy disputes can exist and nations remain civilized and respectful. And that is how I think of former Prime Minister Pierre Trudeau.

In closing, I wish to note another story his son, Justin, told at his father's funeral this week. He recounted how, as a child, his father took him one day for lunch at the cafeteria in Ottawa's Parliament. There, young Justin saw a political rival of his father and made a childish crack about him to his dad. His father sternly rebuked him and, according to his son, said ''You never attack the person. You may be in total disagreement with the person; however, you shouldn't denigrate him.'' That day, Pierre Trudeau taught his son, who is now a teacher, that ''having different opinions from those of another person should in no way stop you from holding them in the greatest respect possible as people.''

That is the principle of a civilized man, and the practice of a civilized nation. As the world bids adieu to Pierre Trudeau, I extend my deepest condolences to his family and to all the good citizens of our great neighbor Canada.

THE INTERIOR APPROPRIATIONS BILL AND THE CONSERVATION AND REINVESTMENT ACT

Mr. ROBB. Mr. President. I would like to say a few words about the Interior Appropriations bill and CARA. The Interior Appropriation is a good bill. CARA is a great bill. CARA brought together a variety of supporters from all parts of the country to develop a program that would provide for wildlife protection, urban parks, green space, coastal impact protection and would guarantee funding for the development of recreation areas for years to come.

Elements of CARA have been included in the Interior bill, although the funding for these provisions is paltry by comparison to the House and Senate CARA bills. Other provisions may find a home in other appropriations packages, but one of the most important elements may be orphaned in the end. That is the provision for wildlife and habitat protection. Just as we are cheering our success in securing a place for wildlife, as we celebrate a growing population of eagles on the Potomac River, we are failing to fund the programs that make this possible. State wildlife agencies have clearly demonstrated their ability to bring back populations of threatened and endangered species, such as the pronghorn and the bald eagle. But they lack the resources to repeat the success on thousands of other species.

The purpose of CARA was to provide the ounce of prevention that keeps species from becoming threatened. CARA was to protect both game and nongame populations. By providing dependable state based funding we could ensure on-the-ground protection of wildlife, and continued maintenance of habitat for all wild species. It is important to note that there is an educational component in Title III of CARA. We are increasingly becoming an urban nation, and it is important to provide an introduction to wild places and wild things to our children. This introduction will help them become the next generation of good land stewards.

Virginians have come out for CARA. Rarely have I heard from so many different groups who support a piece of legislation. I would like to submit for the RECORD a list of the Virginia groups who support this legislation and to thank all of the groups for the remarkable job they have done in promoting CARA and the principles of outdoor recreation and education. I am highlighting Title III in my remarks simply because it is being ignored in the Interior Appropriations bill. But each and every title in CARA was thoughtfully deliberated and negotiated. Rarely have I seen such care taken in developing a bill, and even though efforts to allay the concerns of some western Senators were not successful, they were genuine, and I hope useful for future discussions.

The Interior bill does provide substantial funding for the Lands Legacy program, and this is important. The bill also provides a good deal of funding for Virginia projects that are particularly worthy. But we could have done better, we could have done more. And I regret that the Senate has not yet risen to the occasion, that we did not complete this important work. Senator LANDRIEU, like the gracious lady that she is, has not asked CARA sponsors and supporters to withhold our support for the Interior Appropriation, and for the sake of the Virginia projects in the bill I will vote for the Appropriation. But, I will pledge to keep working for the passage of CARA in the final days of the session.

I ask unanimous consent that this statement be included in the RECORD.

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

VIRGINIA ORGANIZATIONS SUPPORTING CARA

AFS—Virginia Chapter; American Bass Association; Anderson Cottage Bed & Breakfast; Augusta Bird Club; Burke Center Wildlife Committee; Carl Zeiss Optical, Sports Optics; Clarke County Citizen Council.

Duck Island Enterprises, Inc.; Evergreen Bed & Breakfast Inn; Fair View Bed and Breakfast; For the Birds, Inc.; Friends of Dragon Run State Park; Friends of Shenandoah River; Friends of the North Fork Shenandoah.

Friends of the Rivers of Virginia; High Meadows Inn; IWLA—Maury Chapter; IWLA—Virginia Chapter; James River Basin Canoe Livery, Ltd. Laurel Creek Nursery; Loudoun Wildlife Conservancy; Lynchburg Bird Club; Mattaponi River Company; Mill Mountain Zoo.

More Critters & Company; NAS—Cape Henry Audubon Society; NAS—Fairfax Audubon Society; NAS—Virginia Beach Chapter; Natural Resources Technology; New River Free Press; New River Valley Bird Club; New River Valley Environmental Coalition Newport House Bed & Breakfast.

North Bend Plantation; North Fork Nature Center; Piedmont Productions; Prince William Natural Resources Council Public Lands Foundation; Resource Management Associates; Responsive Management; Ridgerunner Forestry Services; River Place at Deltaville.

Selu Conservancy; The Alleghany Inn; The Conservation Fund; The Friends of the North River; The Mark Addy; The Opequon Watershed, Inc.

The Ornithological Council; The River'd Inn; The Wildlife Center of Virginia; Thornrose House Bed & Breakfast; Trout Unlimited (National); TWS—Southeastern Chapter; TWS—Virginia Chapter; TWS—Virginia Tech Student Chapter.

Valley Conservation Council; Virginia American Bass Association; Virginia Association of Soil & Water Conservation District Virginia BASS Federation, Inc.; Virginia Game Warden Association; Virginia Herpetological Society; Virginia Society of Ornithology; Virginia Tourism Corporation; Virginia Wildlife Federation; Virginia's Explore Park; Virginians for Wilderness; Western Virginia Land Trust.

VICTIMS OF GUN VIOLENCE

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

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

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

October 5, 1999:

Norman P. Blasco, 47, Chicago, IL; Guy Colbert, 25, Detroit, MI; Daniel Galloway, 39, San Antonio, TX; Justin Eric Googenrand, 23, St. Paul, MN; Denise Long, 41, Nashville, TN; Shawndell Mosely, 27, Memphis, TN; Donald Roper, 34, Oakland, CA; and Theodore Slater, 87, Toledo, OH.

One of the victims of gun violence I mentioned, 41-year-old Denise Long of Nashville, was shot and killed accidentally by a 22-year-old co-worker who pulled out a handgun and dropped it on the floor. Her co-worker did not have a permit to carry a handgun. She also did not have permission to have the gun at their place of work.

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

PNTR

Mrs. LINCOLN. Mr. President, as a strong advocate for Permanent Normal Trade Relations with China, I feel a personal responsibility to ensure that American companies benefit from this continuing trade relationship. I believe most of my Senate colleagues feel the same way. I am confident there will be many success stories, but there are also valuable lessons to be learned from watching U.S. companies that have tried to do business thus far.

Panda Energy International is one such company. Panda is currently building a substantial gas-powered generator in Union County, Arkansas, and I have been personally briefed by Panda's officials about their difficulties in China. Panda spent six years developing a power project near Tangshan in Hebei Province. It signed a contract to sell all of the output from the project to the North China Power Group—an arm of the national utility—at a price to be determined by a formula. Armed with this contract, Panda borrowed $155 million needed to construct the project through a public bond offering in the U.S. capital markets. Construction for the project got underway in 1997. The project was completed late last year, and has been in limbo since that time.

The project cannot sell power without formal approval of a tariff, or price for its electricity, by the Tangshan municipal pricing bureau. The Tangshan pricing bureau has been reluctant to assign a tariff that would then set in motion the need to buy additional electricity for the region

where demand has recently diminished. At the same time, Panda Energy is in a perilous bind, because it had to mortgage all of its existing power plants—two in the United States and one in Nepal—as security to guarantee the U.S. bond holders they would be repaid their loans. The company is on the verge of defaulting on the loans.

Mr. EDWARDS. Would the Senator yield?

Mrs. LINCOLN. I would be pleased to yield to my friend from North Carolina.

Mr. EDWARDS. I want to associate my self with the concern expressed by the Senator from Arkansas. Panda Energy has a major gas-fired co-generator in northwestern North Carolina. That plant, in Roanoke Rapids, was the first project completed by this corporation and has been a significant supplier of electricity to the citizens of my state for the past ten years.

I, too, have been briefed about the difficulties Panda has faced in their effort to improve China's electricity-generating infrastructure. The commitment to approve and issue a formal tariff to the Panda Project in Luannan County, that the municipal and provincial governments agreed to, is not being honored. By failing to honor their commitment to grant a reasonable tariff rate, these governments have precluded the commercial generation of power. If this continues, the U.S. bondholders will have no choice but to foreclose on what represents the first U.S. capital markets power project financing in China.

This is a difficult situation for both sides, but the bottom line is that the international trading system breaks down if agreements are not honored, especially for large infrastructure projects like this one with long lead times. People invest money based on these agreements. They put their companies at risk.

I would like to yield to my colleague, Senator KERRY, who has been working on this issue for some time.

Mr. KERRY. Mr. President, I have been aware of this story since July. Many of the bonds for this project are held through mutual funds in which Americans have invested their savings. This is not just a question of inequity for the U.S. developer of the project but also for millions of Americans who are the bondholders, and many of whom are my constituents.

In response to a letter written on August 7 to the Chinese ambassador, the charge d'affaires indicated that he had met with both the U.S. developer and representatives from the U.S. bondholders, had conveyed the concern back home, and would be—quote—making efforts to facilitate a satisfactory solution to this problem—end quote. It has now been almost two months, and we have seen no resolution of this problem, but rather delay and discrimination.

I note that the Democratic Leader has joined us, and I would like to suggest to him a report by the Administration, but first I would yield the Floor to my colleague from Montana, Senator BAUCUS.

Mr. BAUCUS. Mr. President, I do not have first hand knowledge of the situation, but it is troubling to hear of U.S. businesses running into such difficulties. I read the written statement that the U.S. sponsor of this project submitted to the Senate Finance Committee last spring.

Two things struck me. One is that the mediator split the difference. He split the difference between the price for electricity proposed by the Tangshan pricing bureau and the minimum price that the U.S. developer of the project said it needed in order to avoid defaulting on the project debt. The other thing that struck me is, although this was no great result for the U.S. developer, all the developer is seeking at this point is to have the mediator's recommendation implemented.

I would like to read a paragraph from the statement that the U.S. sponsor of the project submitted to the Senate Finance Committee. This is the president of the company speaking. ''I am not here to ask you or your colleagues to grant or deny China PNTR status. I am here to relate a story of how one U.S. company fared when it tried to supply electricity to the Chinese. Unfortunately, we have come to find that our experience is not all that uncommon. However, in our case, the consequences are potentially disastrous because Panda had to guarantee the U.S. bondholders that they would be repaid. We feel like the jilted bride who entered into a marriage five years ago with the Chinese only to find them trying to walk away from the marriage now that the child has been born. This isn't fair.''

I agree, and I yield the Floor to the Democratic Leader.

Mr. DASCHLE. Mr. President, I have discussed this unfortunate situation with several of my colleagues. I believe that it would be very helpful to have the Secretary of Commerce and the Secretary of Energy undertake a joint analysis of the facts of this situation and report back to the Senate on their discussions with the Chinese government within 45 days.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 4, 2000, the Federal debt stood at $5,653,380,479,214.62, five trillion, six hundred fifty-three billion, three hundred eighty million, four hundred seventy-nine thousand, two hundred fourteen dollars and sixty-two cents.

One year ago, October 4, 1999, the Federal debt stood at $5,654,411,000,000, five trillion, six hundred fifty-four billion, four hundred eleven million.

Five years ago, October 4, 1995, the Federal debt stood at $4,980,561,000,000, four trillion, nine hundred eighty billion, five hundred sixty-one million.

Ten years ago, October 4, 1990, the Federal debt stood at $3,255,813,000,000, three trillion, two hundred fifty-five billion, eight hundred thirteen million.

Fifteen years ago, October 4, 1985, the Federal debt stood at $1,823,105,000,000, one trillion, eight hundred twenty-three billion, one hundred five million, which reflects a debt increase of almost $4 trillion—$3,830,275,479,214.62, three trillion, eight hundred thirty billion, two hundred seventy-five million, four hundred seventy-nine thousand, two hundred fourteen dollars and sixty-two cents, during the past 15 years.

ADDITIONAL STATEMENTS

HONORING DIRECT SERVICE PROFESSIONALS

• Mr.DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association on Mental Retardation in recognizing the recipients of the 2000 Direct Service Professional Award. These individuals are being honored for their outstanding devotion to the effort to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those whom they care for, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They get up and go to work every day, with little recognition, providing much needed and greatly valued care and assistance.

It is my pleasure to acknowledge the contributions of the following Illinois direct service professionals: Kimberly Brown, Janelle Cote, Margaretha Daigh, Dawn Golec, David Hamm, Pat Hartz, Sandy Hawkins, Rhonda Housman, Kathy Lambert, Kathy Lyons, Deb Minor, Valensie Parnell, Mary Beth Schultz, Marshall Sears, Kim Smith, Jayce Turner, Don Van Duyse, Junior Vieux, Clifton White, and Tijuana Wright.

I know my fellow Senators will join me in congratulating the winners of the 2000 Direct Service Professional Award. I applaud their dedication and thank them for their service.•

TAIWAN CELEBRATES NATIONAL DAY

• Ms. LANDRIEU. Mr. President, next Sunday marks the eighty-ninth birthday of the Republic of China, which now resides in Taiwan. This representative government arose from a revolution against an archaic imperial system. In 1911, Chinese patriots ousted

the Qing dynasty, and ignited the promise of economic and political freedom for Chinese nationalists throughout the world.

National Day, or the shuang shi, is the most important national holiday in Taiwan, for it celebrates not only a critical military victory, but a wealth of principles which, to this day, guide the governance of Taiwan—particularly: resistance to dynastic tyranny, embrace of free market enterprise, development of western-style political institutions, and ultimately, the evolution of a fully thriving democratic republic. After repeated set-backs, on October 10, 1911, the revolutionary Wuch'ang Army successfully launched a revolt against China's imperial regime. The nationalists would no longer tolerate property seizure and suppressed individual rights. Without a supreme sovereign reigning over the country, China plunged into a civil war. Although never truly resolved, this conflict stalemated in 1949, when Communists expelled Chiang Kai-shek and the nationalists to present-day Taiwan.

After emergency martial law was lifted in 1987, the groundwork was finally laid to realize the cardinal objectives of Taiwan's founding father, Sun Yat-sen—to establish a representative Republic of China. In 1992, Taiwan held its first democratic legislative elections, followed by presidential elections in 1996. In March of this year, Taiwan held her second presidential elections, installing a wholly independent, man of the people as the leader of Tawain—Chen Shui-bian. This man embodies the spirit of the new Republic of China on Taiwan. As mayor of Taipei, Chen Shui-bian cleaned up the capital city, attacking organized crime and other illicit industries. As a political dissident, he stood strong in the face of efforts to muzzle him. In this year's election, he inaugurated a new political order for his people.

In addition to Chen's fair elections, Taiwan has much to celebrate. As Taiwan enjoys her various National Day festivities—the huge parades, dazzling entertainment, and explosive fireworks displays—let us all celebrate the birth of true democracy in Taiwan. We salute our friends on that great island—the people of Taiwan. Please join me in saying to them Shuang shi kwai ler.●

HONORING OUR FALLEN FIREFIGHTERS

● Mrs. BOXER. Mr. President, firefighters from across the Nation who died in the line of duty will be remembered during the National Fallen Firefighters Memorial Weekend on October 7th and 8th at the National Fire Academy in Emmitsburg, Maryland. As in years past, the National Fallen Firefighters Foundation and the Federal Emergency Management Agency will sponsor the nation's tribute to these valiant public servants.

The 106 firefighters to be honored this year include seven Californians. On behalf of the people of my state, I want to remember each of them in turn:

Matthew Eric Black, 20, a volunteer with the Lakeport Fire Protection District, died on June 23, 1999 when he accidentally came in contact with a downed power line during operations at a grass fire. His older brother is also a firefighter.

Stephen Joseph Masto, 28, a career firefighter with the Santa Barbara Fire Department, died on August 28, 1999 of heatstroke while working as an EMT at a wildland fire. He received the Outstanding Cadet Award at Rio Hondo Fire Academy and received a service award as a volunteer at Upland Fire Department.

Tom Moore, 38, a career firefighter with the Manteca Fire Department, died on June 16, 1999 after suffering severe trauma in a training tower fall. He had served with the department for over 14 years and was a well-known fire service instructor specializing in heavy/confined space rescue and hazardous materials.

Karen J. Savage, 44, a volunteer firefighter/EMT with Hawkins Bar Volunteer Fire Department in Burnt Ranch, died on October 16, 1999 from injuries sustained in a vehicle accident at the scene of a wildland fire.

Martin Michael Stiles, 40, a California Department of Corrections inmate assigned to the Los Angeles County Fire Department Strike Team, died on July 18, 1999 of injuries from a fall while working at a wildland fire in Ventura County, California. A San Diego native, he was dedicated to wildland firefighting and loved the outdoors.

Tracy Dolan Toomey, 52, a 27-year veteran firefighter with the Oakland Fire Department, died on January 10, 1999 in the collapse of a burning building. A Vietnam veteran, he was an avid welder and a member of the California Artistic Blacksmith's Association.

Edward E. Luttig, 54, a member of the Sacramento Fire Department, died on September 10, 1990 from injuries sustained 23 years earlier while searching for survivors in an apartment fire. Sacramento firefighters donated their time and money to support Mr. Luttig and his family during those 23 years. His name is being added to the Memorial at the request of his friends and former colleagues.

These fallen heroes paid the ultimate price for their devotion to public service and safety. They are an inspiration to us all, as are the men and women who continue to protect Americans from fire and other emergencies.●

MOTHER KATHARINE DREXEL: A TEACHER TO SOME, A SAINT TO MANY

● Mr. BREAUX. Mr. President, I rise today to honor the life of Mother Katharine Drexel. Born into one of the wealthiest families in America in 1858, Mother Katharine turned down a life of privilege to start the Sisters of the Blessed Sacrament in 1891. She dedicated her life to building a brighter future for underprivileged African-American and Native American children.

In honor of her hard work and dedication to the disadvantaged and disenfranchised, on October 1—just 45 years after her death—Pope John Paul II canonized Mother Katharine into sainthood, the highest recognition a Catholic can receive. She is the fifth American to reach this honor, and only the second who was born in America.

The prestigious Xavier University of Louisiana owes its entire existence to Mother Katharine Drexel. When founded in New Orleans in 1925, Xavier's mission was to prepare its students for positions of leadership. Today, Xavier is widely recognized for sending more African-Americans to medical school than any college in America. Its 70 percent medical and dental school acceptance rate is almost twice the national average, and 93 percent of those who enter these programs earn their degree.

Xavier also ranks first nationally in the number of African-American students who earn degrees in biology, physics, pharmacy and the physical sciences. In fact, since 1927 Xavier has graduated nearly 25 percent of the black pharmacists practicing in the United States.

Thousands of Xavier's graduates are prominent scientists, scholars, musicians, and community leaders in Louisiana and across the country. Notable graduates include Department of Labor Secretary Alexis Herman, and retired, four-star Air Force General Bernard Randolph, former head of the Space and Defense Systems Command.

Proof of Mother Katharine's superior works lies in the achievements of three of her former students. One of Mother Katharine's students at Xavier was a young man who shined shoes, but wanted an education. Today, Dr. Norman Francis is president of Xavier University and a nationally recognized leader in higher education.

Another of her former students, Lionel Hampton, found his gift for music under Mother Katharine's tutelage at Xavier. Hampton later earned platinum and gold records, and became the first African-American to play in the Benny Goodman Band. Hampton joined another jazz great and New Orleanian, Louis Armstrong, to play for Pope Pius XII.

Mother Katharine also spread her goodwill elsewhere across the country. When Marie Allen entered Mother Katharine's St. Michael's Indian School in Window Rock, Arizona, she was an impoverished young child who spoke no English. Today, Dr. Marie Allen heads the Navaho Nation Special Diabetes Program to educate Native Americans about diabetes, a deadly disease that plagues American Indian reservations. Even more, over the past 10 years, 90 percent of students graduating from St. Michael's Indian School have gone to college.

These are just three examples of the multitude of students who have been inspired to greatness by Mother Katharine Drexel. In the midst of a hostile

culture, she used kindness and compassion to fight injustice and indignities, and in the process forged a brighter future for America's poor and underprivileged.

When Katharine Drexel died at the age of 97 in 1955, more than 500 of her disciples were teaching in 63 schools on American Indian reservations and in African-American communities. This is a true testament to her ability to inspire and lead.

History is full of truly remarkable people whose individual acts of kindness have left an indelible mark on our hearts, our souls and our conscience. Mother Katharine Drexel is no different. Her actions are a true testament to the power of strong religious faith and a moral obligation to those less fortunate.

On behalf of the thousands of people around the world who have been touched by her work, I pay tribute to the life and work of Mother Katharine Drexel. She may have been a teacher to some, but Mother Katharine is a saint to many.●

TRIBUTE TO DR. FAYE G. ABDELLAH

● Mr. INOUYE. Mr. President, I would like to take a moment to honor Dr. Faye G. Abdellah, RN, Ed.D., Sc.D., FAAN who is currently serving as the Dean of the Graduate School of Nursing at the Uniformed Services University. Dr. Abdellah will be inducted in the National Women's Hall of Fame this weekend. Founded in 1969, the Hall is a national membership organization in Seneca Falls, New York that honors and celebrates the achievements of American women. She will join a list of 157 of the most distinguished women in American history, including Susan B. Anthony, Clara Barton, Helen Keller, Sandra Day O'Connor, Rosa Parks, and Eleanor Roosevelt. Dr. Abdellah is being recognized and honored for her pioneering work altering nursing theory and practice, for the development of the first tested coronary care unit that saved thousands of lives, and for being the first nurse to hold the rank of Rear Admiral (Upper Half) and the title of Deputy Surgeon General for the United States.

Dr. Abdellah is the recipient of 79 professional and academic honors. She holds eleven honorary degrees from universities that have recognized her innovative work in nursing research, in the development of the first nurse scientist, as an international expert in health policies, and for making invaluable contributions to the health of our nation. She has authored and co-authored more than 150 publications, some of which have been translated into six languages.

Dr. Abdellah worked with the Surgeon General in the formation of national health policies related to AIDS, drug addiction, violence, smoking and alcoholism. She developed the first federal training program for health services researchers, health services administrators and geriatric nurse practitioners. Dr. Abdellah has worked with state and district nursing associations, serving on many work groups and committees developing standards of nursing practice, credentialing activities, and providing workshops in nursing research.

As part of her international health outreach role as a nurse and health services consultant, she has been a member of official United States delegations on exchange missions to Russia, Yugoslavia, and France, and designated as coordinator for nursing for the United States-Argentina Cooperation in Health and Medical Research Project. Dr. Abdellah has also served as a consultant to the Japanese Nursing Association on nursing education and research on three separate occasions.

I have had the privilege of knowing Dr. Abdellah for many years. Her selfless devotion to duty and extraordinary accomplishments are legendary. It is with pride that I congratulate Dr. Abdellah on her well-deserved induction into the National Women's Hall of Fame. Our nation can be proud of her long and distinguished service to this country.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 1:09 p.m. a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon. That Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. BOEHLERT, Mr. GILCHREST, Mrs. FOWLER, Mr. SHERWOOD, Mr. SWEENEY, Mr. KUYKENDALL, Mr. VITTER, Mr. OBERSTAR, Mr. BORSKI, Mr. BARCIA, Mr. FILNER, Mr. TAYLOR of Mississippi, Mr. BLUMENAUER, and Mr. BALDACCI, be the managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

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

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, October 5, 2000, by the President pro tempore (Mr. THURMOND):

S. 302. An act for the relief of Kerantha Poole-Christian.

S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse.''

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

ENROLLED BILLS SIGNED

At 3:41 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 2045. An act to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

2722. An act 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.

H.R. 1800. An act To amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 2773. An act To amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4579. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.J. Res. 110. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

At 6:41 p.m. a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2311. An act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4292. An act to protect infants who are born alive.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 5, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 302. An act for the relief of Kerantha Poole-Christian.

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse.''

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 2045. An act to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

S. 2272. An act 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.

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–11037. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''North American Industry Classification System (NAICS)'' received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11038. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''National Aeronautics and Space Administration (NASA)'' received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11039. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, a report relative to the strategic plan through fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC–11040. A communication from the Associate Administrator for Equal Opportunity Programs, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN1190-AA28) received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11041. A communication from the Chief, Compliance Division, Office of Civil Rights, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN1190-AA28) received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11042. A communication from the Director of the Office of Civil Rights, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN1190-AA28) received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11043. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Emergency Interim Rule to Prohibit Trap Gear in the Royal Red Shrimp Fishery in the Gulf of Mexico'' (RIN0648-AO52) received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11044. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11045. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea'' received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11046. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days'' received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 1950: A bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, and for other purposes (Rept. No. 106–490).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1969: A bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes (Rept. No. 106–491).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2448: A bill to enhance the protections of the Internet and the critical infrastructure of the United States, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board for a term of four years. (Reappointment)

Robert B. Pirie, Jr., of Maryland, to be Under Secretary of the Navy.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Hopper Jr., 6003

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Paul W. Essex, 6243

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John H. Campbell, 2822

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lloyd J. Austin III, 5848
Col. Vincent E. Boles, 8885
Col. Gary L. Border, 4796
Col. Thomas P. Bostick, 3680
Col. Howard B. Bromberg, 2959
Col. James A. Coggin, 0287
Col. Michael L. Combest, 6794
Col. William C. David, 2507
Col. Martin E. Dempsey, 8511
Col. Joseph F. Fil Jr., 0990
Col. Benjamin C. Freakley, 0002
Col. John D. Gardner, 1994
Col. Brian I. Geehan, 7655

Col. Richard V. Geraci, 7246
Col. Gary L. Harrell, 7778
Col. Janet E. A. Hicks, 4097
Col. Jay W. Hood, 6271
Col. Kenneth W. Hunzeker, 4503
Col. Charles H. Jacoby Jr., 3627
Col. Gary M. Jones, 0483
Col. Jason K. Kamiya, 9579
Col. James A. Kelley, 0354
Col. Ricky Lynch, 2073
Col. Bernardo C. Negrete, 1299
Col. Patricia L. Nilo, 2459
Col. F. Joseph Prasek, 0077
Col. David C. Ralston, 4648
Col. Don T. Riley, 7610
Col. David M. Rodriguez, 1850
Col. Donald F. Schenk, 9074
Col. Steven P. Schook, 9597
Col. Gratton O. Sealock II, 7906
Col. Stephen M. Seay, 2151
Col. Jeffrey A. Sorenson, 3510
Col. Guy C. Swan III, 1672
Col. David P. Valcourt, 6455
Col. Robert M. Williams, 6304
Col. W. Montague Winfield, 5342
Col. Richard P. Zahner, 3707

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., Section 624:

To be major general

Brig. Gen. Lawrence R. Adair, 1436
Brig. Gen. Buford C. Blount III, 5012
Brig. Gen. Steven W. Boutelle, 1030
Brig. Gen. James D. Bryan, 1525
Brig. Gen. Eddie Cain, 1695
Brig. Gen. John P. Cavanaugh, 7354
Brig. Gen. Bantz J. Craddock, 7782
Brig. Gen. Keith W. Dayton, 7231
Brig. Gen. Kathryn G. Frost, 8467
Brig. Gen. Larry D. Gottardi, 1032
Brig. Gen. Stanley E. Green, 4130
Brig. Gen. Craig D. Hackett, 5451
Brig. Gen. Franklin L. Hagenbeck, 3956
Brig. Gen. Hubert L. Hartsell, 8996
Brig. Gen. George A. Higgins, 7049
Brig. Gen. William J. Leszczynski, 7829
Brig. Gen. Michael D. Maples, 9508
Brig. Gen. Thomas F. Metz, 5686
Brig. Gen. Daniel G. Mongeon, 4804
Brig. Gen. William E. Mortensen, 1064
Brig. Gen. Eric T. Olson, 5130
Brig. Gen. Richard J. Quirk III, 1272
Brig. Gen. Ricardo S. Sanchez, 9260
Brig. Gen. Gary D. Speer, 7286
Brig. Gen. Mitchell H. Stevenson, 3914
Brig. Gen. Charles H. Swannack Jr., 8239
Brig. Gen. Terry L. Tucker, 6846
Brig. Gen. John R. Wood, 0518

The following named officer for appointment as the Chief of Engineers, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 3036:

To be lieutenant general

Maj. Gen. Robert B. Flowers, 0549

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles S. Mahan Jr., 5401

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. H. Steven Blum, 9926

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William T. Nesbitt, 8512

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David P. Rataczak, 5455

To be brigadier general

Col. George J. Robinson, 6368

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Willie A. Alexander, 7252

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Carole A. Briscoe, 8823

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David J. Kaucheck, 3284

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Daniel F. Perugini, 0634

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John E. Stevens, 5894

To be brigadier general

Col. Rick Baccus, 5697
Col. Abner C. Blalock Jr., 0594
Col. John M. Braun, 5088
Brig. Gen. George A. Buskirk Jr., 3156
Col. James R. Carpenter, 2966
Col. Craig N. Christensen, 3064
Col. Paul D. Costilow, 2786
Col. James P. Daley, 2270
Col. Charles E. Fleming, 2330
Col. Charles E. Gibson, 2195
Col. Michael A. Gorman, 3651
Col. John F. Holechek Jr., 4313
Col. Mitchell R. LeClaire, 4067
Col. Richard G. Maxon, 0268
Col. Gary A. Pappas, 3580
Col. Donald H. Polk, 3019
Col. Robley S. Rigdon, 7740
Col. Charles T. Robbs, 6993
Col. Bruce D. Schrimpf, 2945
Col. Thomas J. Sullivan, 4948
Col. Brian L. Tarbet, 0965
Col. Gordon D. Toney, 1990
Col. Antonio J. Vicens-Gonzalez, 8687
Col. William L. Waller Jr., 7603
Col. Charles R. Webb, 2951
Col. William D. Wofford, 5170
Col. Kenneth F. Wondrack, 1587
Col. Ronald D. Young, 3292

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William J. Davies, 1673
Brig. Gen. George T. Garrett, 4718
Brig. Gen. Dennis A. Kamimura, 1117
Brig. Gen. Bruce M. Lawlor, 3844
Brig. Gen. Timothy E. Neel, 6895
Brig. Gen. Larry W. Shellito, 2025
Brig. Gen. Darwin H. Simpson, 3156
Brig. Gen. Edwin H. Wright, 8891

To be brigadier general

Col. George A. Alexander, 7321
Col. Terry F. Barker, 9468
Col. John P. Basilica Jr., 4126
Col. Wesley E. Craig Jr., 6586
Col. James J. Dougherty Jr., 1953
Col. Ronald B. Kalkofen, 1783
Col. Edward G. Klein, 3085
Col. Thomas P. Luczynski, 9915
Col. James R. Mason, 7632
Col. Glen I. Sakagawa, 0978
Col. Joseph J. Taluto, 0598
Col. Thomas S. Walker, 7835
Col. George W. Wilson, 5766
Col. Ireneusz J. Zembrzuski, 9839

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Herbert L. Altshuler, 8024
Brig. Gen. Richard E. Coleman, 5494
Brig. Gen. B. Sue Dueitt, 9342
Brig. Gen. Michael R. Mayo, 3841
Brig. Gen. Robert S. Silverthorn Jr., 7380
Brig. Gen. Charles E. Wilson, 7188

To be brigadier general

Col. Michael G. Corrigan, 8444
Col. John R. Hawkins III, 7069
Col. Gregory J. Hunt, 9933
Col. Michael K. Jelinsky, 5149
Col. Robert R. Jordan, 4761
Col. David E. Kratzer, 9689
Col. Michael A. Kuehr, 0757
Col. Bruce D. Moore, 8071
Col. Conrad W. Ponder Jr., 4071
Col. Jerry W. Reshetar, 0799
Col. Bruce E. Robinson, 2520
Col. James R. Sholar, 6553
Col. Edwin E. Spain, 8277
Col. Stephen B. Thompson, 2012
Col. George W. Wells Jr., 9978

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kevin P. Byrnes, 7639

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Kerry G. Denson, 1996

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William W. Goodwin, 8875

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John G. Cotton, 6982
Rear Adm. (lh) Henry F. White Jr., 1081

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. William V. Alford, 4792
Capt. John P. Debbout, 9101
Capt. Roger T. Nolan, 6456
Capt. Stephen S. Oswald, 2861
Capt. Robert O. Passmore, 0129
Capt. Gregory J. Slavonic, 4544

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael R. Johnson, 2467

Rear Adm. (lh) Charles R. Kubic, 6173

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Rodrigo C. Melendez, 1580

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard W. Mayo, 4195

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Vice Adm. William J. Fallon, 0304

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Toney M. Bucchi, 9527

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Timothy J. Keating, 8508

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Martin J. Mayer, 0493

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Dennis V. McGinn, 1807

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Jack A. Davis, 8721

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. James R. Battaglini, 5336
Brig. Gen. James E. Cartwright, 5961
Brig. Gen. Christopher Cortez, 9054
Brig. Gen. Gary H. Hughey, 9286
Brig. Gen. Thomas S. Jones, 2831
Brig. Gen. Richard L. Kelly, 9290
Brig. Gen. John F. Sattler, 0580
Brig. Gen. William A. Whitlow, 5394

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John F. Goodman, 3509

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Thomas A. Benes, 4726
Col. Christian B. Cowdrey, 0819
Col. Michael E. Ennis, 1117
Col. Walter E. Gaskin Sr., 4185
Col. Michael R. Lehnert, 3452
Col. Joseph J. McMenamin, 3792
Col. Duane D. Thiessen, 8882
Col. George J. Trautman III, 0849
Col. Willie J. Williams, 4568
Col. Richard C. Zilmer, 9990

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Andrew B. Davis, 1872
Col. Harold J. Fruchtnicht, 2652

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gregory S. Newbold, 6783

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning Donna L. Kennedy and ending Michael D. Prazak, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

Air Force nominations beginning Franklin C. Albright and ending Lewis F. Wolf, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

Air Force nomination of Warren S. Silberman, which was received by the Senate and appeared in the Congressional Record on September 6, 2000.

Air Force nomination of James C. Seaman, which was received by the Senate and appeared in the Congressional Record on September 12, 2000.

Air Force nominations beginning George M. Abernathy and ending Richard M. Zink, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2000.

Air Force nominations beginning Douglas N. Barlow and ending Gregory E. Seely, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 2000.

Air Force nominations beginning John B. Stetson and ending Christine E. Tholen, which nominations were received by the Senate and appeared in the Congressional Record on October 2, 2000.

Army nominations beginning John W. Alexander, Jr. and ending Donald L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on July 10, 2000.

Army nominations beginning Bruce D. Adams and ending Vikram P. Zadoo, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

The following named officers for appointment in the Reserve of the Army to the grades indicated under Title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. George F. Bowman, 9374
Brig. Gen. Lloyd D. Burtch, 7226
Brig. Gen. Alfonsa Gilley, 9002
Brig. Gen. James R. Helmly, 0535
Brig. Gen. Dennis E. Klein, 0720

To be brigadier general

Col. James A. Cheatham, 4975
Col. George R. Fay, 4701
Col. Charles E. Gorton, 6077
Col. John H. Kern, 3064
Col. Charles E. McCartney, 5546
Col. Jack C. Stultz, Jr., 5861
Col. Stephen D. Tom, 2119

Army nominations beginning Daniel G. Aaron and ending X2457, which nominations were received by the Senate and appeared in the Congressional Record on July 27, 2000.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bradford C. Brightman, 2206

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10. U.S.C., section 12203:

To be major general

Brig. Gen. H. Douglas Robertson, 1652

Army nomination of Merritt M. Smith, which was received by the Senate and appeared in the Congressional Record on September 6, 2000.

Army nominations beginning James M. Davis and ending Lanneau H. Siegling, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2000.

Army nomination of John Espinosa, which was received by the Senate and appeared in the Congressional Record on September 6, 2000.

Army nomination of Albert L. Lewis, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nominations beginning Philip C. Caccese and ending Donald E. McLean, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nominations beginning Richard W.J. Cacini and ending Carlos A. Trejo, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nominations beginning Melvin Lawrence Kaplan and ending George Raymond Ripplinger, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nomination of *Michael Walker, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nominations beginning Eddie L. Cole and ending Christopher A. White, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Army nominations beginning Jeanne J. Blaes and ending Janelle S. Weyn, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Army nominations beginning *Patrick N. Bailey and ending *Jeffrey L. Zust, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Army nominations beginning Timothy F. Abbott and ending *X4076, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Navy nomination of Bradley S. Russell, which was received by the Senate and appeared in the Congressional Record on May 11, 2000.

Navy nomination of Douglas M. Larratt, which was received by the Senate and appeared in the Congressional Record on July 25, 2000.

Navy nominations beginning Felix R. Tormes and ending Christopher F. Beaubien, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

Navy nominations beginning Ava C. Abney and ending Michael E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

Navy nominations beginning William B. Acker III and ending John Zarem, which nominations were received by the Senate and appeared in the Congressional Record on July 26, 2000.

Navy nomination of Keith R. Belau, which was received by the Senate and appeared in the Congressional Record on July 27, 2000.

Navy nomination of Randall J. Bigelow, which was received by the Senate and appeared in the Congressional Record on September 6, 2000.

Navy nomination of Robert G. Butler, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Vito W. Jimenez, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Michael P. Tillotson, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Michael W. Altiser, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Melvin J. Hendricks, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Glenn A. Jett, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Joseph T. Mahachek, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Robert J. Werner, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Marian L. Celli, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Stephen M. Trafton, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nominations beginning Eric M. Aaby and ending Anthony E. Zerangue, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Navy nominations beginning William S. Abrams II and ending Michael Ziv, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Navy nomination of Jeffrey N. Rocker, which was received by the Senate and appeared in the Congressional Record on September 13, 2000.

Navy nominations beginning Jerry C. Mazanowski and ending James S. Carmichael, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2000.

Navy nominations beginning Michael W. Bastian and ending Steven C. Wurgler, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2000.

Marine Corps nominations beginning Jack G. Abate and ending Jeffrey G. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 27, 2000.

Marine Corps nomination of Gerald A. Cummings, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Marine Corps nomination of David L. Ladouceur, which was received by the Senate and appeared in the Congressional Record on September 13, 2000.

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 106–23 International Plant Protection Convention (Exec. Report No. 106–27).

TEXT OF COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring there), That the Senate advise and consent to the ratification of the International Plant Protection Convention (IPPC), Adopted at the Conference of the Food and Agriculture Organization (FAO) of the United Nations at Rome on November 17, 1997 (Treaty Doc. 106–23), referred to in this resolution of ratification as ''the amended Convention,'' subject to the understandings of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the amended Convention and shall be binding on the President:

(1) RELATIONSHIP TO OTHER INTERNATIONAL AGREEMENTS.—The United States understands that nothing in the amended Convention is to be interpreted in a manner inconsistent with, or alters the terms or effect of, the World Trade Organization Agreement on the Application of Sanitary or Phytosanitary Measures (SPS Agreement) or other relevant international agreements.

(2) AUTHORITY TO TAKE MEASURES AGAINST PESTS.—The United States understands that nothing in the amended Convention limits the authority of the United States, consistent with the SPS Agreement, to take sanitary or phytosanitary measures against any pest to protect the environment or human, animal, or plant life or health.

(3) ARTICLE XX (''TECHNICAL ASSISTANCE'').—The United States understands that the provisions of Article XX entail no binding obligation to appropriate funds for technical assistance.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following:

(1) REPORT TO CONGRESS.—One year after the date the amended Convention enters into force for the United States, and annually thereafter for five years, the Secretary of Agriculture, in consultation with the Secretary of State, shall provide a report on Convention implementation to the Committee on Foreign Relations of the Senate setting forth at least the following:

(A) a discussion of the sanitary or phytosanitary standard-setting activities of the IPPC during the previous year;

(B) a discussion of the sanitary or phytosanitary standards under consideration or planned for consideration by the IPPC in the coming year;

(C) information about the budget of the IPPC in the previous fiscal year; and

(D) a list of countries which have ratified or accepted the amended Convention, including dates and related particulars.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the amended Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

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. HATCH:

S. 3161. A bill to amend title XVIII of the Social Security Act to require the Medicare Payment Advisory Commission to conduct a study on certain hospital costs; to the Committee on Finance.

By Mr. HATCH:

S. 3162. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make grants to improve security at schools, including the placement and use of metal detectors; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3163. A bill to designate the calendar decade beginning on January 1, 2001, as the ''Decade of Pain Control and Research''; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. GRAMS, Mr. LEAHY, and Mr. CLELAND):

S. 3164. A bill to protect seniors from fraud; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. HATCH, and Mr. KERREY):

S. 3165. A bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; read the first time.

By Mr. BINGAMAN:

S. 3166. A bill to amend the Clinger-Cohen Act of 1996 to provide individual federal agencies and the executive branch as a whole with increased incentives to use the share-in-savings program under that Act, to ease the use of such program, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3167. A bill to establish a physician recruitment and retention demonstration project under the medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. TORRICELLI:

S. 3168. A bill to eliminate any limitation on indictment for sexual offenses and make awards to States to reduce their DNA casework backlogs; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. ALLARD , Mr. JOHNSON, Mr. CRAPO, and Mrs. LINCOLN):

S. 3169. A bill to amend the Federal Food, Drug, and Cosmetic Act and the International Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes; to the Committee on Finance.

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

S. 3170. A bill to amend the Higher Education Act of 1965 to assist institutions of higher education to help at-risk students to stay in school and complete their 4-year postsecondary academic programs by helping those institutions to provide summer programs and grant aid for such students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS):

S. 3171. A bill to amend the Internal Revenue Code of 1986 to extend the section 29 credit for producing fuel from a non-conventional source; to the Committee on Finance.

By Mr. KENNEDY:

S. 3172. A bill to provide access to affordable health care for all Americans; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself, Mr. WARNER, Mr. INHOFE, Mr. THOMAS, Mr. BOND, Mr. VOINOVICH, Mr. CRAPO, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MOYNIHAN, and Mr. GRAHAM):

S. 3173. A bill to improve the implementation of the environmental streamlining provisions of the Transportation Equity Act for the 21st Century; read the first time.

By Mr. ABRAHAM:

S. 3174. A bill to amend the Internal Revenue Code of 1986 to allow a long-term capital gains deduction for individuals; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. CONRAD, Mr. BAUCUS, Mr. BINGAMAN, Mr. BREAUX, Mr. BURNS, Mr. CRAPO, Mr . DASCHLE, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SMITH of New Hampshire, Mr. THOMAS, and Mr. WELLSTONE):

S. 3175. A bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MACK:

S. Res. 367. A resolution urging the Government of Egypt to provide a timely and open appeal for Shaiboub William Arsel and to complete an independent investigation of police brutality in Al-Kosheh; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. TORRICELLI):

S. Con. Res. 142. A concurrent resolution relating to the reestablishment of representative government in Afghanistan; to the Committee on Foreign Relations.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN):

S. Con. Res. 143. A concurrent resolution to make technical corrections in the enrollment of the bill H.R. 3676; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Con. Res. 144. A concurrent resolution commemorating the 200th anniversary of the first meeting of Congress in Washington, DC; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BAYH (for himself, Mr. GRAMS, Mr. LEAHY, and Mr. CLELAND):

S. 3164. A bill to protect seniors from fraud; to the Committee on the Judiciary.

PROTECTING SENIORS FROM FRAUD ACT

Mr. BAYH. Mr. President, today I rise as the author of the Protecting Seniors From Fraud Act, a bipartisan bill to prevent fraud against seniors.

The Protecting Seniors From Fraud Act is extremely important because seniors are disproportionately victims of telemarketing and sweepstakes fraud. Even though Americans over the age of 50 account for approximately 27% of the United States population, they comprise 56% of the ''mooch lists'' used by fraudulent telemarketers. Unfortunately, fraudulent telemarketers prey upon the trusting nature of seniors and as a result seniors lose approximately $14.8 billion each year.

This can be prevented if seniors are educated about their consumer rights and are informed about methods that are available to them to confirm the legitimacy of an investment or product. According to a national survey, 70% of older fraud victims say it is difficult to identify when fraud is happening and 40% of older Americans cannot distinguish between a legitimate and a fraudulent telemarketing sales call. There is a need to educate seniors about the dangers of fraud and how to avoid becoming a victim of fraud. As a first step to educate seniors in my state of Indiana about fraud prevention, I held a Special Committee on Aging field hearing on protecting seniors from fraud.

I heard testimony from two victims of investment scams in which both lost a large sum of their retirement. Mrs. Georgeanne MaCurdy lost close to $150,000 and Mr. Owen Saltzgaver lost close to $50,000. Mr. Saltzgaver said ''It was a scam from the beginning, I wish I knew,'' and Mrs. Georgeanne MaCurdy stated ''It is the first thing I think of when I get up in the morning and the last thing I think of when I go to sleep. I thought I could trust him.''

At this hearing I highlighted the Protecting Seniors From Fraud Act. This bill would provide necessary resources to local programs part of the National Association of TRIADs, a community-policing program that partners law enforcement agencies with senior volunteers to reduce crime and fraud against the elderly. There are 725 counties with TRIADs nationwide. They help more than 16 million seniors. During the field hearing, Captain Ed Friend, the leader of the TRIAD program in South Bend, Indiana, testified about the importance of combating fraud and how the South Bend TRIAD program has been providing seminars to Seniors on fraud prevention. He made clear that without federal funding TRIADs' nationwide efforts would have to cease. The authorization for Federal funding provided in this bill should ensure the continuation of TRIADs' efforts. In order to assist TRIAD with those efforts, this bill also requires the Health and Human Services Department to disseminate information to seniors on fraud prevention through the Area Agencies on Aging and other existing senior-focused programs.

In addition to educating seniors, this bill contains provisions which would include seniors in the crime victimization survey and would require the United States Attorney General to conduct a study of crimes committed against seniors. I thank Senator LEAHY for his leadership on this issue. These provisions would allow Congress to gather more information on crimes against seniors in order to react with appropriate legislative action.

Education is one of many steps that needs to be taken to prevent fraud. I also introduced the ''Combating Fraud Against Seniors Act'' this year to increase enforcement measures and toughen penalties against those promoting fraudulent schemes through mass-marketing. Education and tougher penalties will hopefully protect seniors from fraud.

Protecting seniors from fraud is of growing importance as our population ages and more seniors save more money for their retirement. Our seniors deserve to be informed and their investments deserve to be secure. I urge the Senate to consider this bipartisan legislation and pass it prior to adjournment.

Mr. LEAHY. Mr. President, I join today with Senators BAYH, GRAMS, and CLELAND in introducing the ''Protecting Seniors from Fraud Act of 2000.'' I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act, S. 751, with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago.

The Protecting Seniors from Fraud Act includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps, and they should be made law.

The Protecting Seniors from Fraud Act also includes important proposals for addressing the problem of crimes against the elderly, especially fraud

crimes. In addition to the provisions described above, the bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that we can also take the time to consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would ''be of assistance in a number of ways.'' I asked Senator HATCH to hold Judiciary Committee hearings on the bill as long ago as October 1999, and again this past February, but my requests have thus far not been granted. I ask again today for hearings on this important and comprehensive proposal.

First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's ''proposed minimum standard'' for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarketing fraud, which costs billions of dollars every year. My bill would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, my proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could fine out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convinced of fraud. Senator BAYH has recently introduced another bill, S. 3025, the Combating Fraud Against Seniors Act, which includes the part of the Seniors Safety Act that establishes the clearinghouse for telemarketing fraud information.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Fourth and finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes ''deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement.'' This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

In conclusion, I would like to commend Senators BAYH and CLELAND for working to take steps to improve the safety and security of America's seniors. I call upon my colleagues to pass this bipartisan legislation and begin the fight to lower the crime rate against seniors. I also urge them to consider and pass the Seniors Safety Act. Taken together, these two bills would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. HATCH, and Mr. KERREY):

S. 3165. A bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; read the first time.

MEDICARE, MEDICAID AND SCHIP IMPROVEMENTS ACT OF 2000

Mr. ROTH. Mr. President, I am very pleased today to join Senator MOYNIHAN and my other colleagues on the Senate Finance Committee in introducing the Medicare, Medicaid and SCHIP Improvements Act of 2000. This is important, bipartisan legislation intended to address needed health care funding and other improvements in these programs that are so important to millions of Americans. Every year on the Finance Committee we maintain watchful oversight of these critical programs to make sure that beneficiary access to services is maintained, and that payments and benefits are adjusted to meet beneficiaries' needs. This bill would add about $28 billion in funds to these programs over the next five years. Following are some of the highlights of this legislation.

(1) Medicare beneficiary assistance provisions would reduce coinsurance liability for hospital outpatient services; improve access to Medigap coverage; permit Medicare+Choice plans to give beneficiaries cash rebates of Part B premiums; protect access to immunosuppressive, cancer, hemophilia and other drugs, and extend Part B premium assistance for lower-income beneficiaries.

(2) Preventive health benefits would expand existing or add new coverage for pap smears, colorectal cancer screening, and nutrition therapy, and request further work on effective preventive benefits for later consideration in Medicare.

(3) Rural health care improvements address service capacity and access to services through increased payments for critical access, sole-community and Medicare-dependent hospitals. The package also includes provisions for rural health clinics, ambulance services, and telemedicine. Rural hospitals, skilled nursing facilities and home health agencies also benefit from general financing improvements detailed in other sections.

(4) Medicare+Choice provisions stabilize and improve funding for beneficiaries electing to enroll in privately-offered Medicare+Choice plans, with special attention to rural communities; restore funding for beneficiary education campaigns; and provide additional assistance for frail, disabled and rural beneficiaries.

(5) Hospital funding improvements increase annual payment updates; improve disproportionate share hospital (DSH) payments under Medicare and Medicaid for providing uncompensated care to uninsured patients; reform Medicare's DSH program to reduce disparities in the treatment of rural and urban hospitals; add funding for rehabilition hospitals; and protect payments for teaching hospitals.

(6) Skilled nursing facility (SNF) provisions improve funding, maintain access to therapy services, and reduce regulatory burdens by delaying implementation of consolidated billing.

(7) Home health and hospice provisions protect funding for home health services by delaying a scheduled 15% cut in payments; increasing funding for high-cost outlier cases, and making special temporary payments to rural agencies. Hospice provisions improve funding, require research on issues related to eligibility for the benefit and

establish a hospice demonstration program.

(8) Dialysis and durable medical equipment (DME) provisions improve payments for DME for all Medicare beneficiaries, and for services received by individuals with end-stage renal disease, as well as enhancing their opportunities to participate in the Medicare+Choice program.

(9) Additional provisions address physician, laboratory, ambulatory surgery center and other medical services. The package also creates a Joint Committee on Health Care Financing to provide professional support to the Congress in addressing the burgeoning cost and legislative complexity of the Medicare, Medicaid and State Children's Health Insurance programs and monitoring the viability of safety net providers.

(10) Medicaid and SCHIP provisions improve the financing of and access to services provided by federally qualified health centers and rural health clinics; establish policies for the retention and redistribution of unspent SCHIP funds; increase authorization for the Maternal and Child Health Block Grant; and add funding for special diabetes programs for children and Native Americans.

I would like to accomplish even more this year, especially in the Medicare program. For instance, I remain committed to securing comprehensive drug benefits for the aged and disabled beneficiaries in Medicare. I will continue to work towards that goal. However, I am pleased that we were able to achieve bipartisan support for these improvements and I will continue my efforts to build the bipartisan consensus needed to proceed on larger Medicare reforms in the near future.

Mr. MOYNIHAN. Mr. President, I am pleased to join with Senator ROTH, distinguished chairman of the Finance Committee, in sponsoring the Medicare, Medicaid, and SCHIP Improvement Act of 2000.

As part of the effort to balance the Federal Budget, the Balanced Budget Act of 1997 (BBA) provided for reduction in Medicare payments for medical services. At the time of enactment, the Congressional Budget Office (CBO) estimated that these provisions would reduce Medicare outlays by $112 billion over 5 years. We now know that these BBA cuts have been much larger than originally anticipated—some argue twice as large, although it's difficult to determine this with any precision.

Hospital industry representatives and other providers of health care services have asserted that the magnitude of the reductions are having unintended consequences which are seriously impacting the quantity and quality of health care services available to our citizens.

Last year, the Congress addressed some of those unintended consequences, by enacting the Balanced Budget Refinement Act (BBRA), which added back $16 billion over 5 years in payments to various Medicare providers, including: Teaching Hospitals; Hospital Outpatient Departments; Medicare HMOs (Health Maintenance Organizations); Skilled Nursing Facilities; Rural Health Providers; and Home Health Agencies.

However, Members of Congress are continuing to hear from providers who argue that the 1997 reductions are still having serious unanticipated consequences.

To respond to these continuing problems, the President last June proposed additional BBA relief in the amount of $21 billion over the next 5 years. On September 20, Senator Daschle and I, along with 32 of our Democratic colleagues, introduced a similar, but more substantial, BBA relief package that would provide about $40 billion over 5 years in relief to health care providers and beneficiaries. Today, along with Senator ROTH, I am pleased to be cosponsoring a bipartisan BBA relief bill to provider about $28 billion in relief over 5 years.

I want, in particular, to highlight that this legislation would—for fiscal years 2001 and 2002—prevent further reductions in the special Medicare payments to our Nation's teaching hospitals. A little background is in order.

Medicare provides support to our Nation's teaching hospitals by adjusting its payments upward to reflect Medicare's share of costs associated with care provided by medical residents. This is accomplished under two mechanisms: direct graduate medical education (direct GME) payments; and indirect medical education (IME) adjustments. Direct GME costs include items such as salaries of residents, interns, and faculty and overhead costs for classroom training. The separate IME adjustment was established in 1983 and pertains to residency training costs that are not directly attributable to medical education expenses, but are nevertheless associated with teaching activities and the teaching hospital's research mission—for example, extra demands placed on hospital staff, additional tests ordered by residents, and increased use of diagnostic testing and advanced technology. Prior to the BBA, the IME adjustment increased Medicare's hospital payments by approximately 7.7 percent for each 10 percent increase in a hospital's ratio of interns and residents to hospital beds.

The BBA included a reduction in the IME adjustment from the previous 7.7 percent to 7.0 percent in FY 1998; to 6.5 percent in FY 1999; to 6.0 percent in FY 2000; and to 5.5 percent in FY 2001 and subsequent years. In my judgment, these cuts would have seriously impaired the cutting edge research conducted by teaching hospitals, as well as impaired their ability to train doctors and to serve so many of our nation's indigent.

Last year, in the BBRA, we mitigated the scheduled reduction in FY 2000—freezing the IME adjustment at 6.5 percent; and the IME adjustment was set at 6.25 percent for FY 2001, and 5.5 percent thereafter. The package we are introducing today, would restore $600 million in funds for FY 2001 and FY 2002 by setting the IME adjustment at 6.5 percent in both years. The IME adjustment would then fall to 5.5 percent thereafter—a reduction which I had hoped to cancel this year, and sincerely hope the congress will cancel in future legislation.

I have stood before my colleagues on countless occasions to bring attention to the financial plight of medical schools and teaching hospitals. Yet, I regret that the fate of the 144 accredited medical schools and 1416 graduate medical education teaching institutions still remains uncertain. The proposals in this bill will provide critically needed financing—at least in the short-run.

In the long-run, however, we need to restructure the financing of graduate medical education along the lines I have proposed in the Graduate Medical Education Trust fund Act (S. 210). What is needed is explicit and dedicated funding for these institutions, which will ensure that the United States continues to lead the world in this era of medical discovery. The Graduate Medical Education Trust Fund Act would require that the public sector, through the Medicare and Medicaid programs, and the private sector through an assessment on health insurance premiums, provide broad-based financial support for graduate medical education. S. 210 would roughly double current funding levels for Graduate Medical Education and would establish a Medical Education Advisory Commission to make recommendations on the operation of the Medical Education Trust Fund, on alternative payment sources for funding graduate medical education and teaching hospitals, and on policies designed to maintain superior research and educational capacities.

In addition to restoring much needed funding to our Nation's teaching hospitals for the next two years, this bill would add back funding in many vital areas of health care. Key provisions of the bill we are introducing today would: provide full market basket (inflation) adjustments to hospitals for 2001 and 2002; target additional relief to rural hospitals; reduce cuts in payments to hospitals for handling large numbers of low-income patients (referred to as ''disproportionate share (DSH) hospital payments''); delay the scheduled 15 percent cut in payments to home health agencies; improve funding for skilled nursing facilities; and assist beneficiaries through preventive benefits and smaller coinsurance payments.

Let me close by again complimenting Senator ROTH on developing this bill on a bipartisan basis and expressing my hope that the forthcoming information negotiations with committees of the House will be similarly conducted on a bipartisan basis.

By Mr. BINGAMAN:

S. 3166. A bill to amend the Clinger-Cohen Act of 1996 to provide individual federal agencies and the executive branch as a whole with increased incentives to use the share-in-savings program under that Act, to ease the use of such program, and for other purposes; to the Committee on Governmental Affairs.

INFORMATION TECHNOLOGY SHARE-IN-SAVINGS PROGRAM IMPROVEMENT ACT OF 2000

Mr. BINGAMAN. Mr. President, today I'm introducing a bill designed to lower the cost of the government's information technology systems and improve how those systems serve our citizens by encouraging greater use of a ''share-in-savings'' approach to contracting for information technology (IT).

Under a share-in-savings approach, the government contracts with a company to provide an improved, lower cost IT service and the company pays the up-front costs of the project, which is not the usual practice. In return, the contractor gets paid a portion of the money saved by the government under the new arrangement. Essentially, the contractor bears the capital costs needed for the government to save some money and has a strong incentive to decrease the government's costs because they get paid a portion of any savings.

Although this approach to IT contracting is authorized as a pilot program under the Clinger-Cohen Act, I understand the executive branch has not made much use of this approach to date. Hence, I believe there are opportunities for greater creativity in this area if we give the agencies greater incentives.

Basically, my bill does three things. First, and most importantly, it gives agencies an incentive to try a share-in-savings approach by letting them keep up to half the government's net savings to use for additional IT projects, rather than having all the net savings going back to the Treasury. It's just human nature that if you ask someone to do something risky—like a new IT system—but all the benefits go elsewhere, they're not going to be very inclined to do it. That is, unless they get to keep some of the benefits to improve their own operations—which is what this bill let's them do. The point here is that the more agency managers actually are willing to use this approach, the more money the taxpayer will save in the long run.

There's precedent for this with regard to certain Energy Savings Performance Contracts. Under a provision applicable to the Department of Defense, local base commanders can keep a portion of the savings from those contracts to purchase more energy saving equipment or even for morale and recreation purposes.

Second, my bill gives the executive branch as a whole an incentive to try share-in-savings contracting for IT by allowing the pilot program to graduate to a regular authority once a significant number of projects have been done, the approach has been found to be useful, and guidance on how to use the authority has been issued. This gives the top levels of the executive branch a goal to push toward.

Finally, my bill will ease implementation of share-in-savings contracting by allowing agency program managers to approve the projects, thereby giving them greater autonomy and streamlining the selection process. Currently, share-in-savings IT projects must be approved by the Administrator of Federal Procurement, a very high level in the executive branch.

In sum, my bill will encourage greater use of the share-in-savings approach to IT contracting under the Clinger-Cohen Act by giving the agencies a portion of the savings to reinvest; the executive branch a goal; and the program managers more autonomy.

I had originally planned to introduce this as an amendment to the Treasury, Postal Appropriations bill. But, because it doesn't look like we'll have a chance to really debate that bill this year, I've decided to introduce this bill today to get my proposal before the Senate.

Now, to give some credit where credit is due, I got interested in this topic because of a piece I saw in Roll Call on E-Government by Patricia McGinnis of the Council for Excellence in Government. In it she mentioned the idea of letting agencies retain some of the IT savings they achieve in order to reinvest it in more IT.

I also understand that the Governmental Affairs Committee recently put up a web site to discuss potential e-government policies and legislation. And, I was glad to learn that the share-in-savings approach to IT is one of its topics.

So, I hope the Governmental Affairs committee will take a thorough look at the ideas in my bill. I look forward to working with them to find new ways to save the taxpayer money while improving the services they are provided.

Mr. President, I ask unanimous consent that the text of my bill and a letter from Ms. McGinnis in support of the amendment I'd planned be included in the RECORD at the conclusion of my remarks.

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

S. 3166

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 ''Information Technology Share-in-Savings Program Improvement Act of 2000''.

SEC. 2. PURPOSES.

The purposes of this Act are to provide individual federal agencies and the executive branch as a whole with increased incentives to use the share-in-savings program under the Clinger-Cohen Act of 1996 and to ease the use of such program.

SEC. 3. EXPANSION OF AUTHORITY.

Section 5311 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 692; 40 U.S.C. 1491) is amended—

(1) in subsection (a)—

(A) by striking ''the heads of two executive agencies to carry out '' and inserting ''heads of executive agencies to carry out a total of five projects under'';

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

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

(D) by adding at the end the following:

''(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

''(A) to retain, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

''(i) the total amount of the savings, over

''(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

''(B) to use the retained amount to acquire additional information technology.'';

(2) in subsection (b)—

(A) by inserting ''a project under'' after ''authorized to carry out''; and

(B) by striking ''carry out one project and''; and

(3) by striking subsection (c) and inserting the following:

''(c) EVOLUTION BEYOND PILOT PROGRAM.—(1) The Administrator may provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government if—

''(A) after reviewing the experience under the five projects carried out under the pilot program under subsection (a), the Administrator finds that the approach offers the Federal Government an opportunity to improve its use of information technology and to reduce costs; and

''(B) issues guidance for the exercise of that authority.

''(2) For the purposes of paragraph (1), a share-in-savings contracting approach provides for contracting as described in paragraph (1) of subsection (a) together with the sharing and retention of amounts saved as described in paragraphs (2) and (3) of that subsection.

''(3) In exercising the authority provided to the Administrator in paragraph (1), the Administrator shall consult with the Administrator for the Office of Information and Regulatory Affairs.

''(d) AVAILABILITY OF RETAINED SAVINGS.—Amounts retained by the head of an executive agency under subsection (a)(3) or subsection (c) shall, without further appropriation, be available for the executive agency for the acquisition of information technology and shall remain available until expended. Amounts so retained from any appropriation of the executive agency not otherwise available for the acquisition of information technology shall be transferred to any appropriation of the executive agency that is available for such purpose.''.

THE COUNCIL FOR EXCELLENCE IN GOVERNMENT,
Washington, DC, August 10, 2000.

Sen. JEFF BINGAMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BINGAMAN: The Council for Excellence in Government applauds your interest in legislation to encourage federal

agencies to conduct pilot ''share-in-savings'' partnerships under the Clinger-Cohen Act. We agree that making greater use of ''share-in-savings'' projects will lead to successful public-private joint ventures that can produce savings for the agencies and better results for the American people.

In particular, we think the approach to encouraging greater use of ''share-in-savings'' partnerships embodied in your planned amendment to this year's Treasury and General Government appropriations bill—allowing agencies to retain some of the savings, and the pilots to easily graduate to a regular authority—deserves serious consideration by Congress.

As you move forward, you may also want to look at the work of the General Service Administration's (GSA) Federal Technology Center. Ken Buck, Director of Business Innovations, Office of the Commissioner at GSA, is very knowledgeable about the successful methods of contracting and procurement using this approach.

In fact, the Council is working with GSA to develop case studies of best practices using share-in-savings methods for use by federal agencies. We will share that work with you as soon as it is available.

Again, thanks for your leadership on this very important issue, which will not only promote e-government but also excellence in government.

Sincerely,

PATRICIA MCGINNIS,
President and CEO.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3167. A bill to establish a physician recruitment and retention demonstration project under the Medicare Program under title XVIII of the Social Security Act; to the Committee on Finance.

PHYSICIAN RECRUITMENT AND RETENTION ACT OF 2000

Mr. DOMENICI. Mr. President, I rise today with my friend Senator BINGAMAN to introduce the ''Physician Recruitment and Retention Act of 2000.''

Almost like clockwork one can pick up an Albuquerque newspaper and read about the shortage of physicians in New Mexico and the resulting problems. When individuals have difficulty receiving adequate medical treatment, action must be taken.

For example, in Albuquerque an urban area of almost 700,000 there are only two neurosurgeons besides the five practicing at the University of New Mexico. Such a ratio can only cause one thing, severe difficulties for patients. Thus, a patient recently waited eighteen hours in an Albuquerque emergency room before seeing a neurosurgeon.

I would ask my colleagues the following: what good are hospitals filled with the latest technology if there are not enough doctors? And what good are modern medical offices if there are not enough doctors to treat the patients in a timely manner?

The problem I have just described is not just occurring in New Mexico, rather other states are experiencing similar problems because of a common set of problems. I would submit the combination of high levels of poverty and low Medicare reimbursement rates causes a twofold problem.

First, patients often have difficulty obtaining timely care and second, states cannot effectively recruit and retain their physicians. Our Bill builds upon the simple proposition that if Medicare Physician reimbursement rates are raised, patients will be the ultimate beneficiaries.

The Bill we are introducing creates a two state demonstration program to address these problems by increasing Medicare Physician reimbursements by 5 percent for a period of three years if certain criteria are met.

The Bill also authorizes a GAO study to determine whether: (1) patient access to care and the ability of states to recruit and retain physicians is adversely impacted when the enumerated factors in the previous section are present; and (2) increased Medicare Physician reimbursements improve patient access to care and the ability of states to recruit and retain physicians.

Thank you and I look forward to working with my colleague, Senator BINGAMAN, on this very important issue.

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

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

S. 3167

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 ''Physician Recruitment and Retention Act of 2000''.

SEC. 2. MEDICARE PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a demonstration project for the purpose of improving—

(1) access to health care for beneficiaries under part B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

(2) the ability of States to recruit and retain physicians.

(b) CONDUCT OF DEMONSTRATION PROJECT.—

(1) DEMONSTRATION SITES.—The demonstration project under this section shall be conducted in 2 sites, which shall be statewide.

(2) RECRUITMENT AND RETENTION OF PHYSICIANS.—Under the demonstration project, the Secretary shall increase by 5 percent payments for physicians' services (as defined in section 1861(q) of the Social Security Act (42 U.S.C. 1395x(q)) under section 1848 of such Act (42 U.S.C. 1395w–4) to physicians furnishing such services in any State that submits an application under paragraph (3) that is approved by the Secretary under paragraph (4).

(3) APPLICATION.—Any State wishing to participate in the demonstration program shall submit an application to the Secretary at such time, in such manner, and in such form as the Secretary may reasonably require.

(4) APPROVAL.—The Secretary shall approve the applications of 2 States that, based upon 1998 data, have—

(A) an uninsured population above 20 percent (as determined by the Bureau of the Census);

(B) a population eligible for medical assistance under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) above 17 percent (as determined by the Health Care Financing Administration);

(C) an unemployment rate above 4.8 percent (as determined by the Bureau of Labor Statistics);

(D) an average per capita income below $21,200 (as determined by the Bureau of Economic Analysis); and

(E) a geographic practice cost indices component of the reimbursement rate for physicians under the medicare program that is below the national average (as determined by the Health Care Financing Administration).

(5) DURATION.—The demonstration project under this section shall be conducted for a period of 3 years.

(c) WAIVER AUTHORITY.—The Secretary may waive such requirements of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to the extent and for the period that the Secretary determines is necessary for carrying out the demonstration project under this section.

(d) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the demonstration project conducted under this section to determine whether the access of beneficiaries under the medicare program to health care and the ability of States to recruit and retain physicians is—

(A) adversely impacted by the factors described in subparagraphs (A) through (E) of subsection (b)(4); and

(B) improved by increased payments to physicians under subsection (b)(2).

(2) REPORT.—Not later than 1 year after the Secretary completes the demonstration project under this section, the Comptroller General of the United States shall submit a report on the results of the study conducted under paragraph (1) to the appropriate committees of Congress.

By Mr. TORRICELLI:

S. 3168. A bill to eliminate any limitation on indictment for sexual offenses and make awards to State to reduce their DNA casework backlogs; to the Committee on the Judiciary.

SEXUAL ASSAULT PROSECUTION ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to introduce the Sexual Assault Prosecution act of 2000. This legislation will ensure that no rapist will evade prosecution when there is reliable evidence of their guilt.

As the law is written today, a rapist can walk away scot-free if they are not charged within five years of committing their crime. This is true when if overwhelming evidence of the offender's guilt, such as a DNA match with evidence taken from the crime scene, is later discovered. Some states, including my home state of New Jersey, have recognized the injustice presented by this situation and have already abolished their statutes of limitations on sexual assault crimes, and many other states are considering similar measures. Given the power and precision of DNA evidence, it is now time that the federal government abolish the current statute of limitations on federal sexual assault crimes.

The precision with which DNA evidence can identify a criminal assailant

has increased dramatically over the past couple decades. Because of its exactness, DNA evidence is now routinely collected by law enforcement personnel in the course of investigating many crimes, including sexual assault crimes. The DNA profile of evidence collected at a sexual assault crime scene can be compared to the DNA profiles of convicted criminals, or the profile of a particular suspect, in order to determine who committed the crime. Moreover, because of the longevity of DNA evidence, it can be used to positively identify a rapist many years after the actual sexual assault.

The enormous advancements in DNA science have greatly expanded law enforcement's ability to investigate and prosecute sexual assault crimes. Unfortunately, the law has not kept pace with science. Given the precise accuracy and reliability of DNA testing, however, the legal and moral justifications for continuing to impose a statute of limitations on sexual assault crimes are extremely weak. To that end, I am introducing the ''Sexual Assault Prosecution Act of 2000'' which will eliminate the statute of limitations for sexual assault crimes. This legislation will not affect the burdens of proof and the government will still have to prove guilt beyond a reasonable doubt before any person could be convicted of a crime.

Currently, the statute of limitations for arson and financial institution crimes is 10 years and is 20 years for crimes involving the theft of major artwork. If it made sense to extend the traditional five-year limitations period for these offenses, surely it makes sense to do so for sexual assault crimes, particularly when DNA technology makes it possible to identify an offender many years after the commission of the crime. By eliminating this ticking clock, we can see to it that no victim of sexual assault is denied justice simply because the clock ran out. I look forward to working with each and every one of you in order to get this legislation enacted into law.

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. 3168

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 ''Sexual Assault Prosecution Act of 2000''.

SEC. 2. SEXUAL OFFENSE LIMITATION.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended—

(1) in section 3283, by striking ''sexual or''; and

(2) by adding at the end the following:

''§ 3296. Sexual offenses

''An indictment for any offense committed in violation of chapter 109A of this title may be found at any time without limitation.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3296. Sexual offenses.''.

SEC. 3. AWARDS TO STATES TO REDUCE DNA CASEWORK BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, and after consultation with representatives of States and private forensic laboratories, shall develop a plan to grant voluntary awards to States to facilitate DNA analysis of all casework evidence of unsolved crimes.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively expedite the analysis of all casework evidence of unsolved crimes in an efficient and effective manner, and to provide for the entry of DNA profiles into the combined DNA Indexing System (''CODIS'').

(b) AWARD CRITERIA.—The Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, shall develop criteria for the granting of awards under this section including—

(1) the applying State's number of unsolved crimes awaiting DNA analysis; and

(2) the applying State's development of a comprehensive plan to collect and analyze DNA evidence.

(c) GRANTING OF AWARDS.—The Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, shall develop applications for awards to be granted to States under this section, shall consider all applications submitted by States, and shall disburse all awards under this section.

(d) AWARD CONDITIONS.—States receiving awards under this section shall—

(1) require that each laboratory performing DNA analysis satisfies quality assurance standards and utilizes state-of-the-art DNA testing methods, as set forth by the Federal Bureau of Investigation in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice;

(2) ensure that each DNA sample collected and analyzed be made available only—

(A) to criminal justice agencies for law enforcement purposes;

(B) in judicial proceedings if otherwise admissible;

(C) for criminal defense purposes, to a criminal defendant, who shall have access to samples and analyses performed in connection with any case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

(3) match the award by spending 15 percent of the amount of the award in State funds to facilitate DNA analysis of all casework evidence of unsolved crimes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $15,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, for awards to be granted under this section.

Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. ALLARD, Mr. JOHNSON, Mr. CRAPO, and Mrs. LINCOLN):

S. 3169. A bill to amend the Federal Food, Drug, and Cosmetic Act and the International Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes; to the Committee on Finance.

MINOR ANIMAL SPECIES HEALTH AND WELFARE ACT OF 2000

Mr. SESSIONS. Mr. President, I rise today to bring attention to a problem that unfortunately goes largely unnoticed except by those who are directly affected. Livestock and food animal producers, pet owners, zoo and wildlife biologists, and animals themselves are facing a severe shortage of approved animal drugs for minor species.

Minor species include thousands of animal species, including all fish, birds, and sheep. By definition, they are any animals other than cattle, horses, chickens, swine, turkeys, dogs and cats, the most common animals. There are millions of those animals. A similar shortage of drugs and medicines for major animal species exists for diseases which occur infrequently or which occur in limited geographic areas. Due to the lack of availability for these minor-use drugs, millions of animals go untreated or treatment is delayed. Unnecessary animal physical and human emotional suffering results, and human health may be threatened as well.

Without access to these necessary minor-use drugs, farmers and ranchers will also suffer. An unhealthy animal left untreated can spread disease throughout an entire stock. This causes severe economic hardship to struggling ranchers and farmers.

For example, sheep ranchers lost nearly $45 million worth of livestock alone in 1999. The sheep industry estimates that if it had access to effective and necessary drugs, growers' reproduction costs for their animals could be cut by up to 15 percent. In addition, feedlot deaths from disease would be reduced by 1 to 2 percent, adding approximately $8 million to the revenue of the industry.

The catfish industry is the No. 2 agriculture industry in Alabama. Though it is not the State's only aquacultural commodity, catfish is by far its largest. The catfish industry generates enormous economic opportunity in the State, particularly in west Alabama, one of the poorest regions of the State and where I grew up.

The catfish industry estimates its losses at $60 million a year, attributable to diseases for which drugs are not available. Indeed, it is not uncommon for a catfish producer to lose half his stock in a pond due to disease. The U.S. aquaculture industry overall, including food fish and ornamental fish, produces and raises over 800 different species. Unfortunately, this industry has only five drugs that are approved for treating these diseases. This results in tremendous economic hardship and suffering.

Because of limited market opportunity, low profit margins, and the enormous capital investment required, it is seldom economically feasible for drug manufacturers to pursue research

and development and then seek approval of it by FDA for drugs used in treating these minor species and for infrequent conditions and diseases in all animals. As a result, a group of people have come together, an effective professional coalition, to deal with this problem.

I, along with Senator BINGAMAN from New Mexico, Senator ALLARD, Senator CRAPO, Senator LINCOLN, and Senator JOHNSON resolve to improve this situation by introducing the Minor Animal Species Health and Welfare Act of 2000. This legislation will allow animal drug manufacturers the opportunity to develop and obtain approval for minor-use drugs which are vitally needed by a wide variety of animal industries.

Our legislation incorporates the major proposals of the Food and Drug Administration's Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals. It actually creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals.

This legislation creates a program very similar to the very successful human orphan drug program that has dramatically increased the availability of drugs to treat rare human diseases over the past 20 years. Besides providing benefits to livestock producers and animal owners, this measure will develop incentives and sanctioning programs for the pharmaceutical industry, while maintaining and ensuring public health.

The Minor Animal Species Health and Welfare Act will not alter FDA drug approval responsibilities that ensure the safety of animal drugs to the public. The FDA Center for Veterinary Medicine currently evaluates new animal drug products prior to approval and use. This rigorous testing and review process provides consumers with the confidence that animal drugs are safe for animals and consumers of products derived from treated animals.

Current FDA requirements include guidelines to prevent harmful residues and evaluations to examine the potential for the selection of resistant pathogens. Any food animal medicine or drug considered for approval under this bill would be subject to these same assessments.

The Minor Animal Species Health and Welfare Act is supported by 25 organizations, including the American Farm Bureau Federation, the American Health Institute, the American Veterinary Medical Association, and the National Aquaculture Association. It is vital legislation.

This act will reduce the economic risks and hardship which fall upon ranchers and farmers as a result of diseases. It will benefit pets and their owners and benefit various endangered species of aquatic animals. The act will also promote the health of all animal species while protecting human health and will alleviate unnecessary animal suffering.

This is commonsense legislation which will benefit millions of American pet owners, farmers, and ranchers. It is the result of a tremendous cooperative effort by virtually every entity concerned with this problem. They have worked with the Food and Drug Administration and continue to work with the FDA on this bill.

I believe we are on the verge of taking a big step to facilitate the introduction of more drugs that help treat animals in our country. I thank the people who have all worked to make this a reality. I particularly thank Mary Alice Tyson on my staff who has worked so hard on this project.

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

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

S. 3169

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 ''Minor Animal Species Health and Welfare Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) There is a severe shortage of approved animal drugs for use in minor species.

(2) There is a severe shortage of approved drugs for treating animal diseases and conditions that occur infrequently or in limited geographic areas.

(3) Because of the small market shares, low-profit margins involved, and capital investment required, it is generally not economically feasible for animal drug manufacturers to pursue approvals for these species, diseases, and conditions.

(4) Because the populations for which such drugs are intended are small and conditions of animal management may vary widely, it is often difficult or impossible to design and conduct studies to establish drug safety and effectiveness under traditional animal drug approval processes.

(5) It is in the public interest and in the interest of animal welfare to provide for special procedures to sanction the lawful use and marketing of animal drugs for minor species and minor uses that take into account these special circumstances and that ensure that such drugs do not endanger the public health.

(6) Exclusive marketing rights and tax credits for clinical testing expenses have helped encourage the development of orphan drugs for human use, and comparable incentives will help encourage the development and sanctioning for lawful marketing of animal drugs for minor species and minor uses.

SEC. 3. AMENDMENTS AFFECTING THE FOOD AND DRUG ADMINISTRATION.

(a) DEFINITIONS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(kk) The term 'minor species' means animals other than cattle, horses, swine, chickens, turkeys, dogs, and cats, except that the Secretary may amend this definition by regulation.

''(ll) The term 'minor use' means the use of a drug—

''(1) in a minor species, or

''(2) in an animal species other than a minor species for a disease or condition that occurs infrequently or in limited geographic areas, except that the Secretary may amend this definition by regulation.

''(mm) The term 'species with no human food safety concern' means an animal species, or life stage of an animal species, that is not customarily used for food for humans and does not endanger the public health.''.

(b) MINOR USE ANIMAL DRUGS.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following new subchapter:

''SUBCHAPTER F—ANIMAL DRUGS FOR MINOR USES

''DESIGNATION OF DRUGS FOR MINOR USES

''SEC. 571. (a) Prior to the submission of an application for approval of a new animal drug under section 512(b), a manufacturer or sponsor of such drug may request that the Secretary designate such drug as a drug for a minor use. The Secretary shall designate such drug as a drug for minor use if the Secretary finds that such drug is or will be investigated for a minor use and the application for such drug is approved under section 512. A request for a designation of a drug under this subsection shall contain the consent of the applicant to notice being given by the Secretary under subsection (c) respecting the designation of the drug.

''(b) The designation of a drug as a drug for a minor use under subsection (a) shall be subject to the condition that—

''(1) if an application was approved for the drug under section 512(c), the manufacturer of the drug will notify the Secretary of any discontinuance of the production of the drug at least 1 year before discontinuance; and

''(2) if an application has not been approved for the drug under section 512(c) and if preclinical investigations or investigations under section 512(j) are being conducted with the drug, the manufacturer or sponsor of the drug will notify the Secretary of any decision to discontinue active pursuit of approval of an application under section 512(b).

''(c) Notice respecting the designation of a drug under subsection (a) shall be made available to the public.

''PROTECTION FOR DRUGS FOR MINOR USES

''SEC. 572. (a) Except as provided in subsection (b):

''(1) If the Secretary approves an application filed pursuant to section 512 for a drug designated under section 571 for a minor use, no active ingredient (including any salt or ester of the active ingredient) of which has been approved in any other application under section 512, the Secretary may not approve or conditionally approve another application submitted under section 512 or section 573 for such drug for such minor use for a person who is not the holder of such approved application until the expiration of 10 years from the date of the approval of the application.

''(2) If the Secretary approves an application filed pursuant to section 512 for a drug designated under section 571 for a minor use, which includes an active ingredient (including an ester or salt of the active ingredient) that has been approved in any other application under section 512, the Secretary may not approve or conditionally approve another application submitted under section 512 or section 573 for such drug for such minor use for a person who is not the holder of such approved application until the expiration of 7 years from the date of approval of the application.

''(b) If an application filed pursuant to section 512 is approved for a drug designated under section 571, the Secretary may, during the 10-year or 7-year period beginning on the date of the application approval, approve or

conditionally approve another application under section 512 or section 573 for such drug for such minor use for a person who is not the holder of such approved application if—

''(1) the Secretary finds, after providing the holder notice and opportunity for the submission of views, that in such period the holder of the approved application cannot assure the availability of sufficient quantities of the drug to meet the needs for which the drug was designated; or

''(2) such holder provides the Secretary in writing the consent of such holder for the approval or conditional approval of other applications before the expiration of such 10-year or 7-year period.

''CONDITIONAL APPROVAL FOR MINOR USE NEW ANIMAL DRUGS

''SEC. 573. (a)(1) Except as provided in paragraph (2), any person may file with the Secretary an application for conditional approval of a new animal drug for a minor use. Such person shall submit to the Secretary as part of an application—

''(A) reports of investigations which have been made to show whether or not such drug is safe for use;

''(B) information to show that there is a reasonable expectation that the drug is effective for its intended use, such as data from a pilot investigation, data from an investigation in a related species, data from a single investigation, data from an investigation using surrogate endpoints, data based on pharmacokinetic extrapolations, data from a short-term investigation, or data from the investigation of closely-related diseases;

''(C) the quantity of drug expected to be manufactured and distributed on an annual basis;

''(D) a commitment that the applicant will conduct additional investigations to support approval of an application under section 512 within the time frame set forth in subsection (d)(1)(A);

''(E) reasonable data for establishing a conditional dose; and

''(F) the information required by section 512(b)(1)(B)–(H).

''(2) A person may not file an application under paragraph (1) if the person has filed a previous application under paragraph (1) for the same drug and conditions for use that was conditionally approved by the Secretary under subsection (b).

''(b)(1) Within 180 days after the filing of an application pursuant to subsection (a), or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either (A) issue an order conditionally approving the application if the Secretary then finds that none of the grounds for denying conditional approval specified in subsection (c) applies, or (B) give the applicant notice of an opportunity for an expedited informal hearing on the question whether such application is conditionally approvable.

''(2) A drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the drug and to obtain conditional approval for the drug prior to manufacture of the drug in a larger facility, unless the Secretary makes a determination that a full scale production facility is necessary to ensure the safety or effectiveness of the drug.

''(c)(1) If the Secretary finds, after due notice to the applicant and giving the applicant an opportunity for an expedited informal hearing, that—

''(A) the investigations, reports of which are required to be submitted to the Secretary pursuant to subsection (a), do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling;

''(B) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions;

''(C) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity;

''(D) upon the basis of the information submitted to the Secretary as part of the application, or upon the basis of any other information before the Secretary with respect to such drug, the Secretary has insufficient information to determine whether such drug is safe for use under such conditions;

''(E) evaluated on the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such drug, there is insufficient information to show that there is a reasonable expectation that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling;

''(F) upon the basis of information submitted to the Secretary as part of the application or any other information before the Secretary with respect to such drug, any use prescribed, recommended, or suggested in labeling proposed for such drug will result in a residue of such drug in excess of a tolerance found by the Secretary to be safe for such drug;

''(G) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular;

''(H) such drug induces cancer when ingested by humans or animal or, after tests which are appropriate for the evaluation of the safety of such drug, induces cancer in humans or animal, unless the Secretary finds that, under the conditions for use specified in proposed labeling and reasonably certain to be followed in practice—

''(i) such drug will not adversely affect the animals for which it is intended; and

''(ii) no residue of such drug will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (c)) in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animals; or

''(I) another person has received approval under section 512 for a drug with the same active ingredient or ingredients and the same conditions of use, and that person is able to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended;

the Secretary shall issue an order refusing to conditionally approve the application. If, after such notice and opportunity for hearing, the Secretary finds that subparagraphs (A) through (I) do not apply, the Secretary shall issue an order conditionally approving the application.

''(2) In determining whether such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, the Secretary shall consider, among other relevant factors, (A) the probable consumption of such drug and of any substance formed in or on food because of the use of such drug, (B) the cumulative effect on man or animal of such drug, taking into account any chemically or pharmacologically related substance, (C) safety factors which in the opinion of experts, qualified by scientific training and experience to evaluate the safety of such drugs, are appropriate for the use of animal experimentation data, and (D) whether the conditions of use prescribed, recommended, or suggested in the proposed labeling are reasonably certain to be followed in practice. Any order issued under this subsection refusing to approve an application shall state the findings upon which it is based.

''(d)(1) A conditional approval granted by the Secretary under this section shall be effective for a 1-year period. The Secretary shall, upon request, renew a conditional approval for up to 4 additional 1-year terms, unless the Secretary by order makes a finding that—

''(A) the applicant is not making appropriate progress toward meeting approval requirements under section 512, and is unlikely to be able to fulfill such requirements and obtain such approval under such section before the 5 year maximum term of the conditional approval expires;

''(B) excessive quantities of the drug have been produced, without adequate explanation; or

''(C) another drug with the same active ingredient or ingredients for the same conditions of use has received approval under section 512, and the holder of the approved application is able to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended.

''(2) If the Secretary does not renew a conditional approval, the Secretary shall provide due notice and an opportunity for an expedited informal hearing to the applicant.

''(e)(1) The Secretary shall, after due notice and opportunity for an expedited informal hearing to the applicant, issue an order withdrawing conditional approval of an application filed pursuant to subsection (a) if the Secretary finds—

''(A) that experience or scientific data show that such drug is unsafe for use under the conditions of use upon the basis of which the application was conditionally approved;

''(B) that new evidence not contained in such application or not available to the Secretary until after such application was conditionally approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was conditionally approved, evaluated together with the evidence available to the Secretary when the application was conditionally approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was conditionally approved;

''(C) on the basis of new information before the Secretary with respect to such drug, evaluated together with the evidence available to the Secretary when the application was conditionally approved, that there is not a reasonable expectation that such drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling;

''(D) that the application contains any untrue statement of a material fact; or

''(E) that the applicant has made any changes from the standpoint of safety or effectiveness beyond the variations provided for in the application unless the applicant has supplemented the application by filing with the Secretary adequate information respecting all such changes and unless there is in effect a conditional approval of the supplemental application, which supplemental application shall be treated in the same manner as the original application.

If the Secretary finds that there is an imminent hazard to the health of man or of the animals for which such drug is intended, the Secretary may suspend the conditional approval of such application immediately, and give the applicant prompt notice of the Secretary's action and afford the applicant the

opportunity for an expedited informal hearing. Authority to suspend the conditional approval of an application shall not be delegated below the Commissioner of Food and Drugs.

''(2) The Secretary may also, after due notice and opportunity for an expedited informal hearing to the applicant, issue an order withdrawing the conditional approval of an application with respect to any new animal drug under this section if the Secretary finds—

''(A) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with a regulation or order under subsection (h), or the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection;

''(B) that on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was conditionally approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to assure and preserve its identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of; or

''(C) that on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was conditionally approved, the labeling of such drug, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of.

''(3) Any order under this subsection shall state the findings upon which it is based.

''(f) The decision of the Secretary under subsections (c), (d), or (e) shall constitute a final agency decision for purposes of judicial review.

''(g)(1) When an application filed pursuant to subsection (a) is conditionally approved, the Secretary shall by notice publish in the Federal Register the name and address of the applicant and the conditions and indications of use of the new animal drug covered by such application, including any tolerance and withdrawal period or other use restriction and, if such new animal drug is intended for use in animal feed, appropriate purposes and conditions of use (including special labeling requirements and any requirement that an animal feed bearing or containing the new animal drug be limited to use under the professional supervision of a licensed veterinarian) applicable to any animal feed for use in which such drug is conditionally approved, the expiration date of the conditional approval, and such other information, upon the basis of which such application was conditionally approved, as the Secretary deems necessary to assure the safe and effective use of such drug.

''(2) Upon withdrawal of conditional approval of such new animal drug application or upon its suspension, the Secretary shall publish a notice in the Federal Register.

''(h)(1) In the case of any new animal drug for which a conditional approval of an application filed pursuant to subsection (a) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, of data relating to experience, and other data or information, received or otherwise obtained by such applicant with respect to such drug, or with respect to animal feeds bearing or containing such drug, as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for refusing to renew the conditional approval under subsection (d) or for invoking subsection (e). Such regulation or order shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulation or order is applicable, of similar information received or otherwise obtained by the Secretary.

''(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

''(i)(1) The label and labeling of a drug with a conditional approval under this section shall state that fact prominently and conspicuously.

''(2) Conditions of use that are the subject of a conditional approval under this section shall not be combined in product labeling with any conditions of use approved under section 512.

''(j)(1) Safety and effectiveness data and information which has been submitted in an application filed under subsection (a) for a drug and which has not previously been disclosed to the public shall be made available to the public, upon request, unless extraordinary circumstances are shown—

''(A) if no work is being or will be undertaken to have the application conditionally approved,

''(B) if the Secretary has determined that the application is not conditionally approvable and all legal appeals have been exhausted,

''(C) if conditional approval of the application under subsection (c) is withdrawn and all legal appeals have been exhausted, or

''(D) if the Secretary has determined that such drug is not a new animal drug.

''(2) Any request for data and information pursuant to paragraph (1) shall include a verified statement by the person making the request that any data or information received under such paragraph shall not be disclosed by such person to any other person—

''(A) for the purpose of, or as part of a plan, scheme, or device for, obtaining the right to make, use, or market, or making, using, or marketing, outside the United States, the drug identified in the application filed under subsection (a), and

''(B) without obtaining from any person to whom the data and information are disclosed an identical verified statement, a copy of which is to be provided by such person to the Secretary, which meets the requirements of this paragraph.

''(k) To the extent consistent with the public health, the Secretary shall promulgate regulations for exempting from the operation of this section new animal drugs, and animal feeds bearing or containing new animal drugs, intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of animal drugs. Such regulations may, in the discretion of the Secretary, among other conditions relating to the protection of the public health, provide for conditioning such exemption upon the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such article, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of such article, as the Secretary finds will enable the Secretary to evaluate the safety and effectiveness of such article in the event of the filing of an application pursuant to this section. Such regulations, among other things, shall set forth the conditions (if any) upon which animals treated with such articles, and any products of such animals (before or after slaughter), may be marketed for food use.

''INDEX OF LEGALLY MARKETED UNAPPROVED MINOR USE ANIMAL DRUGS FOR MINOR SPECIES WITH NO HUMAN FOOD SAFETY CONCERN

''SEC. 574. (a)(1) The Secretary shall establish an index of unapproved minor use new animal drugs that may be lawfully marketed for use in minor species with no human food safety concern.

''(2) Such index is intended to benefit primarily zoo and wildlife species, aquarium and bait fish, reptiles and amphibians, caged birds, and small pet mammals as well as some commercially produced species such as cricket, earthworms and possibly nonfood life stages of some minor species used for human food such as oysters and shellfish.

''(3) Such index shall conform to the requirements in subsection (d).

''(b)(1) Any person may submit a request to the Secretary for a preliminary determination that a drug may be eligible for inclusion in the index. Such a request shall include—

''(A) information regarding the proposed species, conditions of use, and anticipated annual production;

''(B) information regarding product formulation and manufacturing; and

''(C) information sufficient for the Secretary to determine that there does not appear to be human food safety, environmental safety, occupational safety, or bioavailability concerns with the proposed use of the drug.

''(2) Within 90 days after the submission of a request for a preliminary determination under paragraph (1), the Secretary shall grant or deny the request, and notify the submitter of the Secretary's conclusion. The Secretary shall grant the request if it appears that—

''(A) the request addresses the need for a minor use animal drug for which there is no approved or conditionally approved drug, and

''(B) the proposed drug use does not appear to raise human food safety, environmental safety, occupational safety, or bioavailability concerns.

''(3) If the Secretary denies the request, the Secretary shall provide due notice and an opportunity for an expedited informal hearing.

''(4) If the Secretary does not grant or deny the request within 90 days, the Secretary shall provide the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate with the reasons action on the request did not occur within such 90 days.

''(5) The decision of the Secretary under this subsection shall constitute a final agency decision for purposes of judicial review.

''(c)(1) With respect to a drug for which the Secretary has made a preliminary determination of eligibility under subsection (b), the submitter of that request may request that the Secretary add the drug to the index established by subsection (a). Such a request shall include—

''(A) a copy of the Secretary's preliminary determination of eligibility issued under subsection (b);

''(B) a qualified expert panel report that meets the requirements in paragraph (2);

''(C) a proposed index entry;

''(D) proposed labeling;

''(E) anticipated annual production of the drug; and

''(F) a commitment to manufacture, label, and distribute the drug in accordance with the index entry and any additional requirements that the Secretary may prescribe by general regulation or specific order.

''(2) For purposes of paragraph (1), a 'qualified expert panel report' is a written report that—

''(A) is authored by a panel of individuals qualified by scientific training and experience to evaluate the safety and effectiveness of animal drugs for the intended uses and species in question and operating external to the Food and Drug Administration;

''(B) addresses all available target animal safety and effectiveness information, including anecdotal information where necessary;

''(C) addresses proposed labeling;

''(D) addresses whether the drug should be limited to use under the professional supervision of a licensed veterinarian; and

''(E) addresses whether, in the expert panel's opinion, the benefits of using the drug outweigh its risks, taking into account the harm being caused by the absence of an approved or conditionally approved new animal drug for the minor use in question.

''(3) Within 180 days after the receipt of a request for listing a drug in the index, the Secretary shall grant or deny the request. The Secretary shall grant the request if the Secretary finds, on the basis of the expert panel report and other information available to the Secretary, that the benefits of using the drug outweigh its risks, taking into account the harm caused by the absence of an approved or conditionally approved new animal drug for the minor use in question. If the Secretary denies the request, the Secretary shall provide due notice and the opportunity for an expedited informal hearing. If the Secretary does not grant or deny the request within 180 days, the Secretary shall provide the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate with the reasons action on the request did not occur within such 180 days. The decision of the Secretary under this paragraph shall constitute a final agency decision for purposes of judicial review.

''(d)(1) The index established by subsection (a) shall include the following information for each listed drug:

''(A) The name and address of the sponsor of the index listing.

''(B) The name of the drug, its dosage form, and its strength.

''(C) Labeling.

''(D) Production limits or other conditions the Secretary deems necessary to prevent misuse of the drug.

''(E) Requirements that the Secretary deems necessary for the safe and effective use of the drug.

''(2) The Secretary shall publish the index, and revise it monthly.

''(e)(1) If the Secretary finds, after due notice to the sponsor and an opportunity for an expedited informal hearing, that—

''(A) on the basis of new information before the Secretary, evaluated together with the evidence available to the Secretary when the drug was listed in the index, the benefits of using the drug do not outweigh its risks, or

''(B) the conditions and limitations of use in the index listing have not been followed,

the Secretary shall remove the drug from the index. The decision of the Secretary shall constitute final agency decision for purposes of judicial review.

''(2) If the Secretary finds that there is an imminent hazard to the health of man or of the animals for which such drug is intended, the Secretary may suspend the listing of such drug immediately, and give the sponsor prompt notice of the Secretary's action and afford the sponsor the opportunity for an expedited informal hearing. Authority to suspend the listing of a drug shall not be delegated below the Commissioner of Food and Drugs.

''(f)(1) In the case of any new animal drug for which an index listing pursuant to subsection (a) is in effect, the sponsor shall establish and maintain such records, and make such reports to the Secretary, of data relating to experience, and other data or information, received or otherwise obtained by such sponsor with respect to such drug, or with respect to animal feeds bearing or containing such drug, as the Secretary may by general regulation, or by order with respect to such listing, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (e). Such regulation or order shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulation or order is applicable, of similar information received or otherwise obtained by the Secretary.

''(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

''(g) The labeling of a drug that is the subject of an index listing shall state, prominently and conspicuously, that the drug is legally marketed but not approved.

''(h) The Secretary shall promulgate regulations to implement this section. Such regulations shall address, among other subjects, the composition of the expert panel, sponsorship of the expert panel under the auspices of a recognized professional organization, conflict of interest criteria for panel members, and the use of advisory committees convened by the Food and Drug Administration.

''(i) To the extent consistent with the public health, the Secretary shall promulgate regulations for exempting from the operation of this section new animal drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of animal drugs. Such regulations may, in the discretion of the Secretary, among other conditions relating to the protection of the public health, provide for conditioning such exemption upon the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such article, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of such article, as the Secretary finds will enable the Secretary to evaluate the safety and effectiveness of such article in the event of the filing of a request for an index listing pursuant to this section. Such regulations, among other things, shall set forth the conditions (if any) upon which animals treated with such articles, and any products of such animals (before or after slaughter), may be marketed for food use.

''GRANTS AND CONTRACTS FOR DEVELOPMENT OF ANIMAL DRUGS FOR MINOR USES

''SEC. 575. (a) The Secretary may make grants to and enter into contracts with public and private entities and individuals to assist in defraying the costs of qualified testing expenses and manufacturing expenses incurred in connection with the development of drugs for minor uses.

''(b) For purposes of subsection (a) of this section:

''(1) The term 'qualified testing' means—

''(A) clinical testing—

''(i) which is carried out under an exemption for a drug for minor uses under section 512(j), 573(k), or 574(i); and

''(ii) which occurs after the date such drug is designated under section 571 and before the date on which an application with respect to such drug is submitted under section 512; and

''(B) preclinical testing involving a drug for minor use which occurs after the date such drug is designated under section 571 and before the date on which an application with respect to such drug is submitted under section 512.

''(2) The term 'manufacturing expenses' means expenses incurred in developing processes and procedures intended to meet current good manufacturing practice requirements which occur after such drug is designated under section 571 and before the date on which an application with respect to such drug is submitted under section 512.

''(c) For grants and contracts under subsection (a), there are authorized to be appropriated $1,000,000 for fiscal year 2001, $1,500,000 for fiscal year 2002, and $2,000,000 for fiscal year 2003.''.

(c) THREE-YEAR EXCLUSIVITY FOR MINOR USE APPROVALS.—Section 512(c)(2)(F)(ii), (iii), and (v) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii), (iii), and (v)) is amended by striking ''(other than bioequivalence or residue studies)'' and inserting ''(other than bioequivalence studies or, except in the case of a new animal drug for minor uses, residue studies)''.

(d) SCOPE OF REVIEW FOR MINOR USE APPLICATIONS.—Section 512(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(d)) is amended by adding at the end the following:

''(5) In reviewing a supplement to an approved application that seeks a minor use approval, the Secretary shall not reconsider information in the approved application to determine whether it meets current standards for approval.''.

(e) PRESUMPTION OF NEW ANIMAL DRUG STATUS.—Section 709 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379a) is amended by designating the existing text as subsection (a), and by adding after such new subsection the following:

''(b) In any action to enforce the requirements of this Act respecting a drug for minor use that is not the subject of an approval under section 512, a conditional approval under section 573, or an index listing under section 574, it shall be presumed that the drug is a new animal drug.''.

(f) CONFORMING AMENDMENTS.—

(1) Section 512(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) there is in effect an approval of an application filed pursuant to subsection (b) with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such approved application;

''(B) there is in effect a conditional approval of an application filed pursuant to section 573 with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such conditionally approved application; or

''(C) there is in effect an index listing pursuant to section 574 with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such index listing.''.

(2) Section 512(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a)(4)) is amended by adding after ''if an approval of an application filed under subsection (b)'' the following: ''or a conditional approval of an application filed under section 573''.

(3) Section 503(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(f)) is amended as follows:

(A) In paragraph (1)(A)(ii) by striking ''512'' and inserting the following: ''512, a conditionally approved application under subsection (b) of section 573, or an index listing under subsection (a) of section 574.''.

(B) In paragraph (3) by striking ''section 512'' and inserting the following: ''sections 512, 573, or 574.''.

(4) Section 504(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 354(a)(1)) is amended by striking ''512(b)'' and inserting ''512(b), a conditionally approved application filed pursuant to section 573, or an index listing pursuant to section 574.''.

(5) Section 504(a)(2)(B) and (b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 354(a)(2)(B), and 354(b)) are amended by striking ''512(i)'' and inserting ''512(i) or section 573(g), or the index listing pursuant to section 574.''.

(6) Section 403(a) of the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 371(a)) is amended by adding at the end ''For purposes of this section, an approved article includes a new animal drug that is the subject of a conditional approval or an index listing under sections 573 and 574 of the Federal Food, Drug, and Cosmetic Act, respectively.''.

(g) REGULATIONS.—The Secretary of Health and Human Services shall promulgate proposed regulations to implement amendments to the Federal Food, Drug, and Cosmetic Act made by this Act within 6 months of the date of enactment of this Act, and final regulations within 24 months of the date of enactment of this Act.

(h) OFFICE OF MINOR USE ANIMAL DRUG DEVELOPMENT.—

(1) The Secretary of Health and Human Services shall establish within the Center of Veterinary Medicine of the Food and Drug Administration an Office of Minor Use Animal Drug Development (referred to in this subsection as the ''Office''). The Secretary of Health and Human Services shall select an individual to serve as the Director of such Office. The Director of such Office shall report directly to the Director of the Center for Veterinary Medicine. The Office shall be responsible for designating minor use animal drugs under section 571 of the Federal Food, Drug, and Cosmetic Act, for administering grants and contracts for the development of animal drugs for minor uses under section 575 of the Federal Food, Drug, and Cosmetic Act, and for serving as liaison with any party interested in minor use animal drug development.

(2) For the Office described under paragraph (1), there are authorized to be appropriated $1,200,000 for each of the fiscal years 2001 through 2003.

SEC. 4. CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN ANIMAL DRUGS FOR MINOR USES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 45C the following new section:

''SEC. 45D. CLINICAL TESTING EXPENSES FOR CERTAIN ANIMAL DRUGS FOR MINOR USES.

''(a) GENERAL RULE.—For purposes of section 38, the minor use animal drug credit determined under this section for the taxable year is an amount equal to 50 percent of the qualified animal clinical testing expenses for the taxable year.

''(b) QUALIFIED ANIMAL CLINICAL TESTING EXPENSES.—For purposes of this section—

''(1) QUALIFIED ANIMAL CLINICAL TESTING EXPENSES.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified animal clinical testing expenses' means the amounts which are paid or incurred by the taxpayer during the taxable year which would be described in subsection (b) of section 41 if such subsection were applied with the modifications set forth in subparagraph (B).

''(B) MODIFICATIONS.—For purposes of subparagraph (A), subsection (b) of section 41 shall be applied—

''(i) by substituting 'animal clinical testing' for 'qualified research' each place it appears in paragraphs (2) and (3) of such subsection, and

''(ii) by substituting '100 percent' for '65 percent' in paragraph (3)(A) of such subsection.

''(C) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified animal clinical testing expenses' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(D) SPECIAL RULE.—For purposes of this paragraph:

''(i) section 41 shall be deemed to remain in effect for periods after June 30, 2000; and

''(ii) the trade or business requirement of section 41(b)(1) shall be deemed to be satisfied in the case of a taxpayer that owns animals and that conducts clinical testing on such animals.

''(2) ANIMAL CLINICAL TESTING.—

''(A) IN GENERAL.—The term 'animal clinical testing' means any clinical testing—

''(i) which is carried out under an exemption for a drug being tested for minor use under section 512(j), 573(k), or 574(i) of the Federal Food, Drug, and Cosmetic Act (or regulations issued under such sections),

''(ii) which occurs—

''(I) after the date such drug is designated under section 571 of such Act, and

''(II) before the date on which an application with respect to such drug is approved under section 512(c) of such Act, and

''(iii) which is conducted by or on behalf of—

''(I) the taxpayer to whom the designation under such section 571 applies, or

''(II) the owner of the animals that are the subject of clinical testing.

''(B) TESTING MUST BE FOR MINOR USE.—Animal clinical testing shall be taken into account under subparagraph (A) only to the extent such testing is related to the use of a drug for the minor use for which it was designated under section 571 of the Federal Food, Drug, and Cosmetic Act.

''(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any qualified animal clinical testing expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.

''(2) EXPENSES INCLUDED IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any qualified animal clinical testing expenses for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(d) DEFINITION AND SPECIAL RULES.—

''(1) MINOR USE.—For purposes of this section, the term 'minor use' has the meaning given such term by section 201(ll) of the Federal Food, Drug, and Cosmetic Act. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date such drug is designated under section 571 of the Federal Food, Drug, and Cosmetic Act.

''(2) DENIAL OF CREDIT FOR TESTING CONDUCTED BY CORPORATIONS TO WHICH SECTION 936 APPLIES.—No credit shall be allowed under this section with respect to any animal clinical testing conducted by a corporation to which an election under section 936 applies.

''(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

''(4) ELECTION.—This section shall apply to any taxpayer for any taxable year only if such taxpayer elects (at such time and in such manner as the Secretary may by regulations prescribe) to have this section apply for such taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of such Code is amended—

(A) by striking ''plus'' at end of paragraph (11),

(B) by striking the period at the end of paragraph (12) and inserting '', plus'', and

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

''(13) the minor use animal drug credit determined under section 45D(a).''.

(2) Section 280C(b) of such Code is amended—

(A) in paragraph (1), by striking ''section 45C(b)'' and inserting ''section 45C(b) or 45D(b)'', and

(B) in paragraphs (1) and (2), by striking ''section 45C'' each place it appears and inserting ''section 45C or 45D''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45C the following new item:

''Sec. 45D. Clinical testing expenses for certain animal drugs for minor uses.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(e) REGULATIONS.—The Secretary of the Treasury shall publish proposed regulations to implement amendments to the Internal Revenue Code of 1986 made by this Act within 6 months after the date of the enactment of this Act, and final regulations within 24 months after such date.

Mr. DODD (for himself, Ms. COLLINS, and Mr. KENNEDY):

S. 3170. A bill to amend the Higher Education Act of 1965 to assist institutions of higher education to help at-risk students to stay in school and complete their 4-year postsecondary academic programs by helping those institutions to provide summer programs and grant aid for such students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

COLLEGE COMPLETION CHALLENGE GRANTS ACT OF 2000

Mr. DODD. Mr. President, I rise today to join Senator COLLINS in offering legislation that will support our youth and promote their abilities by helping them stay in college and complete their degrees.

There is no question that post-secondary education is a critical component in individual success in today's economy. Parents understand this reality from the day their children are born and they start worrying about how to make college affordable. Students know it as they work to achieve

good grades and high test scores. And policymakers know it as we work to increase Pell grants and support increased saving options for families.

But colleges achievement is not just about being accepted at a higher education institution. To fully see the benefits of post-secondary education, one must complete a degree. And yet, while college enrollment rates have been rising, 37 percent of students who enter post-secondary education drop out before they receive a degree or certificate. This problem is especially acute for minorities. Thirty percent of African-Americans and Hispanic-Americans drop out of college before the end of their first year. This is almost double the rate of white Americans.

For these students and for us as a nation, these statistics represent a lost opportunity. Clearly, these students aspire to greater things—to more education and better careers. But instead of fulfilling this promise, they leave school with their potential unrealized. Unfortunately, many of them also leave school not just with an academic set-back, but also with substantial student loan debt, which today is as much a reality of college attendance as is a course syllabus.

The legislation I am introducing today, the ''College Completion Challenge Grants Act of 2000'', would provide vital support and assistance to at-risk students to help them stay in school and complete their degrees. The College Completion Challenge grant program is based on the successful work of the Student Support Services (SSS) program, which is one of the Turning R Into Opportunity programs. While TRIO is better known for its early intervention programs with talented, at-risk high school students, SSS follows through on these early efforts by supporting at-risk, first-generation college students once they are enrolled. The College Completion Challenge grants would supplement these student support services by offering additional scholarship aid, intensive summer programs, and further support services to students at risk of dropping out. Higher education institutions participating in SSS as well as those that provide similar support through other sources would be eligible to apply for these additional dollars.

Mr. President, the House of Representatives has already acted on similar legislation, which was included in the Higher Education Technical Amendments that passed the House earlier this year. So, I am hopeful that we too can find an appropriate vehicle to support these students as they pursue their dreams. I urge my colleagues to support this legislation.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS):

S. 3171. A bill to amend the Internal Revenue Code of 1986 to extend the section 29 credit for producing fuel from a non-conventional source; to the Committee on Finance.

ENERGY SECURITY FOR AMERICAN CONSUMERS ACT OF 2000

Mr. MURKOWSKI. Mr. President, if this country is ever going to achieve the goal of reducing our dependency on foreign sources of oil to at least 50 percent, we are going to have to provide incentives that will encourage our energy industry to recover oil and gas from nonconventional sources.

In the aftermath of the twin oil shocks of the 1970s, Congress enacted Section 29 of the tax code which provides a tax credit to encourage production of oil and gas from unconventional sources such as Devonian shale, tight rock formations, coalbeds and geopressurized brine. This credit has helped the industry invest in new technologies which allow us to recover large oil and gas deposits that are locked in various formations which are very expensive to develop.

Since the Clinton-Gore Administration came into office, it has sent up various proposals all designed to eliminate the Section 29 credit. As a result of their efforts, the Section 29 credit has not applied to any facilities placed in service since July 1, 1998. That makes absolutely no sense when we realize that today we are 56 percent dependent on foreign sources of oil. Doing away with this credit sends a direct signal to the market—this country will not lift a finger to encourage energy development at home.

I think it is time to reverse the failed energy policies of the Clinton-Gore administration. As part of that effort, I am today introducing legislation that would extend the Section 29 credit until 2013 and allow it to apply to facilities that are placed in service before 2011. I am pleased that Senators BREAUX and STEVENS are joining me in this effort.

Mr. President, if we are to retain the prosperity we have enjoyed over the last 20 years, we must have a stable and secure supply of oil and natural gas. Section 29 is an important provision that will allow our energy development companies to bring technologies on line to develop new energy deposits.

Moreover, the bill expands the definition of qualifying investments to include heavy oil. In Alaska, there are several billion barrels of heavy oil in West Sak Prudhoe Bay that are just too costly to exploit because of the density of the oil and the fact that it is heavily laden with sand. Extension of the Section 29 credit could very well mean that these billions of barrels of heavy oil could be exploited and brought onto the U.S. energy market.

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

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

S. 3171

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 ''Energy Security for American Consumers Act of 2000''.

SEC. 2. EXTENSION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) EXTENSION OF CREDIT.—Subsection (f) of section 29 of the Internal Revenue Code of 1986 (relating to credit for producing fuel from a nonconventional source) is amended—

(1) in paragraph (1)(A), by inserting before ''or'' the following: ''or from a well drilled after the date of the enactment of the Energy Security for American Consumers Act of 2000, and before January 1, 2011,'',

(2) in paragraph (1)(B), by inserting before ''and'' at the end the following: ''or placed in service after the date of the enactment of the Energy Security for American Consumers Act of 2000, and before January 1, 2011,'', and

(3) in paragraph (2), by striking ''2003'' and inserting ''2013''.

(b) REDUCTION IN AMOUNT OF CREDIT BY 20 PERCENT PER YEAR STARTING IN 2007.— Subsection (a) of section 29 of such Code is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to—

''(A) the applicable amount, multiplied by

''(B) the barrel-of-oil equivalent of qualified fuels—

''(i) sold by the taxpayer to an unrelated person during the taxable year, and

''(ii) the production of which is attributable to the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is the amount determined in accordance with the following table:

In the case of taxable years beginning in calendar year:	The applicable amount is:
2001 to 2008	$3.00
2009	$2.60
2010	$2.00
2011	$1.40
2012	$0.80
2013 and thereafter	$0.00.''

(c) CREDIT ALLOWED AGAINST BOTH REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—Paragraph (6) of section 29(b) of such Code is amended to read as follows:

''(6) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this section) and under section 1397E.''

(d) QUALIFIED FUELS TO INCLUDE HEAVY OIL.—Subsection (c) of section 29 of such Code (defining qualified fuels) is amended—

(1) in paragraph (1), by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) heavy oil, as defined in section 613A(c)(6)(7).'', and

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

''(4) SPECIAL RULE FOR HEAVY OIL.—Heavy oil shall be considered to be a qualified fuel only if it is produced from a well drilled, or in a facility placed in service, after the date of the enactment of the Energy Security for American Consumers Act of 2000, and before January 1, 2011.''

(e) REPEAL OF SUPERSEDED SUBSECTION.—Subsection (g) of section 29 of such Code is repealed.

(f) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 2000.

By Mr. KENNEDY:

S. 3172. A bill to provide access to affordable health care for all Americans; to the Committee on Finance.

BASIC HEALTH PLAN ACT

Mr. KENNEDY. Mr. President, last week, the Census Bureau released new figures on the number of the uninsured. Thanks to a prosperous economy and the Children's Health Insurance Program, the number of the uninsured declined for the first time in more than a decade. But that decline was small, and it is no cause for complacency. The number of uninsured is still far too high—43 million Americans have no insurance coverage—and any weakening in the economy is likely to send the number higher again.

It's a national disgrace that so many Americans find the quality of their health determined by the quantity of their wealth. In this age of the life sciences, the importance of good medical care in curing disease and improving and extending life is more significant than ever, and denying any family the health care they need is unacceptable.

Earlier this year, along with a number of my colleagues in the House and Senate, I introduced bipartisan legislation to extend the Child Health Insurance Program to include the parents of participating children and to increase the enrollment of eligible children in Medicaid and CHIP. It received a majority vote in the Senate, but it was defeated on a procedural motion. I hope that we will be able to pass it promptly next year, as an initial effective step to reduce the number of the uninsured.

Today, I am introducing an additional measure. The Basic Access to Secure Insurance Coverage Health plan—or BASIC Health plan. Congressman John Dingell is introducing a companion measure in the House. Our proposal uses the model of the Child Health Insurance Program to make subsidized coverage available—through private insurance or Medicaid—to all Americans with incomes below 300 percent of poverty—$25,000 a year for an individual and $42,000 a year for a family of three.

Almost three-quarters of the uninsured are in this income range. Our plan also includes innovative steps to encourage current and newly eligible individuals and families to enroll. It is a major step toward the day when access to affordable health care will be a reality for all Americans, and I hope it will be enacted as well next year.

The need for BASIC is clear. One of our highest national priorities for the new century must be to make good health care a reality for all our people. Every other industrialized society in the world except South Africa achieved that goal in the 20th century—and under Nelson Mandela and Thabo Mbeki, South Africa has taken giant steps toward universal health care today. But in our country, the law of the jungle still too often prevails. Forty-three million of our fellow citizens are left out and left behind when it comes to health insurance.

The dishonor roll of suffering created by this national problem is a long one.

Children fail to get a healthy start in life because their parents cannot afford the eyeglasses or hearing aids or doctors visits they need.

A young family loses its chance to participate in the American dream, when a breadwinner is crippled or killed because of lack of timely access to medical care.

A teenager is condemned to go without a college education because the family's income and energy are sucked away by the high financial and emotional cost of uninsured illness.

An older couple sees its hope for a dignified retirement dashed when the savings of a lifetime are washed away by a tidal wave of medical debt.

Even in this time of unprecedented prosperity, more than 200,000 Americans annually file for bankruptcy because of uninsured medical costs. And the human costs of being uninsured are often just as devastating.

In any given year, one-third of the uninsured go without needed medical care.

Eight million uninsured Americans fail to take the medication that their doctor prescribes, because they cannot afford to fill the prescription.

Four hundred thousand children suffer from asthma but never see a doctor. Five hundred thousand children with recurrent earaches never see a doctor. Another five hundred thousand children with severe sore throats never see a doctor.

Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty—because they are uninsured.

Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment before their cancer has already spread to other parts of their bodies. As a result, they are 50 percent more likely to die of the disease.

Overall, eighty-three thousand Americans die each year because they have no insurance. The lack of insurance is the seventh leading cause of death in America today. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

Today our opportunity to finally end these millions of American tragedies is greater than ever before. Our prosperous economy gives us large new resources to invest in meeting this critical need. Recently, some Republicans in Congress have finally joined Democrats in urging our country to meet the challenge of providing health coverage to the 43 million Americans who are uninsured.

The BASIC plan can be a bridge for both Republicans and Democrats to come together. It is based on the model of the Child Health Insurance Program, which enjoys broad bi-partisan support in every state in the country. It emphasizes a Federal-State partnership to make care accessible and affordable. Insurance is provided primarily through the private sector, but without employer mandates.

The BASIC plan is designed to supplement, not replace, the current employment-based system of health care. It will also build on Medicaid, which effectively serves so many of the very poor, the working poor, the disabled, and people with AIDS.

Federal subsidies under BASIC will be targeted to those without insurance today. We should not disrupt the health coverage that 161 million Americans now receive through their employers. It makes no sense to encourage those who already have reliable employer-based health insurance to turn instead to a new government-subsidized program. The cost to taxpayers would balloon needlessly, and force us to reduce benefits in order to cut costs.

The proposal builds on and expands proven programs that are already in place. States will provide coverage under Medicaid for all very low income people, consistent with the mandate that already exists in federal law to provide Medicaid coverage for all children with family incomes below 100 percent of poverty. Medicaid's broad benefits and minimal cost-sharing are ideal for very low income people, because they cannot afford to contribute significantly to the cost of their own care.

For low and moderate income individuals and families, the plan follows the CHIP model. States will have the choice of providing coverage through Medicaid or contracting with private insurance companies to offer subsidized coverage to those eligible to participate. The state would pay the insurance company a premium for each individual enrolled. For higher income enrollees, the individual would make a premium contribution as well.

One-third of all the uninsured today are poor, and almost three-quarters of the uninsured have incomes below 300 percent of poverty. A program of subsidies targeted on these low and moderate income Americans will put affordable health insurance within reach of the vast majority of the uninsured.

One of the biggest problems we face in expanding health insurance coverage through such a program is assuring that those who are eligible actually participate. We have learned a great deal from the experience under CHIP on how to achieve this objective. We know that simple, mail-in forms are important. We know that public information campaigns and the involvement of community-based organizations can be valuable. We know that programs with presumptive eligibility are effective—so that people can be signed up

right away, without waiting until the eligibility verification process has been completed. We know that enrolling people for a year at a time without subjecting them to reapplications or reverification of income more often than once a year is critical. Through steps like these, we can see that the uninsured are not only eligible for the program but actually participate in it, so that they actually have the financial protection and access to timely medical care they need.

The BASIC Health plan will not require employers to contribute to the cost of coverage. But it will require them to make the BASIC plan coverage available through the workplace, and forward the premiums of workers to the insurance company that the workers choose. This step is a minimum obligation that responsible employers should be willing to accept—and it can significantly increase the number of the uninsured who actually have coverage. Eighty-two percent of uninsured Americans today are workers or dependents of workers. Our message to all of them is that help is finally on the way.

The cost of the BASIC place is an estimated $200 billion to $300 billion over the next ten years—approximately the cost of the prescription drug plans that many of us have proposed under Medicare. It's a substantial amount of the surplus, but as we know from the success of Medicare, few if any federal dollars are better spent.

In sum, every child deserves a healthy start and life. Every family deserves protection against the high cost of illness. All Americans deserve timely access to quality, affordable health care. The American people want action. It is time for all of us to make the cause of health care for all a national priority.

I ask unanimous consent that a summary of the BASIC plan and a fact sheet on the problem of the uninsured be included in the RECORD.

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

NEED FOR LEGISLATION AND SUMMARY OF THE ''BASIC'' HEALTH PROGRAM: UNIVERSAL ACCESS TO AFFORDABLE QUALITY HEALTH INSURANCE

America is the only industrial country in the world, except South Africa, that does not guarantee health care for all its citizens. The number of uninsured declined last year for the first time in more than a decade—but 43 million Americans remain uninsured, and any slowdown in the economy is likely to send the number up again. The vast majority of the uninsured are workers or dependents of workers. The consequences of being uninsured go far beyond vulnerability to catastrophic medical costs. The uninsured often lack timely access to quality health care, especially preventive care. They suffer unnecessary illness and even death because they have no coverage.

Growth in the Uninsured

The number of the uninsured has grown from 32 million in 1987 to 43 million this year. Except for a brief pause in 1993 and 1994, the number of uninsured has consistently increased by a million or more each year until this year. Even these figures understate the number of the uninsured. During the course of a year, 70 million Americans will be uninsured for an extended period of time.

Characteristics of the Uninsured

The vast majority of privately insured Americans—161 million citizens under 65—receive coverage on the job as workers or members of their families. But the uninsured are also overwhelmingly workers or their dependents. Eighty-two percent of those without insurance are employees or family members of employees. Of these uninsured workers, most are members of families with at least one person working full-time.

Most uninsured workers are uninsured because their employer either does not offer coverage, or because they are not eligible for the coverage offered. Seventy percent of uninsured workers are in firms where no coverage is offered. Eighteen percent are in firms that offer coverage, but they are not eligible for it, usually because they are part-time workers or have not been employed by the firm long enough to qualify for coverage. Only 12 percent of uninsured workers are offered coverage and decline.

The uninsured are predominantly low and moderate income persons. Almost 25 percent are poor (income of $8,501 or less for a single individual; $13,290 or less for a family of three). Twenty-eight percent have incomes between 100 and 200 percent of poverty. Eighteen percent have incomes between 200 and 300 percent of poverty. Almost three-fourths have incomes below 300 percent of poverty.

Consequences of Being Uninsured

An uninsured family is exposed to financial disaster in the event of serious illness. Unpaid medical bills account for 200,000 bankruptcies annually. Over 9 million families spend more than one fifth of their total income on medical costs. The health consequences of being uninsured are often as devastating as the economic costs:

In any given year, one-third of the uninsured go without needed medical care.

Eight million uninsured Americans fail to take medication their doctors prescribe, because they cannot afford to fill the prescription.

Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty, because they are uninsured.

Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment until their cancer has already spread in their bodies. As a result, they are 50 percent more likely to die of the disease.

The tragic bottom line is that eighty-three thousand Americans die every year because they have no insurance. Being uninsured is the seventh leading cause of death in America. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

THE PROPOSAL: SUMMARY OF BASIC ACCESS TO SECURE INSURANCE COVERAGE HEALTH PLAN (''BASIC'' HEALTH PLAN)

Overview

The BASIC program builds on the bi-partisan Child Health Insurance Program and on Vice-President Gore's proposal to extend insurance coverage under CHIP and Medicaid to the parents of eligible children. The Child Health Insurance Program provides subsidized coverage through Medicaid or private insurers contracting with state governments for low and moderate income children. The BASIC plan extends the availability of subsidized coverage to all uninsured low and moderate income Americans, regardless of age or family status. It guarantees the availability of coverage in every state for every uninsured person, and includes provisions to encourage enrollment by those who are eligible. The plan also allows those who have incomes too high to qualify for subsidies to participate in the program by paying the full premium.

Key Provisions

Phase 1: Coverage for Children and Parents—Expansion of CHIP and Medicaid

Eligibility levels are raised to 300 percent of poverty for all uninsured children.

Coverage is made available to all uninsured parents of eligible children.

Coverage is made available to legal immigrant children and their parents.

The required benefit package for children is improved by adding eye-glasses, hearing aids, and medically necessary rehabilitative services for disabled or developmentally delayed children.

Additional steps are established to encourage enrollment of eligible children and their parents, including presumptive eligibility, qualification for at least twelve months, and simplified application forms.

The system of capped state allotments under CHIP is eliminated and federal matching funds are made available for all eligible persons enrolled in the program.

Phase II: Coverage for the Remaining Uninsured

Subsidized coverage is made available for all uninsured single adults with incomes below 300 percent of poverty. Coverage is phased in by income levels, beginning with those below 50 percent of poverty in the third year of the program, rising to 300 percent of poverty in the ninth year.

Unsubsidized coverage is available to all individuals in families with incomes too high to qualify for subsidized coverage, by paying the cost through premiums.

Responsibility of Employers

Eighty-two percent of the uninsured are workers or dependents of workers. Employers will not be required to provide coverage or contribute to the cost of coverage—but they will be required to offer their uninsured employees an opportunity to enroll in the program and agree to facilitate the coverage by withholding any required premium contributions from the employee's periodic pay.

Cost

Preliminary estimates of similar proposals indicate that the federal cost will be $200–$300 billion over the next ten years, beyond the amount already budgeted for expansions of coverage under the current CHIP program.

By Mr. SMITH of New Hampshire (for himself, Mr. WARNER, Mr. INHOFE, Mr. THOMAS, Mr. BOND, Mr. VOINOVICH, Mr. CRAPO, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MOYNIHAN, and Mr. GRAHAM):

S. 3173. A bill to improve the implementation of the environmental streamling provisions of the Transportation Equity Act for the 21st Century; read the first time.

ENVIRONMENTAL STREAMLINING IMPROVEMENT ACT

Today I am introducing legislation that requires the US Department of Transportation to make substantial revisions to the recently proposed regulations on transportation planning and environmental streamlining. This action is necessary because the proposed

regulations fail to fully comply with the direction that Congress gave to the U.S. Department of Transportation (US DOT) in the Transportation Equity Act for the 21st Century—the so-called TEA—21—that we passed in 1998.

The proposed regulations cover the inter-related disciplines of transportation planning and environmental protection. It is my view that transportation system development and the environment can exist in harmony if there is proper planning and foresight. All too often, though, there is a lack of coordination that results in unnecessary delays to transportation projects, or leads to wasted time and funds on projects that never get built.

This is the problem that I, along with my colleagues, Senators GRAHAM and WYDEN, attempted to address when we authored TEA–21's environmental streamlining provision. Our provision, which is section 1309 of TEA–21, required a more systematic approach to avoid conflicts, expedite approvals, and eliminate duplicated efforts in developing transportation projects.

Section 1309 does not weaken environmental standards or avoid existing requirements for environmental analysis. Instead, section 1309 requires better coordination between the transportation and environmental agencies.

Specifically, section 1309 requires that US DOT to establish a coordinated review process among the various state and federal agencies, to ensure concurrent rather than sequential reviews by these agencies, and to establish a dispute resolution process so that delays are not created by lingering, unresolved problems. We also included other changes in TEA–21 that were intended to put greater order and efficiency into the planning and approval of transportation projects.

Unfortunately, the proposed regulations fail to meet the requirements of TEA–21 in two important respects: First, the regulations do not incorporate the specific requirements of environmental streamlining with regard to time periods for review or a dispute resolution process.

Second, the regulations create new data collection, consultation and analysis requirements that will further complicate and delay transportation projects.

The full Committee on Environment and Public Works held a hearing two weeks ago to take testimony from the administration and the states on the intent and effect of these regulations. the states unanimously objected to the increased burden that would result from these proposed regulations. Where we intended to reduce delay, state transportation departments testified that these regulations would add years to project development, putting us even further behind in meeting our transportation needs.

A few weeks ago, eleven bipartisan members of my committee joined in a letter to the Secretary of Transportation recommending that the proposed regulations be revised and reissued. That is precisely the subject of the legislation I am introducing today.

This bill requires the Secretary of Transportation to revise the rules, taking into consideration the hundreds of comments received on the current proposal, and to comply with the clear directives that US DOT received from Congress in section 1309 of TEA–21. I hope that with a second chance, the US DOT will craft rules that clearly meet Congressional intent.

Mr. BAUCUS. Mr. President, today Senator SMITH, on behalf of Senator VOINOVICH, myself and others is introducing the Environmental Streamlining Improvement Act.

This bill ensures that the United States Department of Transportation will issue a revised rule on TEA–21 environmental streamlining regulations. This bill will give the USDOT another chance to follow the statute when issuing proposed rules on planning and the environment.

The Environment and Public Works Committee has held three hearings on the subject of environmental streamlining since the passage of TEA–21 in 1998. I am sorry to say that in the 2 years it has taken the USDOT to issue this NPRM, they fall far short of what Congress has intended. TEA–21 is very specific about what the regulations should do. The proposed regulations follow neither the word nor the intent of TEA–21.

I remember working with Senators WARNER, GRAHAM, WYDEN and CHAFEE and with the House members to develop an agreement on environmental streamlining. Those provisions are now Sections 1308 and 1309 of TEA–21.

I had heard from the Montana Department of Transportation and from others about how cumbersome a process it is to complete a highway project. Everyone who worked on TEA–21, in both the House and Senate, wanted to include a direction to the USDOT to streamline the planning and project development processes for the states.

We were very clear—the environment and the environmental reviews should not get short shrift! But, we need to find a way to make it easier to get a final decision, eliminate unnecessary delays, move faster and with as little paperwork as possible.

I cannot over-emphasize that the planning and environmental provisions of TEA–21 need to be implemented in a way that will streamline the expedite, not complicate, the process of delivering transportation projects.

That is why Congress directed the USDOT to include certain elements in their regulations on environmental streamlining.

We included concepts to be incorporated in future regulations—like concurrent environmental reviews by agencies and reasonable deadlines for the agencies to follow when completing their reviews.

Certainly we did not legislate an easy task to the USDOT. Trying to coordinate so many separate agencies is like trying to herd cats. The whole concept of environmental streamlining—that is, to make the permit and approval process work more smoothly and effectively, while still ensuring protection of the environment—is one of the more difficult challenges of TEA–21.

So I waited for the rules to come out. And waited. And two years after the passage of TEA–21 I look at the proposed rules and I am very disappointed.

I have identified several problems with these regulations and I would like to mention just a few things that I see as real problems.

First, elevating the planning process participants to the roles of decision makers. These regulations were supposed to help the States get their jobs done better and more efficiently. Its one thing to add more participants to the process. More involvement is a good thing.

But its another thing to give them the authority to make decisions about how the planning process will work. This decision maker role is currently held by State DOTs and Metropolitan Planning Organizations for a reason.

Second, what happened to ''streamlining?'' The basic elements of real streamlining are the only things not in the regs.

Third, these regulations are supposed to answer questions—but what is contained in the proposed regulations raises even more questions because they are vague there they need to be precise.

Fourth, this proposal makes it even harder, if not impossible to come to a decision. These regulations include initiatives not outlined in sections 1308 and 1309 and in many areas would strip states of their authority.

I would also like to mention that the Montana Department of Transportation filed comments or wrote letters at every possible opportunity for the public record. As I read these proposed regulations, I see that MDT's comments were either never read by the USDOT or ignored.

Let me close by saying that I believe the proposed rules would add significant requirements and uncertainty to planning and environmental review for transportation projects. In practical terms, they would increase overhead and delay—and delay usually means increased project costs. These proposed rules could make it difficult for States to deliver their programs. Contracts won't get let and jobs will be lost.

I know this is a tough task. To streamline a process while ensuring that we maintain a thorough planning and environmental review process. But, adding requirements to the process is contrary to the course charted by Congress.

At our last hearing, the administration testified that their intent was to streamline the process. The bill we are introducing today would allow them to make good on their intent.

Our bill requires the USDOT go back to the drawing board and incorporate

comments received from States and others and issue another NPRM. I am confident the USDOT will do the right thing this time.

Mr. VOINOVICH. Mr. President, I rise today to thank Senator BOB SMITH of introducing the Environmental Streamlining Improvement Act today. Last month several of my colleagues on the Environmental and Public Works Committee, following a full committee hearing on the issue, requested that the Administration revise its proposed rules on environmental streamlining and transportation planning, taking into consideration comments already submitted on the proposed rules, and publish them in the Federal Register for an additional 120-day comment period. This legislation is being introduced today because the Administration has not responded to our request.

In addition to requiring the Administration to consider public comments and to revise and re-propose rules on environmental streamlining and transportation planning, this legislation would prevent the Secretary of Transportation from finalizing the rules until May 1, 2001, and require a report on changes that were made to the revised rules.

When I was Governor of Ohio, I witnessed first-hand the frustration of many of the various state agencies because they were required to complete a myriad of federally-required tasks on whatever project they initiated.

With my background as a local and state official, I bring a unique perspective to this issue. While environmental review is good public policy, I believe that there are more efficient ways to ensure adequate and timely delivery of construction projects, while still carefully assessing environmental concerns.

Congress recognized the frustration of the states and enacted planning and environmental provisions to initiate environmental streamlining and expedite project delivery. These programs are embodied in Sections 1308 and 1309 of TEA–21. Section 1308 calls for the integration of the Major Investment Study, which had been a separate requirement for major metropolitan projects, with the National Environmental Policy Act (NEPA) process. Section 1309 of TEA–21 calls for the establishment of a coordinated review process for the Department of Transportation to work with other federal agencies to ensure that transportation projects are advanced according to cooperatively determined time-frames. This is accomplished by using concurrent rather than sequential reviews, and allows states to include state-specific environmental reviews in the coordinated process.

Last year, I conducted two hearings as Chairman of the Subcommittee on Transportation and Infrastructure on streamlining and project delivery. During those hearings I stressed how important it is that the planning and environmental streamlining provisions of TEA–21 be implemented in a way that will streamline and expedite, not complicate, the process of delivering transportation projects. A year after these hearings and nearly two years after the passage of TEA–21, the Department of Transportation finally published its proposed planning and NEPA regulations on May 25, 2000. Frankly, I am very disappointed with how long it took to propose these rules, and I believe many of my colleagues feel the same way. More importantly, there is a lot of disappointment with the proposed rules in general.

I strongly believe these proposed regulations are inconsistent with TEA–21 and Congressional intent and do little, if anything, to streamline and expedite the ability of states to commence transportation projects. The proposed rules create new mandates and requirements, add new decision-makers to the process, and provide endless fodder for all kinds of lawsuits, especially with regard to environmental justice.

In Ohio, the process of highway construction has been dubbed: ''So you Want a Highway? Here's the Eight Year Hitch.'' My hope has been that in the future we could say ''So you Want a Highway? Here's the Five Year Hitch.'' I don't see that happening with the proposal we have before us. For that reason, I am very pleased Senator SMITH has introduced this legislation today.

Mr. CRAIG (for himself, Mr. CONRAD, Mr. BAUCUS, Mr. BINGAMAN, Mr. BREAUX, Mr. BURNS, Mr. CRAPO, Mr. DASCHLE, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SMITH of New Hampshire, Mr. THOMAS, and Mr. WELLSTONE):

S. 3175. A bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL RURAL DEVELOPMENT PARTNERSHIP ACT OF 2000

Mr. CRAIG. Mr. President, I rise today with Senator CONRAD to introduce the ''National Rural Development Partnership Act of 2000''—a bill to codify the National Rural Development Partnership (NRDP or the Partnership) and provide a funding source for the program. I am pleased that Senators BAUCUS, BINGAMAN, BREAUX, BURNS, CRAPO, DASCHLE, ENZI, GORTON, GRAMM, GRAMS, GREGG, HARKIN, HUTCHISON, JEFFORDS, JOHNSON, KENNEDY, KERREY, LEAHY, LUGAR, MIKULSKI, MURRAY, REED, SARBANES, BOB SMITH, THOMAS, and WELLSTONE are joining us as original cosponsors.

The Partnership was established under the Bush Administration in 1990, by Executive Order 12720. Although the Partnership has existed for ten years, it has never been formally authorized by Congress. The current basis for the existence of the Partnership is found in the Consolidated Farm and Rural Development Act of 1972 and the Rural Development Policy Act of 1980. In addition, the Conference Committee Report on the 1996 federal Farm Bill created specific responsibilities and expectations for the Partnership and state rural development councils (SRDCs).

The Partnership is a nonpartisan interagency working group whose mission is to ''contribute to the vitality of the Nation by strengthening the ability of all rural Americans to participate in determining their futures.'' The NRDP and SRDCs do something no other entities do: facilitate collaboration among federal agencies and between federal agencies and state, local, and tribal governments and the private and non-profit sectors to increase coordination of programs and services to rural areas. When successful, these efforts result in more efficient use of limited rural development resources and actually add value to the efforts and dollars of others.

On March 8, 2000, the Subcommittee on Forestry, Conservation, and Rural Revitalization, which I chair, held an oversight hearing on the operation and accomplishments of the NRDP and SRDCs. The Subcommittee heard from a number of witnesses, including officials of the US Departments of Agriculture, Transportation and Health & Human Services, state agencies, and private sector representatives. The hearing established the need for some legislative foundation and consistent funding. The legislation we are introducing accomplishes this.

This legislation formally recognizes the existence and operations of the Partnership, the National Rural Development Council (NRDC), and SRDCs. In addition, the legislation gives specific responsibilities to each component of the Partnership and authorizes it to receive Congressional appropriations.

Specifically, the bill formally establishes the NRDP and indicates it is composed of the NRDC and SRDCs. NRDP is established for empowering and building the capacity of rural communities, encouraging participation in flexible and innovative methods of addressing the challenges of rural areas, and encouraging all those involved in the Partnership to be fully engaged and to share equally in decision making. This legislation also identifies the role of the federal government in the Partnership as being that of partner, coach, and facilitator. Federal agencies are called upon to designate senior-level officials to participate in the NRDC and to encourage field staff to participate in SRDCs. Federal agencies are also authorized to enter into cooperative agreements with, and to provide grants and other assistance to, state rural development councils, regardless of the form of legal organization of a state rural development council.

The composition of the NRDC is specified as being one representative from each federal agency with rural responsibilities, and governmental and nongovernmental for-profit and non-profit organizations that elect to participate in the NRDC. The legislation outlines the duties of the Council as being to provide support to SRDCs; facilitate coordination among federal agencies and between the federal, state, local and tribal governments and private organizations; enhance the effectiveness, responsiveness, and delivery of federal government programs; gather and provide to federal agencies information about the impact of government programs on rural areas; review and comment on policies, regulations, and proposed legislation; provide technical assistance to SRDCs; and develop strategies for eliminating administrative and regulatory impediments. Federal agencies do have the ability to opt out of participation in the Council, but only if they can show how they can more effectively serve rural areas without participating in the Partnership and Council.

This legislation provides that states may participate in the Partnership by entering into a memorandum of understanding with USDA to establish an SRDC. SRDCs are required to operate in a nonpartisan and nondiscriminatory manner and to reflect the diversity of the states within which they are organized. The duties of the SRDCs are to facilitate collaboration among government agencies at all levels and the private and non-profit sectors; to enhance the effectiveness, responsiveness, and delivery of federal and state government programs; to gather information about rural areas in its state and share it with the NRDC and other entities; to monitor and report on policies and programs that address, or fail to address, the needs of rural areas; to facilitate the formulation of needs assessments for rural areas and participate in the development of the criteria for the distribution of federal funds to rural areas; to provide comments to the NRDC and others on policies, regulations, and proposed legislation; assist the NRDC in developing strategies for reducing or eliminating impediments; to hire an executive director and support staff; and to fundraise.

As I have stated before, this legislation authorizes the Partnership to receive appropriations as well as authorizing and encouraging federal agencies to make grants and provide other forms of assistance to the Partnership and authorizing the Partnership to accept private contributions. The SRDCs are required to provide at least a 25 percent match for funds it receives as a result of its cooperative agreement with the federal government.

As you know, too many parts of rural America have not shared in the boom that has brought great prosperity to urban America. We need to do more to ensure that rural citizens will have opportunities similar to those enjoyed by urban areas. To do so, we do not necessarily need new government programs. Instead, we must do a better job of coordinating the many programs available for USDA and other federal agencies that can benefit rural communities. With the passage of this legislation, the NRDP and SRDCs will be better situated to provide that much needed coordination.

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

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

S. 3175

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Rural Development Partnership Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) rural development has been given high priority throughout most of this century as a means of achieving a sound balance between rural and urban areas in the United States, a balance that Congress considers essential to the peace, prosperity, and welfare of all citizens of the United States;

(2)(A) during the last half century, Congress has enacted many laws and established many programs to provide resources to rural communities;

(B) in addition, numerous efforts have been made to coordinate Federal rural development programs; and

(C) during the last decade, the National Rural Development Partnership and its principal components, the National Rural Development Council and State rural development councils, have successfully provided opportunities for collaboration and coordination among Federal agencies and between Federal agencies and States, nonprofit organizations, the private sector, tribal governments, and other entities committed to rural advancement;

(3) Congress enacted the Rural Development Act of 1972 (86 Stat. 657) and the Rural Development Policy Act of 1980 (94 Stat. 1171) as a manifestation of this commitment to rural development;

(4) section 2(b)(3) of the Rural Development Policy Act of 1972 (7 U.S.C. 2204b(b)(3)) directs the Secretary of Agriculture to develop a process through which multi-state, State, substate, and local rural development needs, goals objectives, plans and recommendations can be received and assessed on a continuing basis;

(5) the National Rural Development Partnership and State Rural Development Councils were established as vehicles to help coordinate development of rural programs in 1990;

(6) in 1991, the Secretary began to execute those statutory responsibilities, in part through the innovative mechanism of national, State, and local rural development partnerships administered by the Under Secretary of Agriculture for Small Community and Rural Development;

(7) that mechanism, now known as the ''National Rural Development Partnership'', has been recognized as a model of new governance and as an example of the effectiveness of collaboration between the Federal, State, local, tribal, private, and nonprofit sectors in addressing the needs of the rural communities of the United States;

(8) partnerships by agencies and entities in the Partnership would extend scarce but valuable funding through collaboration and cooperation; and

(9) the continued success and efficacy of the Partnership could be enhanced through specific Congressional authorization removing any statutory barriers that could detract from the benefits potentially achieved through the Partnership's unique structure.

SEC. 3. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

''SEC. 381P. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term 'agency with rural responsibilities' means any executive agency (as defined in section 105 of title 5, United States Code) that—

''(A) implements Federal law targeted at rural areas, including—

''(i) the Act of April 24, 1950 (commonly known as the Granger-Thye Act) (64 Stat. 82, chapter 9);

''(ii) the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098);

''(iii) section 41742 of title 49, United States Code;

''(iv) the Rural Development Act of 1972 (86 Stat. 657);

''(v) the Rural Development Policy Act of 1980 (94 Stat. 1171);

''(vi) the Rural Electrification Act of 1936 (2 U.S.C. 901 et seq.);

''(vii) amendments made to section 334 of the Public Health Service Act (42 U.S.C. 254g) by the Rural Health Clinics Act of 1983 (97 Stat. 1345); and

''(viii) the Rural Housing Amendments of 1983 (97 Stat. 1240) and the amendments made by the Rural Housing Amendments of 1983 to title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.); or

''(B) administers programs that have a significant impact on rural areas, including—

''(i) the Appalachian Regional Commission;

''(ii) the Department of Agriculture;

''(iii) the Department of Commerce;

''(iv) the Department of Defense;

''(v) the Department of Education;

''(vi) the Department of Energy;

''(vii) the Department of Health and Human Services;

''(viii) the Department of Housing and Urban Development;

''(ix) the Department of the Interior;

''(x) the Department of Justice;

''(xi) the Department of Labor;

''(xii) the Department of Transportation;

''(xiii) the Department of the Treasury.

''(xiv) the Department of Veterans Affairs;

''(xv) the Environmental Protection Agency;

''(xvi) the Federal Emergency Management Administration;

''(xvii) the Small Business Administration;

''(xviii) the Social Security Administration;

''(xix) the Federal Reserve System;

''(xx) the United States Postal Service;

''(xxi) the Corporation for National Service;

''(xxii) the National Endowment for the Arts and the National Endowment for the Humanities; and

''(xxiii) other agencies, commissions, and corporations.

''(2) COUNCIL.—The term ''Council'' means the National Rural Development Council established by subsection (c).

''(3) PARTNERSHIP.—The term ''Partnership'' means the National Rural Development Partnership established by subsection (b).

''(4) RURAL AREA.—The term ''rural area'' means—

''(A) all the territory of a State that is not within the boundary of any standard metropolitan statistical area, as designated by the Director of the Office of Management and Budget;

''(B) all territory within any standard metropolitan statistical area described in subparagraph (A) within a census tract having a population density of less than 20 persons per square mile, as determined by the Secretary according to the most recent census of the United States as of any date; and

''(C) such areas as a State Rural Development Council may identify as rural.

''(5) STATE RURAL DEVELOPMENT COUNCIL.—The term ''State rural development council'' means a State rural development council that meets the requirements of subsection (d).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a National Rural Development Partnership composed of—

''(A) the National Rural Development Council established under subsection (a); and

''(B) State rural development councils established under subsection (d).

''(2) PURPOSES.—The purposes of the Partnership are—

''(A) to empower and build the capacity of States and rural communities within States to design unique responses to their own special rural development needs, with local determinations of progress and selection of projects and activities;

''(B) to encourage participants to be flexible and innovative in establishing new partnerships and trying fresh, new approaches to rural development issues, with responses to rural development that use different approaches to fit different situations; and

''(C) to encourage all 5 partners of the Partnership (Federal, State, local, and tribal governments, the private sector, and nonprofit organizations) to be fully engaged and share equally in decisions.

''(3) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership should be that of a partner, coach, and facilitator, with Federal agencies authorized—

''(A) to cooperate closely with States to implement the Partnership;

''(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

''(C) to delegate decisionmaking to other levels;

''(D) to ensure that the head of each department and agency specified in subsection (a)(1)(B) designates a senior-level agency official to represent the department or agency, respectively, on the Council and directs appropriate field staff to participate fully with the State rural development council within their jurisdiction; and

''(E) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils, regardless of the form of legal organization of a State rural development council and notwithstanding any other provision of law.

''(4) ROLE OF PRIVATE AND NONPROFIT SECTOR ORGANIZATIONS.—Private and nonprofit sector organizations are encouraged—

''(A) to act as full partners in the Partnership and State rural development councils; and

''(B) to cooperate with participating government organizations in developing innovative problem approaches to rural development.

''(c) NATIONAL RURAL DEVELOPMENT COUNCIL.—

''(1) ESTABLISHMENT.—There is established a National Rural Development Council.

''(2) COMPOSITION.—The Council shall be composed of—

''(A) 1 representative of each agency with rural responsibilities that elects to participate in the Council; and

''(B) representatives of local, regional, State, tribal, and nongovernmental profit and nonprofit organizations that elect to participate in the activities of the Council.

''(3) DUTIES.—The Council shall—

''(A) provide support for the work of the State rural development councils;

''(B) facilitate coordination among Federal programs and activities, and with State, local, tribal, and private programs and activities, affecting rural development;

''(C) enhance the effectiveness, responsiveness, and delivery of Federal programs in rural areas;

''(D) gather and provide to Federal authorities information and input for the development and implementation of Federal programs impacting rural economic and community development;

''(E) review and comment on policies, regulations, and proposed legislation that affect or would affect rural areas;

''(F) provide technical assistance to State rural development councils for the implementation of Federal programs; and

''(G) develop and facilitate strategies to reduce or eliminate administrative and regulatory impediments.

''(4) ELECTION NOT TO PARTICIPATE.—An agency with rural responsibilities that elects not to participate in the Partnership shall submit to Congress a report that describes—

''(A) how the programmatic responsibilities of the Federal agency that target or have an impact on rural areas are better achieved without participation by the agency in the Partnership; and

''(B) a more effective means of partnership-building and collaboration to achieve the programmatic responsibilities of the agency.

''(5) PERFORMANCE EVALUATIONS.—In conducting a performance evaluation of an employee of an agency with rural responsibilities, the agency shall consider any comments submitted by a State rural development council.

''(d) STATE RURAL DEVELOPMENT COUNCILS.—

''(1) ESTABLISHMENT.—Each State may elect to participate in the Partnership by entering into a memorandum of agreement with the Secretary to establish a State rural development council.

''(2) STATE DIVERSITY.—Each State rural development council shall—

''(A) have a nonpartisan and nondiscriminatory membership that is broad and representative of the economic, social, and political diversity of the State; and

''(B) carry out programs and activities in a manner that reflects the diversity of the State.

''(3) DUTIES.—Each State rural development council shall—

''(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that target or have an impact on rural areas of the State;

''(B) enhance the effectiveness, responsiveness, and delivery of Federal and State programs in rural areas of the State;

''(C) gather and provide to the Council and other appropriate organizations information on the condition of rural areas in the State;

''(D) monitor and report on policies and programs that address, or fail to address, the needs of the rural areas of the State;

''(E) facilitate the formulation of local needs assessments for the rural areas of the State and participate in the development of criteria for the distribution of Federal funds to the rural areas of the State;

''(F) provide comments to the Council and other appropriate organizations on policies, regulations, and proposed legislation that affect or would affect the rural areas of the State;

''(G) in conjunction with the Council, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments;

''(H) use grant or cooperative agreement funds available to the Partnership to—

''(i) retain an Executive Director and such support staff as are necessary to facilitate and implement the directives of the State rural development council; and

''(ii) defray expenses associated with carrying out subparagraphs (A) through (G) and subparagraph (J);

''(I) be authorized to solicit funds to supplement and match funds granted under subparagraph (H); and

''(J) be authorized to engage in all other appropriate activities.

''(4) COMMENTS OR RECOMMENDATIONS.—

''(A) IN GENERAL.—A State rural development council may provide comments and recommendations to an agency with rural responsibilities related to the activities of the State rural development council within the State.

''(B) AGENCY.—The agency with rural responsibilities shall provide to the State rural development council a written response to the comments or recommendations.

''(5) ACTIONS OF STATE RURAL DEVELOPMENT COUNCIL MEMBERS.—When carrying out a program or activity authorized by a State rural development council, a member of the Council shall be regarded as an employee of the Federal Government for purposes of chapter 171 of title 28, United States Code.

''(6) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

''(A) IN GENERAL.—Subject to subparagraph (B), Federal employees may participate in a State rural development council.

''(B) CONFLICTS.—A Federal employee who participates in a State rural development council shall not participate in the making of any council decision if the agency represented by the Federal employee has any financial or other interest in the outcome of the decision.

''(C) FEDERAL GUIDANCE.—The Attorney General shall issue guidance to all Federal employees that participate in State rural development councils that describes specific decisions that—

''(i) would constitute a conflict of interest for the Federal employee; and

''(ii) from which the Federal employee must recuse himself or herself.

''(e) ADMINISTRATION OF THE PARTNERSHIP.—

''(1) DETAIL OF EMPLOYEES.—In order to provide experience in intergovernmental collaboration, with the approval of the head of an agency with rural responsibilities that elects to participate in the Partnership, an employee of the agency with rural responsibilities is encouraged to be detailed to the Partnership without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(2) ADDITIONAL SUPPORT.—The Secretary shall provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

''(3) PANEL.—

''(A) IN GENERAL.—A panel consisting of representatives of the Council and State rural development councils shall be established to lead and coordinate the strategic

operation, policies, and practices of the Partnership.

''(B) ANNUAL REPORTS.—In conjunction with the Council and State rural development councils, the panel shall prepare and submit to Congress an annual report on the activities of the Partnership.

''(f) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''(2) FEDERAL AGENCIES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, in order to carry out the purposes described in subsection (b)(2), the Partnership shall be eligible to receive grants, gifts, contributions, or technical assistance from, or enter into contracts with, any Federal department or agency, to the extent otherwise permitted by law.

''(B) ASSISTANCE.—Federal departments and agencies are encouraged to use funds made available for programs that target or impact rural areas to provide assistance to, and enter into contracts with, the Partnership, as described in subparagraph (A).

''(3) CONTRIBUTIONS.—The Partnership may accept private contributions.

''(g) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—A State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 25 percent of the amount of Federal funds received under the agreement described in subsection (d)(1).

''(h) TERMINATION.—The authority provided under this section shall terminate 5 years after the date of enactment of this section.''.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut (Mr. DODD), the Senator from Nevada (Mr. REID), the Senator from Nevada (Mr. BRYAN), the Senator from Georgia (Mr. MILLER), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 922, a bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maine (Ms. SNOWE), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Virginia (Mr. WARNER) 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. 1563

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2448

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2448, a bill to enhance the protections of the Internet and the critical infrastructure of the United States, and for other purposes.

S. 2698

At the request of Mr. GORTON, his name 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. 2703

At the request of Mr. AKAKA, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2718

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2725

At the request of Mr. SMITH of New Hampshire, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2787

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2939

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2939, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Wyoming (Mr. THOMAS), the Senator from Texas (Mr. GRAMM), the Senator from Minnesota (Mr. GRAMS), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Maine (Ms. COLLINS) 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 Nebraska (Mr. HAGEL) and the Senator from Nebraska (Mr. KERREY) 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. 3067

At the request of Mr. JEFFORDS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3067, a bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

S. 3101

At the request of Mr. ASHCROFT, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Missouri (Mr. BOND) were added as cosponsors of 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.

S. 3112

At the request of Mr. ABRAHAM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 3112, a bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the medicare system.

S. 3147

At the request of Mr. ROBB, the names of the Senator from Nebraska (Mr. KERREY), the Senator from Georgia (Mr. MILLER), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3156

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was withdrawn as a cosponsor of S. 3156, a bill to amend the Endangered Species Act of 1973 to ensure the recovery of the declining biological diversity of the United States, to reaffirm and strengthen the commitment of the United States to protect wildlife, to safeguard the economic and ecological future of children of the United States, and to provide certainty to local governments, communities, and individuals in their planning and economic development efforts.

S. 3157

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 3157, a bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU–486.

S. RES. 292

At the request of Mr. CLELAND, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 292, a resolution recognizing the 20th century as the ''Century of Women in the United States.''

S. RES. 365

At the request of Mr. VOINOVICH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 365, a resolution expressing the sense of the Senate regarding recent elections in the Federal Republic of Yugoslavia, and for other purposes.

At the request of Mr. L. CHAFEE, his name and the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 365, supra.

SENATE CONCURRENT RESOLUTION 142—RELATING TO THE REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

Mr. BROWNBACK (for himself and Mr. TORRICELLI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 142

Whereas Afghanistan has existed as a sovereign nation since 1747, maintaining its independence, neutrality, and dignity;

Whereas Afghanistan had maintained its own decisionmaking through a traditional process called a ''Loya Jirgah'', or Grand Assembly, by selecting, respecting, and following the decisions of their leaders;

Whereas recently warlords, factional leaders, and foreign regimes have laid siege to Afghanistan, leaving the landscape littered with landmines, making the most fundamental activities dangerous;

Whereas in recent years, and especially since the Taliban came to power in 1996, Afghanistan has become a haven for terrorist activity, has produced most of the world's opium supply, and has become infamous for its human rights abuses, particularly abuses against women and children;

Whereas the former King of Afghanistan, Mohammed Zahir Shah, ruled the country peacefully for 40 years, and after years in exile retains his popularity and support; and

Whereas former King Mohammed Zahir Shah plans to convene an emergency ''Loya Jirgah'' to reestablish a stable government, with no desire to regain power or reestablish a monarchy, and the Department of State supports such ongoing efforts: Now, therefore, be it

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

(1) supports democratic efforts undertaken in Afghanistan that respect the human and political rights of the people of all ethnic and religious groups in that country, including the efforts to reestablish a ''Loya Jirgah'' process that would lead to the people of Afghanistan determining their own destiny through a democratic process involving free and fair elections; and

(2) supports the continuing efforts of former King Mohammed Zahir Shah and other responsible parties searching for peace to convene an emergency ''Loya Jirgah''—

(A) to reestablish a representative government in Afghanistan that respects the rights of the people of all ethnic and religious groups, including the right of the people to govern their own affairs through inclusive institution building and a democratic process;

(B) to bring freedom, peace, and stability to Afghanistan; and

(C) to end terrorist activities, drug production, and human rights abuses in Afghanistan.

SENATE CONCURRENT RESOLUTION 143—TO MAKE TECHNICAL CORRECTIONS IN THE ENROLLMENT OF THE BILL H.R. 3676

Mr. MURKOWSKI (for himself and Mr. BINGAMAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 143

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 3676 to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 2(d)(1), strike ''and the Committee on Agriculture, Nutrition, and Forestry''.

(2) In the second sentence of section 4(a)(3), strike ''Nothing in this section'' and insert ''Nothing in this Act''.

(3) In section 4(c)(1), strike ''any person, including''.

(4) In section 5, add at the end the following:

''(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provisions shall control.''.

SENATE CONCURRENT RESOLUTION 144—COMMEMORATING THE 200TH ANNIVERSARY OF THE FIRST MEETING OF CONGRESS IN WASHINGTON, DC

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 144

Whereas November 17, 2000, is the 200th anniversary of the first meeting of Congress in Washington, DC;

Whereas Congress, having previously convened at the Federal Hall in New York City and at the Congress Hall in Philadelphia, has met in the United States Capitol Building since November 17, 1800;

Whereas President John Adams, on November 22, 1800, addressed a joint session of Congress in Washington, DC, for the first time, stating, ''I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed.'';

Whereas, on December 12, 1900, Congress convened a joint meeting to observe the centennial of its residence in Washington, DC;

Whereas since its first meeting in Washington, DC, on November 17, 1800, Congress has continued to cultivate and build upon a heritage of respect for individual liberty, representative government, and the attainment of equal and inalienable rights, all of which are symbolized in the physical structure of the United States Capitol Building; and

Whereas it is appropriate for Congress, as the first branch of the government under the Constitution, to commemorate the 200th anniversary of the first meeting of Congress in Washington, DC, in order to focus public attention on its present duties and responsibilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) November 17, 2000, be designated as a day of national observance for the 200th anniversary of the first meeting of Congress in Washington, DC; and

(2) the people of the United States be urged and invited to observe such date by celebrating and examining the legislative process by which members of Congress convene and air differences, learn from one another, subordinate parochial interests, compromise,

and work towards achieving a constructive consensus for the good of the people of the United States.

SENATE RESOLUTION 367—URGING THE GOVERNMENT OF EGYPT TO PROVIDE A TIMELY AND OPEN APPEAL FOR SHAIBOUB WILLIAM ARSEL AND TO COMPLETE AN INDEPENDENT INVESTIGATION OF POLICE BRUTALITY IN AL-KOSHEH

Mr. MACK submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 367

Whereas on Friday August 14, 1998, two Coptic Christians, Samir Oweida Hakim and Karam Tamer Arsal, were murdered in Al-Kosheh, Egypt;

Whereas, according to a report from the Egyptian Organization for Human Rights that was translated by the United States Embassy in Cairo, up to 1,200 Coptic Christians, including women and children, were subsequently detained and interrogated without sufficient evidence;

Whereas it is reported that the police tortured the detained Coptic Christians over a period of days and even weeks and that the detainees suffered abuses that included beatings, administration of electric shock to all parts of the body, including sensitive areas, and being bound in painful positions for hours at a time;

Whereas Egypt is a party to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment;

Whereas the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment prohibits torture to obtain information and confessions such as the torture that reportedly took place in Al-Kosheh;

Whereas Egypt is party to the International Covenant on Civil and Political Rights;

Whereas Article 18 of the International Covenant on Civil and Political Rights states that ''(1) Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or in private, to manifest his religion or belief in worship, observance, practice and teaching. (2) No one shall be subject to coercion which would impair his freedom to have or adopt a religion or belief of his choice.'';

Whereas some of the 1,200 detained Coptic Christians reported that the police chief made derogatory remarks about their religion and stated that the detainees were being targeted because of their religious beliefs;

Whereas the summary report of the Egyptian Organization for Human Rights states that, as a result of the massive roundup and torture of the Coptic Christian community, a prosecution proceeded using confessions obtained under duress;

Whereas, according to the report, as translated by the United States Embassy in Cairo, one of the confessors ''was detained for 18 days, beaten constantly, was not allowed food or water, and prevented from relieving himself'' and ''confessed only when they threatened to rape his two sisters'' who ''were brought to the police station, tortured and threatened with rape in front of him'', and the detainee identified Shaiboub William Arsel as the murderer;

Whereas Shaiboub William Arsel, a Coptic Christian, was charged with the murders of Samir Oweida Hakim and Karam Tamer Arsal, was found guilty, and was sentenced on June 5, 2000, to 15 years of hard labor;

Whereas, according to the Associated Press story describing Shaiboub William Arsel's trial, ''[t]he court based its guilty verdict on evidence and testimony provided by police, said the officials on condition of anonymity'' and ''gave no further details'';

Whereas no known international observers were present at Shaiboub William Arsel's trial;

Whereas, on January 2, 2000, a mob of nearly 3,000 Muslims killed 21 Christians and destroyed and looted dozens of Christian homes and businesses in the village of Al-Kosheh; and

Whereas local Egyptian security forces failed to stop the massacre of Coptic Christians, and according to Coptic leader Pope Shenouda III, ''responsibility falls first on security forces . . . the problem lies among the authorities in the area where the incident occurred'': Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON THE APPEAL OF SHAIBOUB WILLIAM ARSEL AND THE EGYPTIAN GOVERNMENT'S INVESTIGATION OF POLICE BRUTALITY IN AL-KOSHEH.

The Senate hereby urges the President and the Secretary of State to encourage officials of the Government of Egypt to—

(1) allow for a timely and open appeal for Shaiboub William Arsel that includes international observers; and

(2) complete an independent investigation of the police brutality in Al-Kosheh.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State, with the request that the President or the Secretary further transmit such copy to the Government of Egypt.

RESOLUTION ON SHAIBOUB WILLIAM ARSEL

Mr. MACK. Mr. President, I rise today to speak on behalf of Coptic Christians in Egypt who have been persecuted because of their religious beliefs. According to reports by both the Egyptian Organization for Human Rights and Freedom House in the United States, up to 1,200 Coptic Christians in Al-Kosheh, Egypt, were detained, interrogated, and subjected to police brutality in relation to the murders of two other Coptic Christians in 1998. After weeks of reported torture, these accounts suggest that confessions were obtained under duress that identified Shaiboub William Arsel as the murderer. Mr. Arsel was subsequently sentenced to 15 years of hard labor.

Over the last two years I have met with officials from the Egyptian government, including President Hosni Mubarak on several occasions in an attempt to address this issue quietly. Unfortunately, these discussions have failed to produce sufficient action on the part of the government of Egypt. As a result, I rise today to submit a resolution urging the President to encourage the Egyptian government to provide Shaiboub William Arsel with a timely and open appeal that would include international observers, and furthermore to complete an independent investigation of the police brutality in Al-Kosheh.

AMENDMENTS SUBMITTED

MIWALETA PARK EXPANSION ACT

MURKOWSKI AMENDMENT NO. 4290

Mr. MACK (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land; as follows:

On page 3, beginning on line 6 strike Section 2(b)(1) and insert:

''(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes consistent with the plan for expansion of the Miwaleta Park as approved in the Decision Record for Galesville Campground, EA #OR110–99–01, dated September 17, 1999.''.

Section 2(b)(2)(A) strike ''purposes—'' and insert: ''purposes as described in paragraph 2(b)(1)—''.

SAINT-GAUDENS HISTORIC SITE LEGISLATION

THOMAS AMENDMENT NO. 4291

Mr. MACK (for Mr. THOMAS) proposed an amendment to the bill (S. 1367) to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; as follows:

On page 2, line 3, strike ''215'' and insert in lieu thereof ''279''.

SOUTHEASTERN ALASKA INTERTIE SYSTEM LEGISLATION

MURKOWSKI AMENDMENT NO. 4292

Mr. MACK (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 2439) to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

''That upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to USFS Collection Agreement #00CO–111005–105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97–01 of the Southern Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384 million. Nothing in this Act shall be construed to limit or waive any otherwise applicable State or Federal Law.

''SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary of Energy shall establish a five year program to

assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

''(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

''(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

''(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

''(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power; or

''(4) provide training in the installation operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

''(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

''(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

''(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006.''

SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000

THOMAS AMENDMENT NO. 4293

Mr. MACK (for Mr. THOMAS) proposed an amendment to the bill (S. 2950) to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; as follows:

On page 5, line 23, strike ''Boundary of the Sand Creek Massacre Site'' and insert in lieu thereof ''Sand Creek Massacre Historic Site''.

On page 5, line 25, strike ''SAND 80,009 IR'' and insert in lieu thereof ''SAND 80,013 IR''.

LITTLE SANDY RIVER WATERSHED LEGISLATION

MURKOWSKI AMENDMENT NO. 4294

Mr. MACK (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 2691) to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes; as follows:

Strike Section 3, through the end of the bill, and insert:

SEC. 3. LAND RECLASSIFICATION.

(a) Within six months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) within the boundary of the special resources management area described in Section 1 of this Act.

(b) Within eighteen months of the date of enactment of this Act, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in paragraph (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181a–f). For purposes of this paragraph, 'public domain lands' shall have the meaning given the term 'public lands' in Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding there from any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

(c) Within two years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to paragraphs (a) and (b) of this Section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to paragraph (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875f; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to paragraph (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

SEC. 4. ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—In order to further the purposes of this Act, there is hereby authorized to be appropriated $10 million under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (Public Law 93–205) near the Bull Run Management Unit.

HARRIET TUBMAN SPECIAL RESOURCE STUDY ACT

THOMAS AMENDMENT NO. 4295

Mr. MACK (for Mr. THOMAS) proposed an amendment to the bill (S. 2345) to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located Auburn, New York, and for other purposes; as follows:

On page 7, line 24, strike ''Port Hill Cemetery,'' and insert in lieu thereof ''Fort Hill Cemetery,''.

FRANCHISE FEE RECALCULATION LEGISLATION

BINGAMAN AMENDMENT NO. 4296

Mr. MACK (for Mr. BINGAMAN) proposed an amendment to the bill (S. 2331) to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, South Carolina; as follows:

Strike all and insert the following:

''SECTION 1. ARBITRATION REQUIREMENT.

''The Secretary of the Interior (in this Act referred to as the Secretary) shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the 'Concessioner'), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986 by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as 'the Contract').

''SEC. 2. APPOINTMENT OF THE ARBITRATOR.

''(a) MUTUAL AGREEMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

''(b) FAILURE TO AGREE.—If the Secretary and the Concessioner are unable to agree on the selection of a single arbitrator within 30 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

''(c) QUALIFICATIONS.—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of selection 573 of title 5, United States Code.

''(d) PAYMENT OF EXPENSES.—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

''(e) DEFINITION.—As used in this Act, the term ''arbitrator'' includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under subsection (b).

''SEC. 3. SCOPE OF THE ARBITRATION.

''(a) SOLE ISSUES TO BE DECIDED.—The arbitrator shall, after affording the parties an opportunity to be heard in accordance with section 579 of title 5, United States Code, determine—

''(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991 through December 31, 2000 in accordance with the terms of the Contract; and

''(2) any interest or penalties on the amount owed under paragraph (1).

''(b) DE NOVO DECISION.—The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary or any prior court review thereof.

''(c) BASIS FOR DECISION.—The arbitrator shall determine the appropriate amount of the fee based upon the law in effect on the effective date of the Contract and the terms of the Contract.

''SEC. 4. FINAL DECISION.

''The arbitrator shall issue a final decision not later than 300 days after the date of enactment of this Act.

''SEC. 5. EFFECT OF DECISION.

''(a) RETROACTIVE EFFECT.—The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.

''(b) NO FURTHER REVIEW.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the

decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

''SEC. 6. GENERAL AUTHORITY.

''Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.''.

BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA ACT OF 2000

BRYAN AMENDMENT NO. 4297

Mr. MACK (for Mr. BRYAN) proposed an amendment to the bill (S. 2273) to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, 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 ''Black Rock Desert-High Rock Canon Emigrant Trails National Conservation Area Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California Emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and High Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843–44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archaeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pelistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term ''Secretary'' means the Secretary of the Interior.

(2) The term ''public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term ''conservation area'' means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 4 of this Act.

SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) AREAS INCLUDED.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled ''Black Rock Desert Emigrant Trail National Conservation Area'' and dated July 19, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) ACCESS.—

(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation areas in a manner consistent with the purposes for which the conservation area was established.

(c) USES.—

(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert plays in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 6. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 7. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 8. WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964 (16

U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled ''Black Rock Desert Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled ''Pahute Peak Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled ''North Black Rock Range Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled ''East Fork High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled ''High Rock Lake Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled ''Little High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled ''High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain land in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled ''Calico Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled ''South Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled ''North Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this Act. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101–628.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

CAT ISLAND NATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4298

Mr. MACK (for Mr. SMITH of New Hampshire) proposed an amendment to the bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; as follows:

At the end, add the following:

SEC. 8. DESIGNATION OF HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER.

(a) IN GENERAL.—A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the ''Herbert H. Bateman Education and Administrative Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Herbert H. Bateman Education and Administrative Center.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Effective on the day after the date of enactment of the Act entitled, ''An Act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994'' (106th Congress), section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 668dd note; Public Law 103–340), relating to an environmental education center and refuge, is redesignated as section 7.

(b) Effective on the day after the date of enactment of the Cahaba River National Wildlife Refuge Establishment Act (106th Congress), section 6 of that Act is amended—

(1) in paragraph (2), by striking ''the Endangered Species Act of 1973 (16 U.S.C. 1331 et seq.)'' and inserting ''the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)''; and

(2) in paragraph (3), by striking ''section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))'' and inserting ''paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))''.

(c) Effective on the day after the date of enactment of the Red River National Wildlife Refuge Act (106th Congress), section 4(b)(2)(D) of that Act is amended by striking ''section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))'' and inserting ''paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))''.

DISASTER MITIGATION ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4299

Mr. MACK (for Mr. SMITH) proposed an amendment to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Disaster Mitigation Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. Disaster grant closeout procedures.
Sec. 305. Public safety officer benefits for certain Federal and State employees.
Sec. 306. Buy American.
Sec. 307. Treatment of certain real property.
Sec. 308. Study of participation by Indian tribes in emergency management.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 203. PREDISASTER HAZARD MITIGATION.

''(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term 'small impoverished community' means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

''(b) ESTABLISHMENT OF PROGRAM.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

''(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

''(d) STATE RECOMMENDATIONS.—

''(1) IN GENERAL.—

''(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than 5 local governments to receive assistance under this section.

''(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

''(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

''(2) USE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

''(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

''(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

''(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—Technical and financial assistance provided under this section—

''(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

''(B) may be used—

''(i) to support effective public-private natural disaster hazard mitigation partnerships;

''(ii) to improve the assessment of a community's vulnerability to natural hazards; or

''(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

''(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

''(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

''(1) shall be not less than the lesser of—

''(A) $500,000; or

''(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

''(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

''(3) shall be subject to the criteria specified in subsection (g).

''(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

''(1) the extent and nature of the hazards to be mitigated;

''(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

''(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

''(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

''(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

''(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

''(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

''(8) the opportunity to fund activities that maximize net benefits to society;

''(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

''(10) such other criteria as the President establishes in consultation with State and local governments.

''(h) FEDERAL SHARE.—

''(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

''(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

''(i) NATIONAL PREDISASTER MITIGATION FUND.—

''(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

''(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

''(A) amounts appropriated to carry out this section, which shall remain available until expended; and

''(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

''(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

''(4) INVESTMENT OF AMOUNTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

''(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

''(i) on original issue at the issue price; or

''(ii) by purchase of outstanding obligations at the market price.

''(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

''(E) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

''(k) MULTIHAZARD ADVISORY MAPS.—

''(1) DEFINITION OF MULTIHAZARD ADVISORY MAP.—In this subsection, the term 'multihazard advisory map' means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

''(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than 5 States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

''(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

''(4) USE OF MAPS.—

''(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

''(B) AVAILABILITY OF MAPS.—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

''(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

''(ii) supporting the activities described in subsection (e); and

''(iii) other public uses.

''(l) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

''(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.''.

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

''TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE''.

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

''SEC. 204. INTERAGENCY TASK FORCE.

''(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

''(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

''(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

''(1) relevant Federal agencies;

''(2) State and local government organizations (including Indian tribes); and

''(3) the American Red Cross.''.

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 322. MITIGATION PLANNING.

''(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

''(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

''(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

''(2) establish a strategy to implement those actions.

''(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

''(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

''(2) support development of local mitigation plans;

''(3) provide for technical assistance to local and tribal governments for mitigation planning; and

''(4) identify and prioritize mitigation actions that the State will support, as resources become available.

''(d) FUNDING.—

''(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

''(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

''(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

''(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

''(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

''(A) eligibility criteria for property acquisition and other types of mitigation measures;

''(B) requirements for cost effectiveness that are related to the eligibility criteria;

''(C) a system of priorities that is related to the eligibility criteria; and

''(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

''SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

''(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

''(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

''(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

''(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.''.

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of enactment of this Act, except that additional assistance provided under this subsection shall not exceed $6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking ''section 409'' and inserting ''section 322''; and

(B) in the third sentence, by striking ''The total'' and inserting ''Subject to section 322, the total''.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking ''section 803 of the Public Works and Economic Development Act of 1965'' each place it appears and inserting ''section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))''.

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

''SEC. 324. MANAGEMENT COSTS.

''(a) DEFINITION OF MANAGEMENT COST.—In this section, the term 'management cost' includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

''(b) ESTABLISHMENT OF MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

''(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection

(a)) shall apply to major disasters declared under that Act on or after the date of enactment of this Act.

(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

"SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

''(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

''(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

''(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

''(B) could result in a significant reduction of assistance under the program.

''(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

''(b) CONSULTATION CONCERNING INTERIM POLICIES.—

''(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

''(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

''(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

''(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

''(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.''.

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

''(c) PROGRAM ADMINISTRATION BY STATES.—

''(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

''(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

''(A) the demonstrated ability of the State to manage the grant program under this section;

''(B) there being in effect an approved mitigation plan under section 322; and

''(C) a demonstrated commitment to mitigation activities.

''(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

''(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

''(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.''.

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

''(a) CONTRIBUTIONS.—

''(1) IN GENERAL.—The President may make contributions—

''(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

''(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

''(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

''(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

''(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

''(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

''(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

''(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

''(ii) the owner or operator of the facility—

''(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

''(II)(aa) has been determined to be ineligible for such a loan; or

''(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

''(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term 'critical services' includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

''(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

''(A) the Committee on Environment and Public Works of the Senate;

''(B) the Committee on Transportation and Infrastructure of the House of Representatives;

''(C) the Committee on Appropriations of the Senate; and

''(D) the Committee on Appropriations of the House of Representatives.''.

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

''(b) FEDERAL SHARE.—

''(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

''(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

''(A) that has been damaged, on more than 1 occasion within the preceding 10-year period, by the same type of event; and

''(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.''.

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

''(c) LARGE IN-LIEU CONTRIBUTIONS.—

''(1) FOR PUBLIC FACILITIES.—

''(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used—

''(i) to repair, restore, or expand other selected public facilities;

''(ii) to construct new facilities; or

''(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for

governmental services and functions in the area affected by the major disaster.

''(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

''(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

''(2) FOR PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

''(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

''(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

''(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person's services and functions in the area affected by the major disaster.

''(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

''(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).''.

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

''(e) ELIGIBLE COST.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

''(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

''(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

''(B) COST ESTIMATION PROCEDURES.—

''(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

''(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

''(2) MODIFICATION OF ELIGIBLE COST.—

''(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

''(B) ACTUAL COST LESS THAN ESTIMATED COST.—

''(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

''(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

''(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

''(3) EXPERT PANEL.—

''(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

''(B) DUTIES.—The expert panel shall develop recommendations concerning—

''(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

''(i) cost estimation procedures described in subparagraph (B)(i); and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

''(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

''(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of enactment of this Act and applies to funds appropriated after the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) CONFORMING AMENDMENT.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

''SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

''(a) IN GENERAL.—

''(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

''(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

''(b) HOUSING ASSISTANCE.—

''(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

''(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

''(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

''(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

''(c) TYPES OF HOUSING ASSISTANCE.—

''(1) TEMPORARY HOUSING.—

''(A) FINANCIAL ASSISTANCE.—

''(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

''(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

''(B) DIRECT ASSISTANCE.—

''(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

''(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

''(iii) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

''(2) REPAIRS.—

''(A) IN GENERAL.—The President may provide financial assistance for—

''(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

''(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

''(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

''(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(3) REPLACEMENT.—

''(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

''(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

''(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

''(A) no alternative housing resources are available; and

''(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

''(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

''(1) SITES.—

''(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

''(i) is complete with utilities; and

''(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

''(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

''(2) DISPOSAL OF UNITS.—

''(A) SALE TO OCCUPANTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

''(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

''(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

''(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

''(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

''(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

''(i) may be sold to any person; or

''(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

''(I) to comply with the nondiscrimination provisions of section 308; and

''(II) to obtain and maintain hazard and flood insurance on the housing unit.

''(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

''(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

''(f) STATE ROLE.—

''(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

''(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

''(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

''(g) COST SHARING.—

''(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

''(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

''(A) the Federal share shall be 75 percent; and

''(B) the non-Federal share shall be paid from funds made available by the State.

''(h) MAXIMUM AMOUNT OF ASSISTANCE.—

''(1) IN GENERAL.—No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster.

''(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.''.

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking ''temporary housing''.

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking ''(a) The President'' and inserting the following:

''(a) IN GENERAL.—The President'';

(2) by striking ''The amount'' and inserting the following:

''(b) AMOUNT.—The amount'';

(3) by striking ''Repayment'' and inserting the following:

''(c) REPAYMENT.—

''(1) CANCELLATION.—Repayment'';

(4) by striking ''(b) Any loans'' and inserting the following:

''(d) EFFECT ON OTHER ASSISTANCE.—Any loans'';

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking ''and shall'' and inserting ''shall''; and

(B) by inserting before the period at the end the following: '', and shall not exceed $5,000,000''; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

''(2) CONDITION ON CONTINUING ELIGIBILITY.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.''.

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

Not later than 3 years after the date of enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.''.

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking ''the Northern'' and all that follows through ''Pacific Islands'' and inserting ''and the Commonwealth of the Northern Mariana Islands'';

(2) by striking paragraph (6) and inserting the following:

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

''(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

''(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

''(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.''; and

(3) in paragraph (9), by inserting ''irrigation,'' after ''utility,''.

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

"SEC. 420. FIRE MANAGEMENT ASSISTANCE.

''(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

''(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

''(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

''(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

"SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

''(a) STATUTE OF LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

''(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

''(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

''(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

''(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

''(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

''(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

''(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

''(1) the payment was authorized by an approved agreement specifying the costs;

''(2) the costs were reasonable; and

''(3) the purpose of the grant was accomplished.''.

SEC. 305. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

''(7) 'public safety officer' means—

''(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

''(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

''(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the head of the agency to be hazardous duties.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

SEC. 306. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) DEFINITION OF DEBAR.—In this subsection, the term ''debar'' has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 307. TREATMENT OF CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) REAL PROPERTY.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

(1) Maple Terrace Phase I;

(2) Maple Terrace Phase II;

(3) Maple Terrace Phase III Unit 1;

(4) Maple Terrace Phase III Unit 2;

(5) Maple Terrace Phase III Unit 3;

(6) Maple Terrace Phase IV Unit 1;

(7) Maple Terrace Phase IV Unit 2; and

(8) Maple Terrace Phase IV Unit 3.

(c) REVISION OF FLOOD INSURANCE RATE LOT MAPS.—As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 308. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(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) STUDY.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) REQUIRED ELEMENTS.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) CONSULTATION.—In conducting the study, the Director shall consult with Indian tribes.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1999

EDWARDS AMENDMENT NO. 4300

Mr. MACK (for Mr. EDWARDS) proposed an amendment to the bill (H.R. 209) to improve the ability of Federal agencies to license federally owned inventions; as follows:

At the appropriate place, insert the following:

SEC. . TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(A) APPOINTMENT OF OMBUDSMAN.—The Secretary of Energy shall direct the director of each national laboratory of the Department of Energy, and may direct the director of each facility under the jurisdiction of the Department of Energy, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of each such laboratory or facility with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing.

(b) QUALIFICATIONS.—An ombudsman appointed under subsection (a) shall be a senior official of the national laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory or facility, function as such a senior official.

(c) DUTIES.—Each ombudsman appointed under subsection (a) shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the national laboratory or facility regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report quarterly on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information, to—

(A) the Secretary;

(B) the Administrator for Nuclear Security;

(C) the Director of the Office of Dispute Resolution of the Department of Energy; and

(D) the employees of the Department responsible for the administration of the contract for the operation of each national laboratory or facility that is a subject of the report, for consideration in the administration and review of that contract.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent Evan Mathiason and Daniel Lopez, interns in my office, be granted the privilege of the floor today during Senate deliberations.

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

2000 OCTOBER QUARTERLY REPORTS

The mailing and filing date of the October Quarterly Report required by the Federal Election Campaign Act, as amended, is Sunday, October 15, 2000. All Principal Campaign Committees supporting Senate candidates in the 2000 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records will be open from 12:00 noon until 4:00 p.m. on October 15th to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

2000 12 DAY PRE-GENERAL REPORTS

The filing date of the 12 Day Pre-General Report required by the Federal Election Campaign Act, as amended, is Thursday, October 26, 2000. The mailing date for the aforementioned report is Monday, October 23, 2000, if postmarked by registered or certified mail. If this report is transmitted in any other manner it must be received by the filing date. All Principal Campaign Committees supporting Senate candidates in the 2000 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8:00 a.m. until 6:00 p.m. on Thursday, October 26th to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

48 HOUR NOTIFICATIONS

The Office of Public Records will be open on three successive Saturdays and Sundays from 12:00 noon until 4:00 p.m. for the purpose of accepting 48 hour notifications of contributions required by the Federal Election Campaign Act, as amended. The dates are October 21st and 22nd, October 28th and 29th, November 4th and 5th. All principal campaign committees supporting Senate candidates in 2000 must notify the Secretary of the Senate regarding contributions of $1,000 or more if received after the 20th day, but more than 48 hours before the day of the general election. The 48 hour notifications may also be transmitted by facsimile machine. The Office of Public Records FAX number is (202) 224–1851.

REGISTRATION OF MASS MAILINGS

The filing date for 2000 third quarter mass mailings is October 25, 2000. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

2000 30 DAY POST-GENERAL REPORTS

The mailing and filing date of the 30 Day Post-General Report required by the Federal Election Campaign Act, as amended, is Thursday, December 7, 2000. All Principal Campaign Committees supporting Senate candidates in the 2000 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 9:00 a.m. to 5:00 p.m. on December 7th to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

THE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following reported calendar items by the Energy Committee: Calendar No. 636, S. 2478; Calendar No. 637,

S. 2485; Calendar No. 640, H.R. 3201; Calendar No. 665, S. 1670; Calendar No. 668, H.R. 2879; Calendar No. 713, H.R. 2833; Calendar No. 749, S. 134; Calendar No. 753, S. 1972; Calendar No. 755, S. 2300; Calendar No. 757, S. 2499; Calendar No. 768, H.R. 468; Calendar No. 770, H.R. 1695; Calendar No. 790, S. 1925; Calendar No. 792, S. 2069; Calendar No. 799, H.R. 3632; Calendar No. 811, H.R. 4226; Calendar No. 833, H.R. 4613; Calendar No. 835, H.R. 3745; Calendar No. 852, S. 2942; Calendar No. 854, S. 3000; Calendar No. 886, S. 2749; Calendar No. 887, S. 2865; Calendar No. 892, H.R. 4285; Calendar No. 897, S. 2757; Calendar No. 901, S. 2977; Calendar No. 903, S. 2885; Calendar No. 907, H.R. 4275; Calendar No. 925, S. 2111; Calendar No. 928, S. 2547; Calendar No. 931, H. Con. Res. 89; and Calendar No. 936, S. 1756.

I ask unanimous consent that any committee amendments, where appropriate, be agreed to, the bills, as amended, if amended, be read a third time and passed, as amended, if amended, any title amendments be agreed to, the resolution be agreed to, and the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to any of the bills and the resolution be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

PEOPLING OF AMERICA THEME STUDY ACT

The Senate proceeded to consider the bill (S. 2478) to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes, which had been reported by the Committee on Energy and Natural Resources with amendments as follows:

(Omit the parts in black brackets and insert the parts printed in italic.)

S. 2478

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 ''Peopling of America Theme Study Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the ''peopling of America''; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; Public Law 101–628), that ''the Secretary shall ensure that the full diversity of American history and prehistory are represented'' in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that ''people are the primary agents of change'' and establishes the theme of human population movement and change—or ''peopling places''—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study required under section 4.

(3) PEOPLING OF AMERICA.—The term 'peopling of America'' means the migration to and within, and the settlement of, the United States.

SEC. 4. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, *trails,* districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic [Places by assisting members of the public in evaluating sites within their communities and in surrounding areas.] *Places.*

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, *trails,* areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 5. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill (S. 2478), as amended, was read the third time and passed, as follows:

S. 2478

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 ''Peopling of America Theme Study Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the ''peopling of America''; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; Public Law 101–628), that ''the Secretary shall ensure that the full diversity of American history and prehistory are represented'' in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that ''people are the primary agents of change'' and establishes the theme of human population movement and change—or ''peopling places''—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study required under section 4.

(3) PEOPLING OF AMERICA.—The term ''peopling of America'' means the migration to and within, and the settlement of, the United States.

SEC. 4. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 5. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SAINT CROIX ISLAND HERITAGE ACT

The Senate proceeded to consider the bill (S. 2485) to require the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, which had been reported by the Committee on Energy and Natural Resources with an amendment.

(Omit the past in black brackets and insert the part printed in italic.)

S. 2485

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 ''Saint Croix Island Heritage Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and

the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 3. DEFINITIONS.

In this Act:

(1) ISLAND.—The term ''Island'' means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) IN GENERAL.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) COOPERATIVE AGREEMENTS.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions [with State and local agencies] *with other Federal agencies, State and local agencies* and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) DESIGN AND CONSTRUCTION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act (including the design and construction of the regional heritage center) $2,000,000.

(2) EXPENDITURE.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

The committee amendment was agreed to.

The bill (S. 2485), as amended, was read the third time and passed, as follows:

S. 2485

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 ''Saint Croix Island Heritage Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 3. DEFINITIONS.

In this Act:

(1) ISLAND.—The term ''Island'' means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) IN GENERAL.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) COOPERATIVE AGREEMENTS.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) DESIGN AND CONSTRUCTION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act (including the design and construction of the regional heritage center) $2,000,000.

(2) EXPENDITURE.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

CARTER G. WOODSON HOME NATIONAL HISTORIC SITE STUDY ACT OF 2000

The Senate proceeded to consider the bill (H.R. 3201) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

The bill (H.R. 3201) was read the third time and passed.

FORT MATANZAS NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 1670) to revise the boundary of Fort Matanzas National Monument, and for other purposes.

The bill (S. 1670) was read the third time and passed, as follows:

S. 1670

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

SECTION 1. DEFINITIONS.

In this Act:

(1) MAP.—The term ''Map'' means the map entitled ''Fort Matanzas National Monument'', numbered 347/80,004 and dated February, 1991.

(2) MONUMENT.—The term ''Monument'' means the Fort Matanzas National Monument in Florida.

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

SEC. 2. REVISION OF BOUNDARY.

(a) IN GENERAL.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(b) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 3. ACQUISITION OF ADDITIONAL LAND.

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) transfer from any other Federal agency; or

(4) exchange.

SEC. 4. ADMINISTRATION.

Subject to applicable laws, all land and interests in land held by the United States

that are included in the revised boundary under section 2 shall be administered by the Secretary as part of the Monument.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

''I HAVE A DREAM'' PLAQUE ACT

The Senate proceeded to consider the bill (H.R. 2879) to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have a Dream'' speech, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. PLACEMENT OF PLAQUE AT LINCOLN MEMORIAL.

(a) PLACEMENT OF PLAQUE.—

(1) IN GENERAL.—The Secretary of the Interior shall install in the area of the Lincoln Memorial in the District of Columbia a suitable plaque to commemorate the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech.

(2) RELATION TO COMMEMORATIVE WORKS ACT.—The Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the area of the Lincoln Memorial.

(b) ACCEPTANCE OF CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Interior is authorized to accept and expand contributions toward the cost of preparing and installing the plaque, without further appropriation. Federal funds may be used to design, procure, or install the plaque.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 2879), as amended, was read the third time and passed.

YUMA CROSSING NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (H.R. 2833) to establish the Yuma Crossing National Heritage Area.

The bill (H.R. 2833) was read the third time and passed.

GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP ACT OF 1999

The Senate proceeded to consider the bill (S. 134) to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area, which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(Omit the part in black brackets)

S. 134

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 ''Gaylord Nelson Apostle Islands Stewardship Act of 1999''.

SEC. 2. GAYLORD NELSON APOSTLE ISLANDS.

(a) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(3) after more than 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term ''Lakeshore'' means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(e) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91–424 (16 U.S.C. 460w–5) is amended—

(1) by striking ''SEC. 6. The lakeshore'' and inserting the following:

''SEC. 6. MANAGEMENT.

''(a) IN GENERAL.—The lakeshore''; and

(2) by adding at the end the following:

''(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (c); and

(2) $3,900,000 to carry out subsection (d).

[(g) FUNDING.—

[(1) IN GENERAL.—Of the funds made available under the heading ''CLEAN COAL TECHNOLOGY'' under the heading ''DEPARTMENT OF ENERGY'' for obligation in prior years, in addition to the funds deferred under the heading ''CLEAN COAL TECHNOLOGY'' under the heading ''DEPARTMENT OF ENERGY'' under section 101(e) of division A of Public Law 105–277—

[(A) $5,000,000 shall not be available until October 1, 2000; and

[(B) $5,000,000 shall not be available until October 1, 2001.

[(2) ONGOING PROJECTS.—Funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

[(3) TRANSFER OF FUNDS.—In addition to any amounts made available under subsection (f), amounts made available under paragraph (1) shall be transferred to the Secretary for use in carrying out subsections (c) and (d).

[(4) UNEXPECTED BALANCE.—Any balance of funds transferred under paragraph (3) that remain unexpended at the end of fiscal year 1999 shall be returned to the Treasury.**]**

The committee amendment was agreed to.

The bill (S. 134), as amended, was read the third time and passed, as follows:

S. 134

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 ''Gaylord Nelson Apostle Islands Stewardship Act of 2000''.

SEC. 2. GAYLORD NELSON APOSTLE ISLANDS.

(a) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(3) after more than 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term ''Lakeshore'' means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(e) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91–424 (16 U.S.C. 460w–5) is amended—

(1) by striking ''SEC. 6. The lakeshore'' and inserting the following:

''SEC. 6. MANAGEMENT.

''(a) IN GENERAL.—The lakeshore''; and

(2) by adding at the end the following:

''(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (c); and

(2) $3,900,000 to carry out subsection (d).

CONVEYANCE OF JOE ROWELL PARK

The Senate proceeded to consider the bill (S. 1972) to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of Joe Rowell Park, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the part in black brackets and insert the part printed in italic.)

S. 1972

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

SECTION 1. CONVEYANCE OF JOE ROWELL PARK.

(a) IN GENERAL.—The Secretary of Agriculture shall convey to the town of Dolores, Colorado, for no consideration, all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), for open space, park, and recreational purposes.

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) is a parcel of approximately 25 acres of land comprising the site of the Joe Rowell Park (including all improvements on the land and equipment and other items of personal property as agreed to by the Secretary) [in section 16 (Map 1), township 37 north, range 15 west, NMPM, Dolores, Colorado.] *depicted on the map entitled ''Joe Rowell Park,'' dated July 12, 2000.*

(2) SURVEY.—

(A) IN GENERAL.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) COST.—As a condition of any conveyance under this section, the town of Dolores shall pay the cost of the survey.

(c) POSSIBILITY OF REVERTER.—Title to any real property acquired by the town of Dolores, Colorado, under this section shall revert to the United States if the town—

(1) attempts to convey or otherwise transfer ownership of any portion of the property to any other person;

(2) attempts to encumber the title of the property; or

(3) permits the use of any portion of the property for any purpose incompatible with the purpose described in subsection (a) for which the property is conveyed.

(d) The map referenced in subsection (b)(1) shall be on file for public inspection in the Office of the Chief of the Forest Service at the Department of Agriculture in Washington, DC.

The committee amendments were agreed to.

The bill (S. 1972), as amended, was read the third time and passed, as follows:

COAL MARKET COMPETITION ACT OF 2000

The Senate proceeded to consider the bill (S. 2300) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

The bill (S. 2300) was read the third time and passed, as follows:

S. 2300

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

SECTION 1. TITLE.

This Act may be cited as the ''Coal Market Competition Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Federal land contains commercial deposits of coal, the Nation's largest deposits of coal being located on Federal land in Utah, Colorado, Montana, and the Powder River Basin of Wyoming;

(2) coal is mined on Federal land through Federal coal leases under the Act of February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 181 et seq.);

(3) the sub-bituminous coal from these mines is low in sulfur, making it the cleanest burning coal for energy production;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any 1 producer may hold in any 1 State or nationally;

(5)(A) the present acreage limitation for Federal coal leases has been in place since 1976;

(B) currently the coal lease acreage limit of 46,080 acres per State is less than the per-State Federal lease acreage limit for potash (96,000 acres) and oil and gas (246,080 acres);

(6) coal producers in Wyoming and Utah are operating mines on Federal leaseholds that contain total acreage close to the coal lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases for State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to coal;

(8) existing coal mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas are subject to 10-year reclamation plans, and the reclaimed acreage is counted against the State and national acreage limits;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure investments, coal producers need certainty that sufficient acreage of leasable coal will be available for mining in the future; and

(10) to maintain the vitality of the domestic coal industry and ensure the continued flow of valuable revenues to the Federal and State governments and of energy to the American public from coal production on Federal land, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal coal leases.

SEC. 3. COAL MINING ON FEDERAL LAND.

Section 27(a) of the Act of February 25, 1920 (30 U.S.C. 184(a)), is amended—

(1) by striking ''(a)'' and all that follows through ''No person'' and inserting ''(a) COAL LEASES.—No person'';

(2) by striking ''forty-six thousand and eighty acres'' and inserting ''75,000 acres''; and

(3) by striking ''one hundred thousand acres'' each place it appears and inserting ''150,000 acres''.

THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF PENNSYLVANIA

The Senate proceeded to consider the bill (S. 2499) to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania.

The bill (S. 2499) was read the third time and passed, as follows:

S. 2499

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

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7041, the Commission shall, at the request of the licensee for the project, extend the period required for commencement of construction of the project until December 31, 2001.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired before the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction as provided in subsection (a).

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

The Senate proceeded to consider the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(Omit the part in black brackets and insert the part printed in italic)

H.R. 468

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 ''Saint Helena Island National Scenic Area Act''.

SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) PURPOSE.—The purposes of this Act are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan; and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) ESTABLISHMENT.—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this Act referred to as the ''scenic area'').

(c) EFFECTIVE UPON CONVEYANCE.—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3948).

SEC. 3. BOUNDARIES.

(a) SAINT HELENA ISLAND.—The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9).

(c) PAYMENTS TO LOCAL GOVERNMENTS.—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this Act shall be treated as entitlement lands.

SEC. 4. ADMINISTRATION AND MANAGEMENT.

(a) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture (in this Act referred to as the ''Secretary'') shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this Act.

(b) SPECIAL MANAGEMENT REQUIREMENTS.—[With-in 3 years of the date of the enactment of this Act, the Secretary shall seek to develop a management plan for the scenic area as an amendment to the land and resources management plan for the Hiawatha National Forest.] *Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 7, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area.* Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) PUBLIC ACCESS.—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this Act.

(2) ROADS.—After the date of the enactment of this Act, no new permanent roads shall be constructed within the scenic area.

(3) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this Act.

(5) FIRE.—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary deems appropriate.

(6) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) DOCKAGE.—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) SAFETY.—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) CONSULTATION.—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 5. FISH AND GAME.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 7. ACQUISITION.

(a) ACQUISITION OF LANDS WITHIN THE SCENIC AREA.—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this Act.

(b) ACQUISITION OF OTHER LANDS.—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) ACQUISITION OF LANDS.—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 7.

(b) OTHER PURPOSES.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 4(b).

The committee amendment was agreed to.

The bill (H.R. 468), as amended, was read the third time and passed.

IVANAPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

The Senate proceeded to consider the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanapah Valley, Nevada, to Clark County, Nevada, and for the development of an airport facility, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the part in black brackets and insert the part printed in italic)

S. 1695

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 ''Ivanpah Valley Airport Public Lands Transfer Act''.

SEC. 2. CONVEYANCE OF LANDS TO CLARK COUNTY, NEVADA.

(a) IN GENERAL.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1713), but subject to subsection (b) of this section and valid existing rights, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal public lands identified for disposition on the map entitled ''Ivanpah Valley, Nevada-Airport Selections'' numbered 01, and dated April 1999, for the purpose of developing an airport facility and related infrastructure. The Secretary shall keep such map on file and available for public inspection in the offices of the Director of the Bureau of Land Management and in the district office of the Bureau located in Las Vegas, Nevada.

(b) CONDITIONS.—The Secretary shall make no conveyance under subsection (a) until each of the following conditions are fulfilled:

(1) The County has conducted an airspace [assessment] *assessment, using the airspace management plan required by section 4(a),* to identify any potential adverse effects on access to the Las Vegas Basin under visual flight rules that would result from the construction and operation of a commercial or primary airport, or both, on the land to be conveyed.

(2) The Federal Aviation Administration has made a certification under section 4(b).

(3) The County has entered into an agreement with the Secretary to retain ownership of Jean Airport, located at Jean, Nevada, and to maintain and operate such airport for general aviation purposes.

(c) PAYMENT.—

(1) IN GENERAL.—As consideration for the conveyance of each parcel, the County shall pay to the United States an amount equal to the fair market value of the parcel.

[(2) DEPOSIT IN SPECIAL ACCOUNT.—The Secretary shall deposit the payments received under paragraph (1) in the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of

1998 (112 Stat. 2345). The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.]

(2) DEPOSIT IN SPECIAL ACCOUNT.—(A) The Secretary shall deposit the payments received under paragraph (1) into the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345). Such funds may be expended only for the acquisition of private inholdings in the Mojave National Preserve and for the protection and management of the petroglyph resources in Clark County, Nevada. The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.

(B) The Secretary may not expend funds pursuant to this section until—

(i) the provisions of section 5 of this Act have been completed; and

(ii) a final Record of Decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued which permits development of an airport at the Ivanpah site.

[(d) REVERSION AND REENTRY.—If, following completion of compliance with section 5 of this Act, the Federal Aviation Administration and the County determine that an airport cannot be constructed on the conveyed lands—]

(d) REVERSION AND REENTRY.—If, following completion of compliance with section 5 of this Act and in accordance with the findings made by the actions taken in compliance with such section, the Federal Aviation Administration and the County determine that an airport should not be constructed on the conveyed lands—

(1) the Secretary of the Interior shall immediately refund to the County all payments made to the United States for such lands under subsection (c); and

(2) upon such payment—

(A) all right, title, and interest in the lands conveyed to the County under this Act shall revert to the United States; and

(B) the Secretary may reenter such lands.

SEC. 3. MINERAL ENTRY FOR LANDS ELIGIBLE FOR CONVEYANCE.

The public lands referred to in section 2(a) are withdrawn from mineral entry under the Act of May 10, 1872 (30 U.S.C. 22 et seq.; popularly known as the Mining Law of 1872) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

SEC. 4. ACTIONS BY THE DEPARTMENT OF TRANSPORTATION.

(a) DEVELOPMENT OF AIRSPACE MANAGEMENT PLAN.—The Secretary of Transportation shall, in consultation with the [Secretary,] *Secretary, prior to the conveyance of the land referred to in section 2(a),* develop an airspace management plan for the Ivanpah Valley Airport that shall, to the maximum extent practicable and without adversely impacting safety considerations, restrict aircraft arrivals and departures over the Mojave Desert Preserve in California.

(b) CERTIFICATION OF ASSESSMENT.—The Administrator of the Federal Aviation Administration shall certify to the Secretary that the assessment made by the County under section 2(b)(1) is thorough and that alternatives have been developed to address each adverse effect identified in the assessment, including alternatives that ensure access to the Las Vegas Basin under visual flight rules at a level that is equal to or better than existing access.

SEC. 5. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 REQUIRED.

Prior to construction of an airport facility on lands conveyed under section 2, all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to initial planning and construction shall be completed by the Secretary of Transportation and the Secretary of the Interior as joint lead agencies. *Any actions conducted in accordance with this section shall specifically address any impacts on the purposes for which the Mojave National Preserve was created.*

SEC. 6. DEFINITIONS.

In this Act—

(1) the term ''County'' means Clark County, Nevada; and

(2) the term ''Secretary'' means the Secretary of the Interior.

The committee amendments were agreed to.

The bill (H.R. 1695), as amended, was read the third time and passed.

LAKE TAHOE RESTORATION ACT

The Senate proceeded to consider the bill (S. 1925) to promote environmental restoration around Lake Tahoe basin, which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(Strike out all after the enacting clause and insert the part printed in italic)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lake Tahoe Restoration Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

(4) Lake Tahoe is in the midst of an environmental crisis; the Lake's water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

(6) methyl tertiary butyl ether—

(A) has contaminated and closed more than ⅓ of the wells in South Tahoe; and

(B) is advancing on the Lake at a rate of approximately 9 feet per day;

(7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake's ability to cleanse itself of pollutants;

(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91–148; 83 Stat. 360) and in 1980 (Public Law 96–551; 94 Stat. 3233);

(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

(11) the President renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

(A) expenditures—

(i) exceeding $200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

(ii) exceeding $30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional $20,000,000; and

(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

(b) PURPOSES.—The purposes of this Act are—

(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term ''environmental threshold carrying capacity'' has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96–551 (94 Stat. 3235).

(2) FIRE RISK REDUCTION ACTIVITY.—

(A) IN GENERAL.—The term ''fire risk reduction activity'' means an activity that is necessary to reduce the risk of wildlife to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

(B) INCLUDED ACTIVITIES.—The term ''fire risk reduction activity'' includes—

(i) prescribed burning;

(ii) mechanical treatment;

(iii) road obliteration or reconstruction; and

(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

(3) PLANNING AGENCY.—The term ''Planning Agency'' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

(4) PRIORITY LIST.—The term ''priority list'' means the environmental restoration priority list developed under section 6.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) IN GENERAL.—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) RELATIONSHIP TO OTHER AUTHORITY.—

(1) PRIVATE OR NON-FEDERAL LAND.—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) PLANNING AGENCY.—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) ACQUISITION UNDER OTHER LAW.—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe basin under any other law.

SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.

(a) IN GENERAL.—With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of—

(1) the Planning Agency;

(2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;

(3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);

(4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and

(5) the Lake Tahoe Transportation and Water Quality Coalition.

(b) DUTIES.—The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to—

(1) the administration of the Lake Tahoe Basin Management Unit;

(2) the development of the priority list;

(3) the promotion of consistent policies and strategies to address the Lake Tahoe basin's environmental and recreational concerns;

(4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and

(5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decisionmaking on an ongoing basis.

SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe Basin Management Unit.

(b) DEVELOPMENT OF PRIORITY LIST.—In developing the priority list, the Secretary shall—

(1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and

(2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that—

(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

(B) would help to achieve and maintain the environmental threshold carrying capacities for—

(i) air quality;

(ii) fisheries;

(iii) noise;

(iv) recreation;

(v) scenic resources;

(vi) soil conservation;

(vii) forest health;

(viii) water quality; and

(ix) wildlife;

(3) in determining the order of priority of potential and proposed environmental restoration projects under paragraph (2), the focus shall address projects (listed in no particular order) involving—

(A) erosion and sediment control, including the activities described in section 2(g) of Public Law 96–586 (94 Stat. 3381) (as amended by section 7 of this Act);

(B) the acquisition of environmentally sensitive land from willing sellers under Public Law 96–586 (94 Stat. 3381) or land acquisition under any other Federal law;

(C) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under Public Law 96–586 (94 Stat. 3381);

(D) cleaning up methyl tertiary butyl ether contamination; and

(E) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

(i) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

(ii) the Highway 28 and 89 corridors and parking problems in the area; and

(iii) cooperation with local public transportation systems, including—

(I) the Coordinated Transit System; and

(II) public transit systems on the north shore of Lake Tahoe.

(c) MONITORING.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

(d) CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

(e) REVIEW OF PRIORITY LIST.—Periodically, but not less often than every 3 years, the Secretary shall—

(1) review the priority list;

(2) consult with—

(A) the Tahoe Regional Planning Agency;

(B) interested political subdivisions; and

(C) the Lake Tahoe Water Quality and Transportation Coalition; and

(3) make any necessary changes with respect to—

(A) the findings of scientific research and monitoring in the Lake Tahoe basin;

(B) any change in an environmental threshold as determined by the Planning Agency;

(C) any change in general environmental conditions in the Lake Tahoe basin; and

(D) submit to Congress a report on any changes made.

(f) CLEANUP OF HYDROCARBON CONTAMINATION.—

(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, make a payment of $1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.

(2) CONSULTATION.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.

(3) WILLING SELLERS.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (f), $20,000,000 for the first fiscal year that begins after the date of enactment of this Act and for each of the 9 fiscal years thereafter.

SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

Section 2 of Public Law 96–586 (94 Stat. 3381) is amended by striking subsection (g) and inserting the following:

''(g) PAYMENTS TO LOCALITIES.—

''(1) IN GENERAL.—The Secretary of Agriculture shall, subject to the availability of appropriations, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

''(2) USE OF PAYMENTS.—Payments under this subsection may be used—

''(A) first, for erosion control and water quality projects; and

''(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

''(3) ELIGIBILITY FOR PAYMENTS.—

''(A) IN GENERAL.—To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

''(B) COMPONENTS OF LIST.—A priority list under subparagraph (A) shall include, for each proposed project listed—

''(i) a description of the need for the project;

''(ii) all projected costs and benefits; and

''(iii) a detailed budget.

''(C) USE OF PAYMENTS.—A payment under this subsection shall be used only to carry out a project or proposed project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

''(D) FEDERAL OBLIGATION.—All projects funded under this subsection shall be part of Federal obligation under the enviromental improvment program.

''(4) DIVISION OF FUNDS.—

''(A) IN GENERAL.—The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for and merits of projects proposed for payment under this section.

''(B) MINIMUM.—To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe basin receives amounts appropriated for payments under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection $10,000,000 for the first fiscal year that begins after the date of enactment of this paragraph and for each of the 9 fiscal years thereafter.''.

SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

(a) IN GENERAL.—In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

(b) GROUND DISTURBANCE.—The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

(a) IN GENERAL.—Funds authorized under this Act and the amendment made by this Act—

(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

(2) shall not reduce allocations for other Regions of the Forest Service.

(b) MATCHING REQUIREMENT.—Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

(c) RELOCATION COSTS.—The Secretary shall provide ⅔ of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96–586.

SEC. 10. AMENDMENT OF PUBLIC LAW 96–586.

Section 3(a) of Public Law 96–586 (94 Stat. 3383) is amended by adding at the end the following:

''(5) WILLING SELLERS.—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.''.

SEC. 11. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act exempts the Secretary from the duty to comply with any applicable Federal law.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1925), as amended, was read the third time and passed.

CONVEYANCE OF CERTAIN LAND IN POWELL, WYOMING

The Senate proceeded to consider the bill (S. 2069) to permit the conveyance of certain land in Powell, Wyoming, which had been reported from the Committee on Energy and Natural Resources.

The bill (S. 2069) was read the third time and passed, as follows:

S. 2069

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

SECTION 1. ELIMINATION OF PUBLIC PURPOSE CONDITION.

(a) FINDINGS.—Congress finds that—

(1) the parcel of land described in subsection (c) was patented to the town (now City) of Powell, Wyoming, by the United States General Land Office on October 17, 1934, to help establish a town near the Shoshone Irrigation Project;

(2) the land was patented with the condition that it be used forever for a public purpose, as required by section 3 of the Act of April 16, 1906 (43 U.S.C. 566);

(3) the land has been used to house the Powell Volunteer Fire Department, which serves the firefighting and rescue needs of a 577 square mile area in northwestern Wyoming;

(4) the land is located at the corner of U.S. Highway 14 and the main street of the business district of the City;

(5) because of the high traffic flow in the area, the location is no longer safe for the public or for the fire department;

(6) in response to population growth in the area and to National Fire Protection Association regulations, the fire department has purchased new firefighting equipment that is much larger than the existing fire hall can accommodate;

(7) accordingly, the fire department must construct a new fire department facility at a new and safe location;

(8) in order to relocate and construct a new facility, the City must sell the land to assist in financing the new fire department facility; and

(9) the Secretary of the Interior concurs that it is in the public interest to eliminate the public purpose condition to enable the land to be sold for that purpose.

(b) ELIMINATION OF CONDITION.—

(1) WAIVER.—The condition stated in section 3 of the Act of April 16, 1906 (43 U.S.C. 566), that land conveyed under that Act be used forever for a public purpose is waived insofar as the condition applies to the land described in subsection (c).

(2) INSTRUMENTS.—The Secretary of the Interior shall execute and cause to be recorded in the appropriate land records any instruments necessary to evidence the waiver made by paragraph (1).

(c) LAND DESCRIPTION.—The parcel of land described in this subsection is a parcel of land located in Powell, Park County, Wyoming, the legal description of which is as follows:

Lot 23, Block 54, in the original town of Powell, according to the plat recorded in Book 82 of plats, Page 252, according to the records of the County Clerk and Recorder of Park County, State of Wyoming.

GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT OF 2000

The Senate proceeded to consider the bill (H.R. 3632) to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

The bill (H.R. 3632) was read the third time and passed.

BLACK HILLS NATIONAL FOREST AND ROCKY MOUNTAIN RESEARCH STATION IMPROVEMENT ACT

The Senate proceeded to consider the bill (H.R. 4226) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

The bill (H.R. 4226) was read the third time and passed.

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 2000

The Senate proceeded to consider the bill (H.R. 4613) to amend the National Historic Preservation Act for purposes of establishing a national lighthouse preservation program.

The bill (H.R. 4613) was read the third time and passed.

EFFIGY MOUNDS NATIONAL MONUMENT ADDITIONS ACT

The Senate proceeded to consider the bill (H.R. 3745) to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

The bill (H.R. 3745) was read the third time and passed.

EXTENSION OF THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF CERTAIN HYDROELECTRIC PROJECTS IN THE STATE OF WEST VIRGINIA

The Senate proceeded to consider the bill (S. 2942) to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia.

The bill (S. 2942) was read the third time and passed, as follows:

S. 2942

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission projects numbered 6901, 6902, and 7307, the Commission may, at the request of the licensee for each project, respectively, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the date of the expiration of the extension issued by the Commission before the date of the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of any of the projects described in subsection (a) expired before the date of the enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of its expiration; and

(2) the first extension authorized under subsection (a) shall take effect on the expiration date.

LAND EXCHANGE BETWEEN THE SECRETARY OF THE INTERIOR AND THE DIRECTOR OF CENTRAL INTELLIGENCE AT THE GEORGE WASHINGTON MEMORIAL PARKWAY

The Senate proceeded to consider the bill (S. 3000) to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. AUTHORIZATION OF LAND EXCHANGE.

(a) IN GENERAL.—Subject to section 2, the Secretary of the Interior (referred to in this Act as the ''Secretary'') and the Director of Central Intelligence (referred to in this Act as the ''Director'') may exchange—

(1) approximately 1.74 acres of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, as depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998; for

(2) approximately 2.92 acres of land under the jurisdiction of the Central Intelligence Agency adjacent to the boundary of the George Washington Memorial Parkway, as depicted on National Park Service Drawing No. 850/81991, sheet 1, dated August 6, 1998.

(b) PUBLIC INSPECTION.—The drawings referred to in subsection (a) shall be available for public inspection in the appropriate offices of the National Park Service.

SEC. 2. CONDITIONS OF LANDS EXCHANGE

(a) NO REIMBURSEMENT OR CONSIDERATION.—The exchange described in section 1 shall occur without reimbursement or consideration.

(b) PUBLIC ACCESS FOR MOTOR VEHICLE TURN-AROUND.—The Director shall allow public access to the land described in section 1(a)(1) for a motor vehicle turn-around on the George Washington Memorial Parkway.

(c) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—The Director shall allow access to the land described in section 19(a)(1) by—

(1) employees of the Federal Highway Administration; and

(2) other Federal employees and visitors whose admission to the Turner-Fairbanks Highway Research Center of the Federal Highway Administration (hereinafter referred to in this Act as the ''Center'') is authorized by the Center.

(d) CLOSURE TO PROTECT CENTRAL INTELLIGENCE AGENCY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3) and notwithstanding any other provision of this section, the Director may close access to the land described in section 1(a)(1) to all persons (other than the United States Park Police, other necessary employees of the National Park Service, and employees of the Federal Highway Administration) if the Director determines that physical security conditions require the closure to protect employees or property of the Central Intelligence Agency.

(2) TIME LIMITATION.—The Director may not close access to the land under paragraph (1) for more than 12 hours during any 24-hour period unless the Director consults with the National Park Service, the Center, and the United States Park Police.

(3) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—No action shall be taken under this subsection to diminish access to the land described in section 1(a)(1) by employees of the Federal Highway Administration except when the action is taken for security reasons.

(e) DEED RESTRICTIONS.—The Director shall ensure compliance by the Central Intelligence Agency with the deed restrictions that apply to the land described in section 1(a)(1).

(f) INTERAGENCY AGREEMENT.—The Secretary and the Director shall comply with the terms and conditions of the Interagency Agreement between the National Park Service and the Central Intelligence Agency, signed in 1998, regarding the exchange and management of the land subject to the Agreement.

(g) DEADLINE.—The Secretary and the Director shall complete the exchange authorized by this section not later than 120 days after the date of enactment of this Act.

SEC. 3. MANAGEMENT OF EXCHANGED LANDS.

(a) LAND CONVEYED TO SECRETARY.—Any land described in section 1(a)(2) that is conveyed to the Secretary shall be—

(1) included within the boundary of the George Washington Memorial Parkway; and

(2) administered by the National Park Service as part of the Parkway, subject to the laws (including regulations) applicable to the Parkway.

(b) LAND CONVEYED TO DIRECTOR.—Any land described in section 1(a)(1) that is conveyed to the Director shall be administered as part of the Headquarters Building Compound of the Central Intelligence Agency.''.

CALIFORNIA TRAIL INTERPRETIVE ACT

The Senate proceeded to consider the bill (S. 2749) to Establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States.

The bill (S. 2749) was read the third time and passed, as follows:

S. 2749

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 ''California Trail Interpretive Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the nineteenth century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CALIFORNIA TRAIL.—The term ''California Trail'' means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) CENTER.—The term ''Center'' means the California Trail Interpretive Center established under section 4(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term ''State'' means the State of Nevada.

SEC. 4. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary may establish an interpretation center to be known as the ''California Trail Interpretive Center'', near the city of Elko, Nevada.

(2) PURPOSE.—The Center shall be established for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) MASTER PLAN STUDY.—To carry out subsection (a), the Secretary shall—

(1) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106–99; and

(2) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) IMPLEMENTATION.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center by the Advisory Board for the National Historic California Emigrant Trails Interpretive Center of the city of Elko, Nevada;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

(ii) rescue, firefighting, and law enforcement services; and

(iii) coordination of activities of nearby law enforcement and firefighting departments or agencies; and

(B) a Federal, State, or local agency to develop or operate facilities and services to carry out this Act; and

(5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this Act, as determined by the Secretary, including 1-time contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—

(A) the State, in the amount of $3,000,000;

(B) Elko County, Nevada, in the amount of $1,000,000; and

(C) the city of Elko, Nevada, in the amount of $2,000,000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $12,000,000.

VIRGINIA WILDERNESS ACT OF 2000

The Senate proceeded to consider the bill (S. 2865) to designate certain land of the National Forest System located in the State of Virginia as wilderness.

The bill (S. 2865) was read the third time and passed, as follows:

S. 2865

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 ''Virginia Wilderness Act of 2000''.

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

Section 1 of the Act entitled ''An Act to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas'' (Public Law 100–326; 102 Stat. 584) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) certain land in the George Washington National Forest, comprising approximately 6,500 acres, as generally depicted on a map entitled 'The Priest Wilderness Study Area', dated June 6, 2000, to be known as the 'Priest Wilderness Area'; and

''(8) certain land in the George Washington National Forest, comprising approximately 4,800 acres, as generally depicted on a map entitled 'The Three Ridges Wilderness Study Area', dated June 6, 2000, to be known as the 'Three Ridges Wilderness Area.''.

TEXAS NATIONAL FORESTS IMPROVEMENT ACT OF 1999

The Senate proceeded to consider the bill (H.R. 4285) to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System Lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

The bill (H.R. 4285) was read the third time and passed.

TRANSFER AND OTHER DISPOSITION OF CERTAIN LANDS AT MELROSE AIR FORCE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON

The Senate proceeded to consider the bill (S. 2757) to provide for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the parts in black brackets and insert the part printed in italic)

S. 2757

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

SECTION 1. LAND TRANSFER AND WITHDRAWAL, MELROSE AIR FORCE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) MELROSE AIR FORCE RANGE, NEW MEXICO.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Air Force:

NEW MEXICO [PRIME] *PRINCIPAL* MERIDIAN

T. 1 N., R. 30 E.
Sec. 2: S½.
Sec. 11: All.
Sec. 20: S½SE¼.
Sec. 28: All.
T. 1 S., R. 30 E.
Sec. 2: Lots 1–12, S½.
Sec. 3: Lots 1–12, S½.
Sec. 4: Lots 1–12, S½.
Sec. 6: Lots 1 and 2.
Sec. 9: N½, N½S½.
Sec. 10: N½, N½S½.
Sec. 11: N½, N½S½.
T. 2 N., R. 30 E.
Sec. 20: E½SE¼.
Sec. 21: SW¼, W½SE¼.
Sec. 28: W½E½, W½.
Sec. 29: E½E½.
Sec. 32: E½E½.
Sec. 33: W½E½, NW¼, S½SW¼.
Aggregating 6,713.90 acres, more or less.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) is withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.).

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Air Force may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraph (1), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on Melrose Air Force Range, New Mexico.

(b) YAKIMA TRAINING CENTER, WASHINGTON.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Army:

WILLAMETTE MERIDIAN

T. 17 N., R. 20 E.
Sec. 22: S½.
Sec. 24: S½SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way.
Sec. 26: All.
T. 16 N., R. 21 E.
Sec. 4: SW¼SW¼.
Sec. 12: [SW¼.] *SE¼.*
Sec. 18: Lots 1, 2, 3, and 4, E½ and E½W½.
T. 17 N., R. 21 E.
Sec. 30: Lots 3 and 4.
Sec. 32: NE¼SE¼.
T. 16 N., R. 22 E.
Sec. 2: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 4: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 10: All.
Sec. 14: All.
Sec. 20: SE¼SW¼.
Sec. 22: All.
Sec. 26: N½.
Sec. 28: N½.
T. 16 N., R. 23 E.
Sec. 18: Lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½SE¼ lying westerly of the westerly right-of-way line of Huntzinger Road.
Sec. 20: That portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad.
Sec. 30: Lots 1 and 2, NE¼ and E½NW¼.
Aggregating 6,640.02 acres.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) and of the following lands are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.):

WILLAMETTE MERIDIAN

T. 16 N., R. 20 E.
Sec. 12: All.
Sec. 18: Lot 4 and SE¼.
Sec. 20: S½.
T. 16 N., R. 21 E.
Sec. 4: Lots 1, 2, 3, and 4, S½NE½.
Sec. 8: All.
T. 16 N., R. 22 E.
Sec. 12: All.
T. 17 N., R. 21 E.
Sec. 32: S½SE¼.
Sec. 34: W½.
Aggregating 3,090.80 acres.

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Army may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraphs (1) and (3), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

The committee amendments were agreed to.

The bill (S. 2757), as amended, was read the third time and passed, as follows:

S. 2757

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

SECTION 1. LAND TRANSFER AND WITHDRAWAL, MELROSE AIR FORCE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) MELROSE AIR FORCE RANGE, NEW MEXICO.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Air Force:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 30 E.
Sec. 2: S½.
Sec. 11: All.
Sec. 20: S½SE¼.
Sec. 28: All.
T. 1 S., R. 30 E.
Sec. 2: Lots 1–12, S½.
Sec. 3: Lots 1–12, S½.
Sec. 4: Lots 1–12, S½.
Sec. 6: Lots 1 and 2.
Sec. 9: N½, N½S½.
Sec. 10: N½, N½S½.
Sec. 11: N½, N½S½.
T. 2 N., R. 30 E.
Sec. 20: E½SE¼.
Sec. 21: SW¼, W½SE¼.
Sec. 28: W½E½, W½.
Sec. 29: E½E½.
Sec. 32: E½E½.
Sec. 33: W½E½, NW¼, S½SW¼.
Aggregating 6,713.90 acres, more or less.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) is

withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.).

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Air Force may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraph (1), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on Melrose Air Force Range, New Mexico.

(b) YAKIMA TRAINING CENTER, WASHINGTON.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Army:

WILLAMETTE MERIDIAN

T. 17 N., R. 20 E.
Sec. 22: S½.
Sec. 24: S½SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way.
Sec. 26: All.
T. 16 N., R. 21 E.
Sec. 4: SW¼SW¼.
Sec. 12: SE¼.
Sec. 18: Lots 1, 2, 3, and 4, E½ and E½W½.
T. 17 N., R. 21 E.
Sec. 30: Lots 3 and 4.
Sec. 32: NE¼SE¼.
T. 16 N., R. 22 E.
Sec. 2: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 4: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 10: All.
Sec. 14: All.
Sec. 20: SE¼SW¼.
Sec. 22: All.
Sec. 26: N½.
Sec. 28: N½.
T. 16 N., R. 23 E.
Sec. 18: Lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½SE¼ lying westerly of the westerly right-of-way line of Huntzinger Road.
Sec. 20: That portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad.
Sec. 30: Lots 1 and 2, NE¼ and E½NW¼.
Aggregating 6,640.02 acres.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) and of the following lands are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.):

WILLAMETTE MERIDIAN

T. 16 N., R. 20 E.
Sec. 12: All.
Sec. 18: Lot 4 and SE¼.
Sec. 20: S½.
T. 16 N., R. 21 E.
Sec. 4: Lots 1, 2, 3, and 4, S½NE½.
Sec. 8: All.
T. 16 N., R. 22 E.
Sec. 12: All.
T. 17 N., R. 21 E.
Sec. 32: S½SE¼.
Sec. 34: W½.
Aggregating 3,090.80 acres.

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Army may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraphs (1) and (3), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA

The Senate proceeded to consider the bill (S. 2977) to assist the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

The bill (S. 2977) was read the third time and passed, as follows:

S. 2977

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

SECTION 1. INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA.

(a) ASSISTANT FOR ESTABLISHMENT OF CENTER AND MUSEUM.—The Secretary of the Interior shall enter into an agreement with an appropriate entity for the purpose of sharing costs incurred to design, construct, furnish, and operate an interpretive center and museum, to be located on lands under the jurisdiction of the Metropolitan Water District of Southern California, intended to preserve, display, and interpret the paleontology discoveries made at and in the vicinity of the Diamond Valley Lake, near Hemet, California, and to promote other historical and cultural resources of the area.

(b) ASSISTANCE FOR NONMOTORIZED TRAILS.—The Secretary shall enter into an agreement with the State of California, a political subdivision of the State, or a combination of State and local public agencies for the purpose of sharing costs incurred to design, construct, and maintain a system of trails around the perimeter of the Diamond Valley Lake for use by pedestrians and nonmotorized vehicles.

(c) MATCHING REQUIREMENT.—The Secretary shall require the other parties to an agreement under this section to secure an amount of funds from non-Federal sources that is at least equal to the amount provided by the Secretary.

(d) TIME FOR AGREEMENT.—The Secretary shall enter into the agreements required by this section not later than 180 days after the date on which funds are first made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $14,000,000 to carry out this section.

JAMESTOWN 400TH COMMEMORATION COMMISSION

The Senate proceeded to consider the bill (S. 2885) to establish the Jamestown 400th Commemoration Commission, and for other purposes, which has been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the part in black brackets and insert the part printed in italic)

S. 2885

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 ''Jamestown 400th Commemoration Commission Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the [State] *Commonwealth of Virginia;*

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) COMMISSION.—The term ''Commission'' means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) GOVERNOR.—The term ''Governor'' means the Governor of [the State.] *Virginia.*

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

[(5) STATE.—

[(A) IN GENERAL.—The term ''State'' means the State of Virginia.

[(B) INCLUSIONS.—The term ''State'' includes agencies and entities of the State.]

(5) STATE.—The term ''State'' means the Commonwealth of Virginia, including agencies and entities of the Commonwealth.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the ''Jamestown 400th Commemoration Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of [16 members,] *15 members,* of whom—

(A) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) 2 members shall be employees of the National Park Service, of which—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) 5 members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) PLANS; REPORTS.—

(A) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—In accordance with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

(B) FINAL REPORT.—Not later than September 30, 2008, the Commission shall complete a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed $10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3000), as amended, was read the third time and passed.

The title was amended so as to read: ''To authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.''

The committee amendments were agreed to.

The bill (S. 2885), as amended, was read the third time and passed, as follows:

S. 2885

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 ''Jamestown 400th Commemoration Commission Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the Commonwealth of Virginia;

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) COMMISSION.—The term ''Commission'' means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) GOVERNOR.—The term ''Governor'' means the Governor of Virginia.

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

(5) STATE.—The term ''State'' means the Commonwealth of Virginia, including agencies and entities of the Commonwealth.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the ''Jamestown 400th Commemoration Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, of whom—

(A) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) 2 members shall be employees of the National Park Service, of which—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) 5 members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) PLANS; REPORTS.—

(A) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—In accordance with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

(B) FINAL REPORT.—Not later than September 30, 2008, the Commission shall complete a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed $10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

COLORADO CANYONS NATIONAL CONSERVATION AREA AND BLACK RIDGE CANYONS WILDERNESS ACT OF 2000

The Senate proceeded to consider the bill (H.R. 4275) to establish the Colorado National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

The bill (H.R. 4275) was read the third time and passed.

LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA TO KATY

The Senate proceeded to consider the bill (S. 2111) to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California Corporation, which had been reported by the Committee on Energy and Natural Resources with an amendment as follows:

(Strike out all after the enacting clause and insert the part printed in italic)

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as ''KATY'') all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A–2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as ''GTE'') KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words ''Secretary of Agriculture'';

(2) by striking the words ''with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),'';

(3) by inserting the words '', real property or interests in lands,'' after the word ''lands'' the first time it is used;

(4) by striking ''San Bernardino and Cleveland'' and inserting ''counties of San Bernardino, Cleveland and Los Angeles'';

(5) by striking ''county of Riverside'' each place it appears and inserting ''counties of Riverside and San Bernardino'';

(6) by striking ''as to minimize soil erosion and flood damage'' and inserting ''for National Forest System purposes''; and

(7) after the ''Provided further, That'', by striking the remainder of the sentence to the end of the paragraph, and inserting ''twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2111), as amended, was read the third time and passed.

GREAT SAND DUNES NATIONAL PARK ACT OF 2000

The Senate proceeded to consider the bill (S. 2547) to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes, which had been reported by the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great Sand Dunes National Park Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

(B) contributes to the protection of—

(i) the sand sheet associated with the dune mass;

(ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and

(iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;

(5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;

(6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—

(A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and

(B) expanded visitor use opportunities;

(7) land in and adjacent to the Great Sand Dunes National Monument is—

(A) recognized for the culturally diverse nature of the historical settlement of the area;

(B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and

(C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and

(8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term ''Advisory Council'' means the Great Sand Dunes National Park Advisory Council established under section 8(a).

(2) LUIS MARIA BACA GRANT NO. 4.—The term ''Luis Maria Baca Grant No. 4'' means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.

(3) MAP.—The term ''map'' means the map entitled ''Great Sand Dunes National Park and Preserve'', numbered 140/80,032 and dated September 19, 2000.

(4) NATIONAL MONUMENT.—The term ''national monument'' means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this Act.

(5) NATIONAL PARK.—The term ''national park'' means the Great Sand Dunes National Park established in section 4.

(6) NATIONAL WILDLIFE REFUGE.—The term ''wildlife refuge'' means the Baca National Wildlife Refuge established in section 6.

(7) PRESERVE.—The term ''preserve'' means the Great Sand Dunes National Preserve established in section 5.

(8) RESOURCES.—The term ''resources'' means the resources described in section 2.

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

(10) USES.—The term ''uses'' means the uses described in section 2.

SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.

(a) ESTABLISHMENT.—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) NOTIFICATION.—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) ABOLISHMENT OF NATIONAL MONUMENT.—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Great Sand Dunes National Monument'' shall be considered a reference to ''Great Sand Dunes National Park''.

(e) TRANSFER OF JURISDICTION.—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.

(a) ESTABLISHMENT OF GREAT SAND DUNES NATIONAL PRESERVE.—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the date of enactment of this Act shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–767; 16 U.S.C. 539i note).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY SURVEY.—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.

(a) ESTABLISHMENT.—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) ADMINISTRATION.—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) PROTECTION OF WATER RESOURCES.—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4) and

(B) the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) GRAZING.—

(1) ACQUIRED STATE OR PRIVATE LAND.—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) FEDERAL LAND.—Where grazing is permitted on land that is Federal land as of the

date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) TERMINATION OF LEASES.—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) ADMINISTRATIVE EXCEPTIONS.—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) AGENCY AGREEMENT.—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) SAVINGS CLAUSE.—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT.—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) WITHDRAWAL—

(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) WILDNERNESS PROTECTION.—

(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS

(a) ACQUISITION AUTHORITY.—

(1) Within the area depicted on the map as the ''Acquisition Area'' or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: Provided, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) BOUNDARY ADJUSTMENT.—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) ADMINISTRATION OF ACQUIRED LANDS.—

(1) GENERAL AUTHORITY.—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands of the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) FOREST SERVICE ADMINISTRATION.—

(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

SEC. 9. WATER RIGHTS.

(a) SAN LUIS VALLEY PROTECTION, COLORADO.—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

''(3) adversely affect the purposes of—

''(A) the Great Sand Dunes National Monument;

''(B) the Great Sands Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

''(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

''(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

''(E) any Federal land adjacent to any area described in subparagraphs (A), (B), (C), or (D).''.

(b) EFFECT ON WATER RIGHTS.—

(1) IN GENERAL.—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), state jurisdiction over any water law.

(2) WATER RIGHTS FOR NATIONAL PARK AND NATIONAL PRESERVE.—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d) below, no Federal reservation of water may be claimed or established for the national park or the national preserve

(c) NATIONAL FOREST WATER RIGHTS.—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) NATIONAL MONUMENT WATER RIGHTS.—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) ACQUIRED WATER RIGHTS AND WATER RESOURCES.—

(1) IN GENERAL.—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) STATE AUTHORITY.—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) DISPOSAL.—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems

necessary to obtain the termination of obligations specified in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

SEC. 10. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the ''Great Sand Dunes National Park Advisory Council''.

(b) DUTIES.—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) MEMBERS.—The Advisory Council shall consist of 10 members to be appointed by the Secretary, as follows:

(1) one member of, or nominated by, the Alamosa County Commission.

(2) one member of, or nominated by, the Saguache County Commission.

(3) one member of, or nominated by, the Friends of the Dunes Organization.

(4) 4 members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of who have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) APPLICABLE LAW.—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) VACANCY.—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) CHAIRPERSON.—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) NO COMPENSATION.—Members of the Advisory Council shall serve without compensation.

(h) TERMINATION.—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2547), as amended, was read the third time and passed.

The title was amended so as to read: ''A bill to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.''

HERMANN MONUMENT AND HERMANN HEIGHTS PARK IN NEW ULM, MINNESOTA

The Senate proceeded to consider the resolution (H. Con. Res. 89) recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The resolution (H. Con. Res. 89) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

H. CON. RES. 89

Whereas there are currently more than 57,900,000 individuals of German heritage residing in the United States, who comprise nearly 25 percent of the population of the United States and are therefore the largest ethnic group in the United States;

Whereas those of German heritage are not merely descendants of one political entity, but of all German speaking areas;

Whereas numerous Americans of German heritage have made countless contributions to American culture, arts, and industry, the American military, and American government;

Whereas there is no recognized tangible, national symbol dedicated to German Americans and their positive contributions to the United States;

Whereas the story of Hermann the Cheruscan parallels that of the American Founding Fathers, because he was a freedom fighter who united ancient German tribes in order to shed the yoke of Roman tyranny and preserve freedom for the territory of present-day Germany;

Whereas the Hermann Monument located in Hermann Heights Park in New Ulm, Minnesota, was dedicated in 1897 in honor of the spirit of freedom and later dedicated to all German immigrants who settled in New Ulm and elsewhere in the United States; and

Whereas the Hermann Monument has been recognized as a site of special historical significance by the United States Government, by placement on the National Register of Historic Places: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, are recognized by the Congress to be a national symbol for the contributions of Americans of German heritage.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

The Senate proceeded to consider the bill (S. 1756) to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes, which had been reported by the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Laboratories Partnership Improvement Act of 2000''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Department'' means the Department of Energy;

(2) the term ''departmental mission'' means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term ''National Laboratory'' means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy Laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term ''facility'' means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y–12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term ''nonprofit institution'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term ''Secretary'' means the Secretary of Energy;

(8) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term ''technology-related business concern'' means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufacturers products based on new technologies, or

(D) performs technological services;

(10) the term ''technology cluster'' means a concentration of—

(A) technology-related business concerns;

(B) institution of higher education; or

(C) other nonprofit institutions,

that reinforce each other's performance through formal or informal relationships;

(11) the term ''socially and economically disadvantaged small business concerns'' has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term ''NNSA'' means the National Nuclear Security Administration established by Title XXXII of National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support the missions of the National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments,

that can support the missions of the National Laboratories and facilities.

(c) PILOT PROGRAM.—In each of the first three fiscal years after the date of enactment of this section, the Secretary may provide no more than $10,000,000, divided equally, among no more than ten National Laboratories or facilities selected by the Secretary to conduct Technology Infrastructure Program Pilot Programs.

(d) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility designated under subsection (c) to implement the Technology Infrastructure Pilot Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory of facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a State, local, or tribal government.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-Federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary or his designee.

(4) ACCOUNTING STANDARDS.—Any participant receiving funding under this section, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(f) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall authorize the provision of Federal funds for projects under this section only when the Director of the National Laboratory or facility managing such a project determines that the project is likely to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the Director of the National Laboratory or facility managing a project under this section to consider the following criteria in selecting a project to receive federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) to potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, that can support the missions of the participating National Laboratory or facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or facility;

(D) the commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project; and

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other criteria, as appropriate, in determining whether projects should be funded under this section.

(g) REPORT TO CONGRESS ON FULL IMPLEMENTATION.—Not later than 120 days after the start of the third fiscal year after the date of enactment of this section, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued beyond the pilot stage, and, if so, how the fully implemented program should be managed. This report shall take into consideration the results of the pilot program to date the views of the relevant Directors of the National laboratories and facilities. The report shall include any proposals for legislation considered necessary by the Secretary to fully implement the program.

SEC. 4. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) work to increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurements, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or facility;

(2) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns, and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

SEC. 5. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory, function as such a senior official; and

(2) have direct access to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

(c) DUAL APPOINTMENT.—A person vested with the small business advocacy function of section 4 may also serve as the technology partnership ombudsman.

SEC. 6. STUDIES RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL LABORATORIES.

(a) STUDIES.—The Secretary shall direct the Laboratory Operations Board to study and report to him, not later than one year after the date of enactment of this section, on the following topics.

(1) the possible benefits from the need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among National Laboratories and facilities; and

(2) the possible benefits from and need for changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a National Laboratory or facility;

(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility;

(C) the licensing procedures and requirements for patents and other intellectual property;

(D) the rights given to small business concern that has licensed a patent or other intellectual property from a National Laboratory or facility

to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Funds-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) DEFINITION.—For the purposes of this section, the term ''Funds-In-Agreement'' means a contract between the Department and a non-Federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) REPORT TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary transmit the report, along with this recommendations for action and proposals for legislation to implement the recommendations, to Congress.

SEC. 7. OTHER TRANSACTIONS AUTHORITY.

(a) NEW AUTHORITY.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

''(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908.)

''(2)(A) The Secretary of Energy shall ensure that—

''(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

''(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

''(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

''(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

''(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

''(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.''.

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 3.

SEC. 8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this Act with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of Title XXXII of National Defense Authorization Act of Fiscal Year 2000.

SEC. 9. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS FOR GOVERNMENT-OWNED, CONTRACTOR-OPERATED LABORATORIES.

(a) STRATEGIC PLANS.—Subsection (a) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by striking ''joint work statement,'' and inserting ''joint work statement or, if permitted by the agency, in an agency-approved annual strategic plan,''.

(b) EXPERIMENTAL FEDERAL WAIVERS.—Subsection (b) of that section is amended by adding at the end the following new paragraph:

''(6)(A) In the case of a Department of Energy laboratory, a designated official of the Department of Energy may waive any license retained by the Government under paragraph (1)(A), (2), or (3)(D), in whole or in part and according to negotiated terms and conditions, if the designated official finds that the retention of the license by the Department of Energy would substantially inhibit the commercialization of an invention that would otherwise serve an important federal mission.

''(B) The authority to grant a waiver under subparagraph (A) shall expire on the date that is 5 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001.

''(C) The expiration under subparagraph (B) of authority to grant a waiver under subparagraph (A) shall not effect any waiver granted under subparagraph (A) before the expiration of such authority.''.

(c) TIME REQUIRED FOR APPROVAL.—Subsection (c)(5) of that section is amended—

(1) by striking subparagraph (C);

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

(3) in subparagraph (C) as so redesignated—

(A) in clause (i)—

(i) by striking ''with a small business firm''; and

(ii) by inserting ''if'' after ''statement''; and

(B) by adding at the end the following new clauses:

''(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

''(v) A Federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency considers appropriate. However, the agency may not take longer than 30 days to review and approve, request modifications to, or disapprove any proposed agreement or joint work statement that it elects to receive.''.

SEC. 10. COOPERATIVE RESEARCH AND DEVELOPMENT OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) OBJECTIVE FOR OBLIGATION OF FUNDS.—It shall be an objective of the Administrator of the National Nuclear Security Administration to obligate funds for cooperative research and development agreements (as that term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), or similar cooperative, cost-shared research partnerships with non-Federal organizations, in a fiscal year covered by subsection (b) in an amount at least equal to the percentage of the total amount appropriated for the Administration for such fiscal year that is specified for such fiscal year under subsection (b).

(b) FISCAL YEAR PERCENTAGES.—The percentages of funds appropriated for the National Nuclear Security Administration that are obligated in accordance with the objective under subsection (a) are as follows:

(1) In each of fiscal years 2001 and 2002, 0.5 percent.

(2) In any fiscal year after fiscal year 2002, the percentage recommend by the Administrator for each such fiscal year in the report under subsection (c).

(c) RECOMMENDTIONS FOR PERCENTAGES IN LATER FISCAL YEARS.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report setting forth the Administrator's recommendations for appropriate percentages of funds appropriated for the National Nuclear Security Administration to be obligated for agreements described in subsection (a) during each fiscal year covered by the report.

(d) CONSISTENCY OF AGREEMENTS.—Any agreement entered into under this section shall be consistent with and in support of the mission of the National Nuclear Security Administration.

(e) REPORTS ON ACHIEVEMENT OF OBJECTIVE.—(1) Not later than March 30, 2002, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on whether funds of the National Nuclear Security Administration were obligated in the fiscal year ending in the preceding year in accordance with the objective for such fiscal year under this section.

(2) If funds were not obligated in a fiscal year in accordance with the objective under this section for such fiscal year, the report under paragraph (1) shall—

(A) describe the actions the Administrator proposes to take to ensure that the objective under this section for the current fiscal year and future fiscal years will be met; and

(B) include any recommendations for legislation required to achieve such actions.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1756), as amended, was read the third time and passed.

THE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following reported by the Energy Committee: Calendar No. 470, H.R. 1725; Calendar No. 632, S. 1367; Calendar No. 795, S. 2439; Calendar No. 827, S. 2950; Calendar No. 850, S. 2691; Calendar No. 885, S. 2345; and Calendar No. 926, S. 2331.

I further ask unanimous consent that any committee amendments be agreed to, where appropriate, and the following amendments at the desk: amendment No. 4290 to H.R. 1725; amendment No. 4291 to S. 1367; amendment No. 4292 to S. 2439; amendment No. 4293 to S. 2950; amendment No. 4294 to S. 2691; amendment No. 4295 to S. 2345; and amendment No. 4296 to S. 2331 be agreed to, the bills, as amended, be read the third time, passed, and any title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action, and that any statements thereto be printed in the RECORD.

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

MIWALETA PARK EXPANSION ACT

The Senate proceeded to consider the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, OR, of a county park and certain adjacent land.

AMENDMENT NO. 4290

(Purpose: To add clarifying language related to management of conveyed lands)

On page 3, beginning on line 6 strike Section 2(b)(1) and insert:

''(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes consistent with the plan for expansion of the Miwaleta Park as approved in the Decision Record for Galesville Campground, EA #OR110–99–01, dated September 17, 1999.''.

Section 2(b)(2)(A) strike ''purposes—'' and insert: ''purposes as described in paragraph 2(b)(1)—''.

The amendment (No. 4290) was agreed to.

The bill (H.R. 1725), as amended, was read the third time and passed.

SAINT-GAUDENS NATIONAL HISTORIC SITE MODIFICATIONS

The Senate proceeded to consider the bill (S. 1367) to amend the act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to omit the parts in black brackets and insert the parts printed in italic.

S. 1367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That [the Act of August 31, 1964 (78 Stat. 749),] *Public Law 88–543 (16 U.S.C. 461 (note)),* which established Saint-Gaudens National Historic Site is amended—

(1) in section 3 by striking ''not to exceed sixty-four acres of lands and interests therein'' and inserting ''215 acres of lands and buildings, or interests therein'';

(2) in section 6 by striking ''$2,677,000'' from the first sentence and inserting ''$10,632,000''; and

(3) in section 6 by striking ''$80,000'' from the last sentence and inserting ''$2,000,000''.

AMENDMENT NO. 4291

(Purpose: Technical and clarifying corrections)

On page 2, line 3, strike ''215'' and insert in lieu thereof ''279''.

The amendment (No. 4291) was agreed to.

The committee amendment was agreed to.

The bill (S. 1367), as amended, was read the third time and passed, as follows:

S. 1367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 88–543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site is amended—

(1) in section 3 by striking ''not to exceed sixty-four acres of lands and interests therein'' and inserting ''279 acres of lands and buildings, or interests therein'';

(2) in section 6 by striking ''$2,677,000'' from the first sentence and inserting ''$10,632,000''; and

(3) in section 6 by striking ''$80,000'' from the last sentence and inserting ''$2,000,000''.

CONSTRUCTION OF THE SOUTHEASTERN ALASKA INTERTIE SYSTEM

The Senate proceeded to consider the bill (S. 2439) to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes.

The amendment (No. 4292) was agreed to, as follows:

AMENDMENT NO. 4292

(Purpose: To limit the authorization for the Southeastern Alaska Intertie and provide an authorization for Navajo electrification)

Strike all after the enacting clause and insert the following:

''That upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to USFS Collection Agreement #00CO–111005–105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97–01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384 million. Nothing in this Act shall be construed to limit or waive any otherwise applicable State or Federal Law.

''SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary of Energy shall establish a five year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

''(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

''(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

''(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

''(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power; or

''(4) provide training in the installation operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

''(5) support other activities that the Secretary of Energy determines are necessary to met the goal of the program.

''(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

''(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006.''

The bill (S. 2439), as amended, was read the third time and passed, as follows:

S. 2439

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

SECTION 1. SOUTHEASTERN ALASKA INTERTIE AUTHORIZATION LIMIT.

Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO–111005–105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97–01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384,000,000. Nothing in this Act shall be construed to limit or waive any otherwise applicable State or Federal law.

SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a 5-year program to assist the Navajo nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power;

(4) provide training in the installation, operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006.

SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000

The Senate proceeded to consider the bill (S. 2950) to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado, which had been reported from the Committee on Energy and Natural Resources with amendments to omit the parts in black brackets and insert the parts printed in italic.

S. 2950

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 ''Sand Creek Massacre National Historic Site Establishment Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and [Northern and Southern] Arapaho [Indians] *Indians under the leadership of Chief Black Kettle,* along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance[,] to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105–243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for [tribes] *for the tribes and the State* to be involved in the formulation of general management plans and educational programs for the national historic site.

SEC. 3. DEFINITIONS.

In this Act:

(1) DESCENDANT.—The term ''descendant'' means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan required to be developed for the site under section 7(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term ''site'' means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term ''State'' means the State of Colorado.

(6) TRIBE.—The term ''tribe'' means—

(A) the [Cheyenne Tribe] *Cheyenne and Arapaho Tribes* of Oklahoma;

[(B) the Arapaho Tribe of Oklahoma;

[(C)] *(B)* the Northern Cheyenne Tribe; or

[(D)] *(C)* the Northern Arapaho Tribe.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—

(1) DETERMINATION.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) PUBLICATION.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, ''Boundary of the Sand Creek Massacre Site'', numbered, SAND 80,009 IR, and dated July 1, 2000.

(2) LEGAL DESCRIPTION.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460*l*–9(c)).

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall manage the site in accordance with—

(1) this Act;

(2) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);

(3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(4) other laws generally applicable to management of units of the National Park System.

(b) MANAGEMENT.—The Secretary shall manage the site—

(1) to protect and preserve the site, including—

(A) the topographic features that the Secretary determines are important to the site;

(B) artifacts and other physical remains of the Sand Creek Massacre; and

(C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;

(2)(A) to interpret the natural and cultural resource values associated with the site; and

(B) provide for public understanding and appreciation of, and preserve for future generations, those values; and

(3) to memorialize, commemorate, and provide information to visitors to the site to—

(A) enhance cultural understanding about the site; and

(B) assist in minimizing the chances of similar incidents in the future.

(c) CONSULTATION AND TRAINING.—

(1) IN GENERAL.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult [with the] *with and solicit advice and recommendations from the* tribes and the State.

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

SEC. 6. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

[(b) AGRICULTURE; RANCHING.—The Secretary shall permit traditional agricultural and ranching activities conducted at the site on the date of enactment of this Act to continue on privately owned land within the designated boundary of the site in effect on the date of enactment of this Act.

[(c)] *(b)* PRIORITY FOR ACQUISITION.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states ''Sand Creek Battleground, November 29 and 30, 1864'', within the boundary of the site.

[(d)] *(c)* COST-EFFECTIVENESS.—

(1) IN GENERAL.—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) SUPPORT FACILITIES.—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) INCLUSIONS.—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

SEC. 8. SPECIAL NEEDS OF DESCENDANTS.

(a) IN GENERAL.—A descendant shall have [special] *reasonable* rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) COMMEMORATIVE NEEDS.—In addition to the rights described in subsection (a), any [special] *reasonable* need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

(a) ACCESS.—

(1) IN GENERAL.—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) NO FEE.—The Secretary shall not charge any fee for access granted under paragraph (1).

[(b) TEMPORARY MEASURES.—

[(1) IN GENERAL.—In addition to access granted under subsection (a), the Secretary, on a request by a tribe, may take such temporary measures as are necessary, regarding 1 or more portions of federally acquired land within the site, to protect the privacy of any traditional, cultural, or historical observance of the tribe that is conducted on that land.

[(2) DURATION; AREA.—A temporary measure under paragraph (1) shall remain in effect only for the duration of, and with respect to the area in the site that is involved in, the carrying out of a traditional, cultural, or historical observance under paragraph (1).]

(b) CONDITIONS OF ACCESS.—In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) SAND CREEK REPATRIATION SITE.—

(1) IN GENERAL.—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) ACCEPTABLE ITEMS.—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

(A) Native American human remains;

(B) associated funerary objects;

(C) unassociated funerary objects;

(D) sacred objects; and

(E) objects of cultural patrimony.

(d) TRIBAL CONSULTATION.—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and [tribes located in the vicinity of the site.] *the tribes.*

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The amendment (No. 4293) was agreed to, as follows:

AMENDMENT NO. 4293

(Purpose: Technical and clarifying corrections)

On page 5, line 23, strike ''Boundary of the San Creek Massacre Site'' and insert in lieu thereof ''Sand Creek Massacre Historic Site''.

On page 5, line 25, strike ''SAND 80,009 IR'' and insert in lieu thereof ''SAND 80,013 IR''.

The committee amendments were agreed to.

The bill (S. 2950), as amended, was read the third time and passed, as follows:

S. 2950

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 ''Sand Creek Massacre National Historic Site Establishment Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and Arapaho Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105–243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

SEC. 3. DEFINITIONS.

In this Act:

(1) DESCENDANT.—The term ''descendant'' means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan required to be developed for the site under section 7(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term ''site'' means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term ''State'' means the State of Colorado.

(6) TRIBE.—The term ''tribe'' means—

(A) the Cheyenne and Arapaho Tribes of Oklahoma;

(B) the Northern Cheyenne Tribe; or

(C) the Northern Arapaho Tribe.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—

(1) DETERMINATION.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) PUBLICATION.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, ''Sand Creek Massacre Historic Site'', numbered, SAND 80,013 IR, and dated July 1, 2000.

(2) LEGAL DESCRIPTION.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–9(c)).

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall manage the site in accordance with—

(1) this Act;

(2) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);

(3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(4) other laws generally applicable to management of units of the National Park System.

(b) MANAGEMENT.—The Secretary shall manage the site—

(1) to protect and preserve the site, including—

(A) the topographic features that the Secretary determines are important to the site;

(B) artifacts and other physical remains of the Sand Creek Massacre; and

(C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;

(2)(A) to interpret the natural and cultural resource values associated with the site; and

(B) provide for public understanding and appreciation of, and preserve for future generations, those values; and

(3) to memorialize, commemorate, and provide information to visitors to the site to—

(A) enhance cultural understanding about the site; and

(B) assist in minimizing the chances of similar incidents in the future.

(c) CONSULTATION AND TRAINING.—

(1) IN GENERAL.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

SEC. 6. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

(b) PRIORITY FOR ACQUISITION.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states ''Sand Creek Battleground, November 29 and 30, 1864'', within the boundary of the site.

(c) COST-EFFECTIVENESS.—

(1) IN GENERAL.—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) SUPPORT FACILITIES.—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) INCLUSIONS.—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

SEC. 8. NEEDS OF DESCENDANTS.

(a) IN GENERAL.—A descendant shall have reasonable rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) COMMEMORATIVE NEEDS.—In addition to the rights described in subsection (a), any reasonable need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

(a) ACCESS.—

(1) IN GENERAL.—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) NO FEE.—The Secretary shall not charge any fee for access granted under paragraph (1).

(b) CONDITIONS OF ACCESS.—In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) SAND CREEK REPATRIATION SITE.—

(1) IN GENERAL.—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) ACCEPTABLE ITEMS.—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

(A) Native American human remains;

(B) associated funerary objects;

(C) unassociated funerary objects;

(D) sacred objects; and

(E) objects of cultural patrimony.

(d) TRIBAL CONSULTATION.—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and the tribes.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PROTECTIONS FOR LITTLE SANDY RIVER

The Senate proceeded to consider the bill (S. 2691) to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to insert the part printed in italic.

S. 2691

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

SECTION 1. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) IN GENERAL.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking section 1 and inserting the following:

''SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon comprising approximately 98,272 acres, as depicted on a map dated May 2000, and entitled 'Bull Run Watershed Management Unit'.

''(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Regional Forester-Pacific Northwest Region, Forest Service, Department of Agriculture, and in the offices of the State Director, Bureau of Land Management, Department of the Interior.

''(3) BOUNDARY ADJUSTMENTS.—Minor adjustments in the boundaries of the unit may be made from time to time by the Secretary after consultation with the city and appropriate public notice and hearings.

''(b) DEFINITION OF SECRETARY.—In this Act, the term 'Secretary' means—

''(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

''(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECRETARY.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking ''Secretary of Agriculture'' each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting ''Secretary''.

(2) APPLICABLE LAW.—

(A) IN GENERAL.—Section 2(a) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking ''applicable to National Forest System lands'' and inserting ''applicable to National Forest System land (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)''.

(B) MANAGEMENT PLANS.—The first sentence of section 2(c) of Public Law 95–200 (16 U.S.C. 482b note) is amended—

(i) by striking ''subsection (a) and (b)'' and inserting ''subsections (a) and (b)''; and

(ii) by striking '', through the maintenance'' and inserting ''(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance''.

SEC. 2. MANAGEMENT.

(a) TIMBER HARVESTING RESTRICTIONS.—Section 2(b) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the entire unit, as designated in section 1 and depicted on the map referred to in that section.''.

(b) REPEAL OF MANAGEMENT EXCEPTION.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208) is amended by striking section 606 (110 Stat. 3009–543).

(c) REPEAL OF DUPLICATIVE ENACTMENT.—Section 1026 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) WATER RIGHTS.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 3. LAND RECLASSIFICATION.

(a) Within six months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f) within the boundary of the special resources management area described in Section 1 of this Act.

(b) Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in paragraph (a) but not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f). For purposes of this paragraph, ''public domain lands'' shall have the meaning given the term ''public lands'' in Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. §1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f).

(c) Within two years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to paragraphs (a) and (b) of this Section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to paragraph (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f) and those lands identified pursuant to paragraph (b) become Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f).

SEC. 4. ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—In order to further the purposes of this Act, there is hereby authorized to be appropriated $10 million under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration near the Bull Run Management Unit.

The amendment (No. 4294) was agreed to, as follows:

AMENDMENT NO. 4294

(Purpose: The amendment replaces two sections of the bill to require the Secretaries of Agriculture and Interior to complete an administrative reclassification such that Oregon and California Railroad lands within the area described in the Act become public domains lands not subject to distribution provisions, and to authorize ecosystem restoration activities in Clackamas County, Oregon)

Strike Section 3, through the end of the bill, and insert:

SEC. 3. LAND RECLASSIFICATION.

(a) Within six months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) within the boundary of the special resources management area described in Section 1 of this Act.

(b) Within eighteen months of the date of enactment of this Act, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in paragraph (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181a–f). For purposes of this paragraph, ''public domain lands'' shall have the meaning given the term ''public lands'' in Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding there from any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

(c) Within two years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to paragraphs (a) and (b) of this Section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to paragraph (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to paragraph (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

SEC. 4. ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—In order to further the purposes of this Act, there is hereby authorized to be appropriated $10 million under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (Public Law 93–205) near the Bull Run Management Unit.

The committee amendment was agreed to.

The bill (S. 2691), as amended, was read the third time and passed, as follows:

S. 2691

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

SECTION 1. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) IN GENERAL.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking section 1 and inserting the following:

''SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon comprising approximately 98,272 acres, as depicted on a map dated May 2000, and entitled 'Bull Run Watershed Management Unit'.

''(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Regional Forester-Pacific Northwest Region, Forest Service, Department of Agriculture, and in the offices of the State Director, Bureau of Land Management, Department of the Interior.

''(3) BOUNDARY ADJUSTMENTS.—Minor adjustments in the boundaries of the unit may be made from time to time by the Secretary after consultation with the city and appropriate public notice and hearings.

''(b) DEFINITION OF SECRETARY.—In this Act, the term 'Secretary' means—

''(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

''(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECRETARY.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking ''Secretary of Agriculture'' each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting ''Secretary''.

(2) APPLICABLE LAW.—

(A) IN GENERAL.—Section 2(a) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking ''applicable to National Forest System lands'' and inserting ''applicable to National Forest System land (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)''.

(B) MANAGEMENT PLANS.—The first sentence of section 2(c) of Public Law 95–200 (16 U.S.C. 482b note) is amended—

(i) by striking ''subsection (a) and (b)'' and inserting ''subsections (a) and (b)''; and

(ii) by striking '', through the maintenance'' and inserting ''(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance''.

SEC. 2. MANAGEMENT.

(a) TIMBER HARVESTING RESTRICTIONS.—Section 2(b) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the entire unit, as designated in section 1 and depicted on the map referred to in that section.''.

(b) REPEAL OF MANAGEMENT EXCEPTION.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208) is amended by striking section 606 (110 Stat. 3009–543).

(c) REPEAL OF DUPLICATIVE ENACTMENT.—Section 1026 of division I of the Omnibus

Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) WATER RIGHTS.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 3. LAND RECLASSIFICATION.

(a) Within 6 months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181f) within the boundary of the special resources management area described in section 1 of this Act.

(b) Within 18 months of the date of enactment of this Act, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in subsection (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181a–f). For purposes of this subsection, ''public domain lands'' shall have the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

(c) Within 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to subsections (a) and (b) of this section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to subsection (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to subsection (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

SEC. 4. ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—In order to further the purposes of this Act, there is hereby authorized to be appropriated $10,000,000 under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (P.L. 93–205) near the Bull Run Management Unit.

HARRIET TUBMAN SPECIAL RESOURCE STUDY ACT

The Senate proceeded to consider the bill (S. 2345) to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, NY, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Harriet Tubman Special Resource Study Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelpha, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a ''conductor'' on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to esacape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman's home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

SEC. 3. STUDY CONCERNING SITES IN AUBURN, NEW YORK, ASSOCIATED WITH HARRIET TUBMAN.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(1) Harriet Tubman's Birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(2) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(3) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(4) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(5) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(6) Harriet Tubman's grave at Port Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(7) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(1) designating one or more of the sites specified in subsection (a) as units of the National Park System; and

(2) establishing a national heritage corridor that incorporates the sites specified in subsection (a) and any other sites associated with Harriet Tubman.

(c) STUDY GUIDELINES.—In conducting the study authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91–383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105–391), 112 Stat. 3501).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (a); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

(e) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit to Congress a report describing the results of the study.

The amendment (No. 4295) was agreed to, as follows:

AMENDMENT NO. 4295

(Purpose: To make a technical correction)

On page 7, line 24, strike ''Port Hill Cemetery,'' and insert in lieu thereof ''Fort Hill Cemetery,''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2345), as amended, was read the third time and passed, as follows:

S. 2345

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 ''Harriet Tubman Special Resource Study Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelphia, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a ''conductor'' on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to escape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman's home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

SEC. 3. STUDY CONCERNING SITES IN AUBURN, NEW YORK, ASSOCIATED WITH HARRIET TUBMAN.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(1) Harriet Tubman's Birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(2) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(3) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(4) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(5) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(6) Harriet Tubman's grave at Fort Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(7) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(1) designating one or more of the sites specified in subsection (a) as units of the National Park System; and

(2) establishing a national heritage corridor that incorporates the sites specified in subsection (a) and any other sites associated with Harriet Tubman.

(c) STUDY GUIDELINES.—In conducting the study authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91–383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105–391), 112 Stat. 3501).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (a); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

(e) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit to Congress a report describing the results of the study.

RECALCULATING FRANCHISE FEE OWED BY FORT SUMTER TOURS, INC.

The Senate proceeded to consider the bill (S. 2331) to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, SC, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. ARBITRATION REQUIREMENT.

The Secretary of the Interior (in this Act referred to as the ''Secretary'') shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the ''Concessioner''), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986, by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as ''the Contract'').

SEC. 2. APPOINTMENT OF THE ARBITRATOR.

(a) MUTUAL AGREEMENT.—Not later than 90 days after the date of enactment of this Act, The Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

(b) FAILURE TO AGREE.—If the Secretary and the concessioner are unable to agree on the selection of a single arbitrator within 90 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

(c) QUALIFICATIONS.—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.

(d) PAYMENT OF EXPENSES.—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

(e) DEFINITION.—As used in this Act, the term ''arbitrator'' includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under (b).

SEC. 3. SCOPE OF THE ARBITRATION.

(a) SOLE ISSUE TO BE DECIDED.—The arbitrator shall determine—

(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991, through December 31, 2000, in accordance with the terms of the Contract; and

(2) any interest or penalties on the amount owed under paragraph (1).

(b) DE NOVO DECISION.—The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary.

(c) BASIS FOR DECISION.—The arbitrator shall determine the appropriate amount of the fee based upon the law in effect on the effective date of the Contract and the terms of section 9 of the Contract.

SEC. 4. EFFECT OF DECISION.

(a) RETROACTIVE EFFECT.—The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.

(b) NO FURTHER REVIEW.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

SEC. 5. GENERAL AUTHORITY.

Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.

SEC. 6. ENFORCEMENT.

A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under this Act, or by any unreasonable delay in the appointment of the arbitrator or the conduct of the arbitration, may petition the United States District Court for the District of South Carolina or the United States District Court for the District of Columbia for an order directing that the arbitration proceed in the manner provided by this Act.

Amend the title to read: ''A bill to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc. to binding arbitration.''.

The amendment (No. 4296) was agreed to, as follows:

AMENDMENT NO. 4296

Strike all and insert the following:

"SECTION 1. ARBITRATION REQUIREMENT.

''The Secretary of the Interior (in this Act referred to as the 'Secretary') shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the 'Concessioner'), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986 by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as 'the Contract').

"SEC. 2. APPOINTMENT OF THE ARBITRATOR.

''(a) MUTUAL AGREEMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

''(b) FAILURE TO AGREE.—If the Secretary and the Concessioner are unable to agree on the selection of a single arbitrator within 30 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

''(c) QUALIFICATIONS.—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.

''(d) PAYMENT OF EXPENSES.—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

''(e) DEFINITION.—As used in this Act, the term 'arbitrator' includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under subsection (b).

"SEC. 3. SCOPE OF THE ARBITRATION.

''(a) SOLE ISSUES TO BE DECIDED.—The arbitrator shall, after affording the parties an opportunity to be heard in accordance with section 579 of title 5, United States Code, determine—

''(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991 through December 31, 2000 in accordance with the terms of the Contract; and

''(2) any interest or penalties on the amount owed under paragraph (1).

''(b) DE NOVO DECISION.—The arbitrator shall not be bound by an prior determination of the appropriate amount of the fee by the Secretary or any prior court review thereof.

''(c) BASIS FOR DECISION.—The arbitrator shall determine the appropriate amount of the fee based upon law in effect on the effective date of the contract and the terms of the Contract.

"SEC. 4. FINAL DECISION.

''The arbitrator shall issue a final decision not later than 300 days after the date of enactment of this Act.

"SEC. 5. EFFECT OF DECISION.

''(a) RETROACTIVE EFFECT.—The amount of the fee determined by the arbitrator under

section 3(a) shall be retroactive to June 13, 1991.

''(b) NO FURTHER REVIEW.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

''SEC. 6. GENERAL AUTHORITY.

''Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2331), as amended, was read the third time and passed, as follows:

S. 2331

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

SECTION. 1. ARBITRATION REQUIREMENT.

The Secretary of the Interior (in this Act referred to as the ''Secretary'') shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the ''Concessioner''), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986 by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as ''the Contract'').

SEC. 2. APPOINTMENT OF THE ARBITRATOR.

(a) MUTUAL AGREEMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

(b) FAILURE TO AGREE.—If the Secretary and the Concessioner are unable to agree on the selection of a single arbitrator within 30 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

(c) QUALIFICATIONS.—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.

(d) PAYMENT OF EXPENSES.—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

(e) DEFINITION.—As used in this Act, the term ''arbitrator'' includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under subsection (b).

SEC. 3. SCOPE OF THE ARBITRATION.

(a) SOLE ISSUES TO BE DECIDED.—The arbitrator shall, after affording the parties an opportunity to be heard in accordance with section 579 of title 5, United States Code, determine—

(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991 through December 31, 2000 in accordance with the terms of the Contract; and

(2) any interest or penalties on the amount owed under paragraph (1).

(b) DE NOVO DECISION.—The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary or any prior court review thereof.

(c) BASIS FOR DECISION.—The arbitrator shall determine the appropriate amount of the fee based upon the law in effect on the effective date of the Contract and the terms of the Contract.

SEC. 4. FINAL DECISION.

The arbitrator shall issue a final decision not later than 300 days after the date of enactment of this Act.

SEC. 5. EFFECT OF DECISION.

(a) RETROACTIVE EFFECT.—The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.

(b) NO FURTHER REVIEW.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

SEC. 6. GENERAL AUTHORITY.

Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.

The title was amended so as to read: ''A bill to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc. to binding arbitration.''.

MAKING TECHNICAL CORRECTIONS TO ENERGY POLICY ACT OF 1992

DAYTON AVIATION HERITAGE PRESERVATION AMENDMENTS ACT OF 2000

Mr. MACK. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following items which are at the desk: H.R. 2641 and H.R. 5036.

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

The legislative clerk read as follows:

A bill (H.R. 2641) to make technical corrections to title X of the Energy Policy Act of 1992.

A bill (H.R. 5036) to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

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

Mr. MACK. Mr. President, I ask unanimous consent that the bills be read the third time, passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The bills (H.R. 2641 and H.R. 5036) were read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—S. 1236 AND S. 1849

Mr. MACK. Mr. President, I ask unanimous consent that it be in order for the Chair to lay before the Senate, en bloc, messages from the House on S. 1236 and S. 1849, that the Senate concur, en bloc, to the House amendment, and that the action be reconsidered and tabled.

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

ARROWROCK DAM HYDROELECTRIC PROJECT

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1236) entitled ''An Act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for three consecutive 2-year periods.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the expiration of the extension issued by the Commission prior to the date of the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The Senate concurred in the amendment of the House.

WHITE CLAY CREEK WILD AND SCENIC RIVERS SYSTEM ACT

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1849) entitled ''An Act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''White Clay Creek Wild and Scenic Rivers System Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled ''White Clay Creek and Its Tributaries Watershed Management Plan'', dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible

management of land and water resources associated with, the watershed; and

(3) after completion of the study described in paragraph (1), Chester County, Pennsylvania, New Castle County, Delaware, Newark, Delaware, and 12 Pennsylvania municipalities located within the watershed boundaries passed resolutions that—

(A) expressed support for the White Clay Creek Watershed Management Plan;

(B) expressed agreement to take action to implement the goals of the Plan; and

(C) endorsed the designation of the White Clay Creek and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System.

SEC. 3. DESIGNATION OF WHITE CLAY CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(162) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The 190 miles of river segments of White Clay Creek (including tributaries of White Clay Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania, as depicted on the recommended designation and classification maps (dated June 2000), to be administered by the Secretary of the Interior, as follows:

''(A) 30.8 miles of the east branch, including Trout Run, beginning at the headwaters within West Marlborough township downstream to a point that is 500 feet north of the Borough of Avondale wastewater treatment facility, as a recreational river.

''(B) 15.0 miles of the east branch beginning at the southern boundary line of the Borough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

''(C) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

''(D) 6.8 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to a point that is 500 feet north of the Borough of West Grove wastewater treatment facility, as a recreational river.

''(E) 14 miles of the middle branch, beginning at a point that is 500 feet south of the Borough of West Grove wastewater treatment facility downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

''(F) 2.1 miles of the middle branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

''(G) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

''(H) 12.7 miles of the main stem, excluding Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware, beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary line of the city of Newark, Delaware, as a scenic river.

''(I) 5.4 miles of the main stem (including all second order tributaries outside the boundaries of the White Clay Creek Preserve and White Clay Creek State Park), beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary of the city of Newark, Delaware, as a recreational river.

''(J) 16.8 miles of the main stem beginning at Paper Mill Road downstream to the Old Route 4 bridge, as a recreational river.

''(K) 4.4 miles of the main stem beginning at the southern boundary of the property of the corporation known as United Water Delaware downstream to the confluence of White Clay Creek with the Christina River, as a recreational river.

''(L) 1.3 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

''(M) 5.2 miles of Middle Run that flow within the boundaries of the Middle Run Natural Area, as a scenic river.

''(N) 15.6 miles of Pike Creek, as a recreational river.

''(O) 38.7 miles of Mill Creek, as a recreational river.''.

SEC. 4. BOUNDARIES.

With respect to each of the segments of White Clay Creek and its tributaries designated by the amendment made by section 3, in lieu of the boundaries provided for in section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundaries of the segment shall be 250 feet as measured from the ordinary high water mark on both sides of the segment.

SEC. 5. ADMINISTRATION.

(a) BY SECRETARY OF THE INTERIOR.—The segments designated by the amendment made by section 3 shall be administered by the Secretary of the Interior (referred to in this Act as the ''Secretary''), in cooperation with the White Clay Creek Watershed Management Committee as provided for in the plan prepared by the White Clay Creek Wild and Scenic Study Task Force and the National Park Service, entitled ''White Clay Creek and Its Tributaries Watershed Management Plan'' and dated May 1998 (referred to in this Act as the ''Management Plan'').

(b) REQUIREMENT FOR COMPREHENSIVE MANAGEMENT PLAN.—The Management Plan shall be considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the segments designated by the amendment made by section 3, the Secretary shall offer to enter into a cooperative agreement pursuant to sections 10(c) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the Management Plan.

SEC. 6. FEDERAL ROLE IN MANAGEMENT.

(a) IN GENERAL.—The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed federally-assisted water resources projects that could have a direct and adverse effect on the values for which the segment is designated.

(b) ASSISTANCE.—To assist in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed $150,000 for each fiscal year.

(c) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by the amendment made by section 3—

(1) shall be consistent with the Management Plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by section 3 that is not in the National Park System as of the date of the enactment of this Act shall not, under this Act—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

SEC. 7. STATE REQUIREMENTS.

State and local zoning laws and ordinances, as in effect on the date of the enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) with respect to the segment designated by the amendment made by section 3.

SEC. 8. NO LAND ACQUISITION.

The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest along the segments designated by the amendment made by section 3 for the purpose of carrying out the amendment or this Act.

The Senate concurred in the amendment of the House.

THE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Energy Committee be discharged from the following bills and resolutions and, further, the Senate now proceed to their consideration en bloc: H.R. 1509, H.R. 2778, H.R. 3676, H.R. 3817, S. 2273 with amendment No. 4297, and S. Res. 326.

I ask unanimous consent that the amendment No. 4297 be agreed to, the bills be considered read the third time and passed, the resolution and preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of the bills or resolutions be printed in the RECORD, with the above occurring en bloc.

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

DISABLED VETERANS' LIFE MEMORIAL FOUNDATION

The bill (H.R. 1509) to authorize the Disabled Veterans' Life Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States, was considered, ordered to a third reading, read the third time, and passed.

DESIGNATING THE TAUNTON RIVER FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM

The bill (H.R. 2778) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT

The bill (H.R. 3676) to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, was considered, ordered to a third reading, read the third time, and passed.

DEDICATION OF BIG SOUTH TRAIL TO LEGACY OF JARYD ATADERO

The bill (H.R. 3817) to dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero, was considered, ordered to a third reading, read the third time, and passed.

BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA ACT OF 2000

The Senate proceeded to consider the bill (S. 2273) to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes, which was reported from the Committee on Energy and Natural Resources.

The amendment (No. 4297) was agreed to, as follows:

AMENDMENT NO. 4297

(Purpose: to provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Black Rock Desert-High Rock Canon Emigrant Trails National Conservation Area Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California Emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and High Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843–44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archaeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pelistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term ''Secretary'' means the Secretary of the Interior.

(2) The term ''public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term ''conservation area'' means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 4 of this Act.

SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) AREAS INCLUDED.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled ''Black Rock Desert Emigrant Trail National Conservation Area'' and dated July 19, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) ACCESS.—

(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation areas in a manner consistent with the purposes for which the conservation area was established.

(c) USES.—

(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert plays in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 6. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal

leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 7. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 8. WILDERNESS.

(a) DESIGNATIN.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled ''Black Rock Desert Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled ''Pahute Peak Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled ''North Black Rock Range Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled ''East Fork High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled ''High Rock Lake Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled ''Little High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled ''High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain land in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled ''Calico Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled ''South Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled ''North Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this Act. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101–628.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The bill (S. 2273), as amended, was read the third time and passed, as follows:

S. 2273

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 ''Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and high Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843–44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pleistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term ''Secretary'' means the Secretary of the Interior.

(2) The term ''public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term ''conservation area'' means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 4 of this Act.

SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) AREAS INCLUDED.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled ''Black Rock Desert Emigrant Trail National Conservation Area'' and dated July 19, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this Act, except the

Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) ACCESS.—

(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation area in a manner consistent with the purposes for which the conservation area was established.

(c) USES.—

(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 6. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 7. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 8. WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled ''Black Rock Desert Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled ''Pahute Peak Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled ''North Black Rock Range Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled ''East Fork High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled ''High Rock Lake Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled ''Little High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled ''High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain lands in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled ''Calico Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled ''South Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled ''North Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this Act. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101–628.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

NATIONAL COWBOY POETRY GATHERING

The Senate proceeded to consider the resolution (S. Res. 326) designating the Cowboy Poetry Gathering in Elko, NV, as the ''National Cowboy Poetry Gathering''.

The resolution (S. Res. 326) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 326

Whereas working cowboys and the ranching community have contributed greatly to the establishment and perpetuation of western life in the United States;

Whereas the practice of composing verses about life and work on the range dates back to at least the trail drive era of the late 19th century;

Whereas the Cowboy Poetry Gathering has revived and continues to preserve the art of cowboy poetry by increasing awareness and appreciation of this tradition-based art form;

Whereas the reemergence of cowboy poetry both highlights recitation traditions that are a central form of artistry in communities throughout the West and promotes popular poetry and literature to the general public;

Whereas the Cowboy Poetry Gathering serves as a bridge between urban and rural people by creating a forum for the presentation of art and for the discussion of cultural issues in a humane and non-political manner;

Whereas the Western Folklife Center in Reno, Nevada, established and hosted the inaugural Cowboy Poetry Gathering in January of 1985;

Whereas since its inception 16 years ago, some 200 similar local spin-off events are now held in communities throughout the West; and

Whereas it is proper and desirable to recognize Elko, Nevada, as the original home of the Cowboy Poetry Gathering: Now, therefore, be it

Resolved, That the Senate designates the Cowboy Poetry Gathering in Elko, Nevada, as the ''National Cowboy Poetry Gathering''.

WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK ESTABLISHMENT ACT OF 2000

Mr. MACK. Mr. President I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 891, H.R. 4063.

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

The legislative clerk read as follows:

A bill (H.R. 4063) to establish the Rosie the Riveter/World War II Home Front National Historic Park in the State of California, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Energy and Natural Resources, with amendments.

[Omit the parts in black brackets and insert the parts printed in italic.]

H.R. 4063

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 ''Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000''.

SEC. 2. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain sites, structures, and areas located in Richmond, California, that are associated with the industrial, governmental, and citizen efforts that led to victory in World War II, there is established the Rosie the Riveter/World War II Home Front National Historical Park (in this Act referred to as the ''park'').

(b) AREAS INCLUDED.—The boundaries of the park shall be those generally depicted on the map entitled ''Proposed Boundary Map, Rosie the Riveter/World War II Home Front National Historical Park'' numbered 963/80000 and dated May 2000. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 3. ADMINISTRATION OF THE NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—

(1) GENERAL ADMINISTRATION.—The Secretary of the Interior (in this Act referred to as the ''Secretary'') shall administer the park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes,'' approved August 35, 1916 (39 Stat. 535; 16 U.S.C. 1 through 4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(2) SPECIFIC AUTHORITIES.—The Secretary may interpret the story of Rosie the Riveter and the World War II home front, conduct and maintain oral histories that relate to the World War II home front theme, and provide technical assistance in the preservation of historic properties that support this story.

(b) COOPERATIVE AGREEMENTS.—

(1) GENERAL AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners of the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions under which the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

(2) LIMITED AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested persons for interpretation and technical assistance with the preservation of—

(A) the Ford Assembly Building;

(B) the intact dry docks/basin docks and five historic structures at Richmond Shipyard #3;

(C) the Shimada Peace Memorial Park;

(D) Westshore Park;

(E) the Rosie the Riveter Memorial;

(F) Sheridan Observation Point Park;

(G) the Bay Trail/Esplanade;

(H) Vincent Park; and

(I) the vessel S.S. RED OAK VICTORY, and Whirley Cranes associated with shipbuilding in Richmond.

(c) EDUCATION CENTER.—The Secretary may establish a World War II Home Front Education Center in the Ford Assembly Building. Such center shall include a program that allows for distance learning and linkages to other representative sites across the country, for the purpose of educating the public as to the significance of the site and the World War II Home Front.

[(d) USE OF FEDERAL FUNDS.—

[(1) NON-FEDERAL MATCHING.—(A) As a condition of expending any funds appropriated to the Secretary for the purposes of the cooperative agreements under subsection (b)(2), the Secretary shall require that such expenditure must be matched by expenditure of an equal amount of funds, goods, services, or in-kind contributions provided by non-Federal sources.

[(B) With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for purposes of this paragraph.]

(d)(1) The Secretary shall require a match of not less than 50% for the expenditure of any federal funds for the purpose of the cooperative agreements under subsection (b)(2). The non-federal match may be in funds or, with the approval of the Secretary, in goods, services, or in-kind contributions.

(2) COOPERATIVE AGREEMENT.—Any payment made by the Secretary pursuant to a cooperative agreement under this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall entitle the United States to reimbursement of the greater of—

(A) all funds paid by the Secretary to such project; or

(B) the proportion of the increased value of the project attributable to such payments, determined at the time of such conversion, use, or disposal.

(e) ACQUISITION.—

(1) FORD ASSEMBLY BUILDING.—The Secretary may acquire a leasehold interest in the Ford Assembly Building for the purposes of operating a World War II Home Front Education Center.

(2) OTHER FACILITIES.—The Secretary may acquire, from willing sellers, lands or [interests in] *interests within the boundaries of the park in* the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67, through donation, purchase with donated or appropriated funds, transfer from any other Federal Agency, or exchange.

(3) ARTIFACTS.—The Secretary may acquire and provide for the curation of historic artifacts that relate to the park.

(f) DONATIONS.—The Secretary may accept and use donations of funds, property, and services to carry out this Act.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 complete fiscal years after the date funds are made available, the Secretary shall prepare, in consultation with the City of Richmond, California, and transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park in accordance with the provisions of section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)), popularly known as the National Park System General Authorities Act, and other applicable law.

(2) PRESERVATION OF SETTING.—The general management plan shall include a plan to preserve the historic setting of the Rosie the Riveter/World War II Home Front National Historical Park, which shall be jointly developed and approved by the City of Richmond.

(3) ADDITIONAL SITES.—The general management plan shall include a determination of whether there are additional representative sites in Richmond that should be added to the park or sites in the rest of the United States that relate to the industrial, governmental, and citizen efforts during World War II that should be linked to and interpreted at the park. Such determination shall consider any information or findings developed in the National Park Service study of the World War II Home Front under section 4.

SEC. 4. WORLD WAR II HOME FRONT STUDY.

The Secretary shall conduct a theme study of the World War II home front to determine whether other sites in the United States meet the criteria for potential inclusion in the National Park System in accordance with Section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) ORAL HISTORIES, PRESERVATION, AND VISITOR SERVICES.—There are authorized to be appropriated such sums as may be necessary to conduct oral histories and to carry out the preservation, interpretation, education, and other essential visitor services provided for by this Act.

(2) ARTIFACTS.—There are authorized to be appropriated $1,000,000 for the acquisition and curation of historical artifacts related to the park.

(b) PROPERTY ACQUISITION.—There are authorized to be appropriated such sums as are

necessary to acquire the properties listed in section 3(e)(2).

(c) LIMITATION ON USE OF FUNDS FOR S.S. RED OAK VICTORY.—None of the funds authorized to be appropriated by this section may be used for the operation, maintenance, or preservation of the vessel S.S. RED OAK VICTORY.

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

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

The committee amendments were withdrawn.

The bill (H.R. 4063) was read the third time and passed.

MAKING TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 3676

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 143, submitted earlier today by Senators MURKOWSKI and BINGAMAN.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 143) to make technical corrections in the enrollment of the H.R. 3676.

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

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

The concurrent resolution (S. Con. Res. 143) was agreed to, as follows:

S. CON. RES. 143

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 3676 to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 2(d)(1), strike ''and the Committee on Agriculture, Nutrition, and Forestry''.

(2) In the second sentence of section 4(a)(3), strike ''Nothing in this section'' and insert ''Nothing in this Act''.

(3) In section 4(c)(1), strike ''any person, including''.

(4) In section 5, add at the end the following:

''(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provisions shall control''.

INDIAN ARTS AND CRAFTS ENFORCEMENT ACT OF 2000

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 898, S. 2872.

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

The legislative clerk read as follows:

A bill (S. 2872) to improve the cause of action for misrepresentation of Indian arts and crafts.

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

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

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

The bill (S. 2872) was read the third time and passed, as follows:

S. 2872

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 ''Indian Arts and Crafts Enforcement Act of 2000''.

SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.

Section 6 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305e) (as added by section 105 of the Indian Arts and Crafts Act of 1990 (Public Law 101–644; 104 Stat. 4664)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', directly or indirectly,'' after ''against a person who''; and

(B) by inserting the following flush language after paragraph (2)(B):

''For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself.''; and

(B) in paragraph (2)(A)—

(i) by striking ''the amount recovered the amount'' and inserting ''the amount recovered—

''(i) the amount''; and

(ii) by adding at the end the following:

''(ii) the amount for the costs of investigation awarded pursuant to subsection (b) and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and'';

(3) in subsection (d)(2), by inserting ''subject to subsection (f),'' after ''(2)''; and

(4) by adding at the end the following:

''(f) Not later than 180 days after the date of enactment of the Indian Arts and Crafts Enforcement Act of 2000, the Board shall promulgate regulations to include in the definition of the term 'Indian product' specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act.''.

JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 904, H.R. 2496.

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

The legislative clerk read as follows:

A bill (H.R. 2496) to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

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

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

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

The bill (H.R. 2496) was read the third time and passed.

CAT ISLAND NATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 906, H.R. 3292.

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

The legislative clerk read as follows:

A bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Environment and Public Works, with amendments.

[Omit the parts in black brackets and insert the parts printed in italic.]

H.R. 3292

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 ''Cat Island National Wildlife Refuge Establishment Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) as the southernmost unleveed portion of the Mississippi River, Cat Island, Louisiana, is one of the last remaining tracts in the lower Mississippi Valley that is still influenced by the natural dynamics of the river;

(2) Cat Island supports one of the highest densities of virgin bald cypress trees in the entire Mississippi River Valley, including the Nation's champion cypress tree which is 17 feet wide and has a circumference of 53 feet;

(3) Cat Island is important habitat for several declining species of forest songbirds and supports thousands of wintering waterfowl;

(4) Cat Island supports high populations of deer, turkey, and furbearers, such as mink and bobcats;

(5) conservation and enhancement of this area through inclusion in the National Wildlife Refuge System would help meet the habitat conservation goals of the North American Waterfowl Management Plan;

(6) these forested wetlands represent one of the most valuable and productive wildlife

habitat types in the United States, and have extremely high recreational value for hunters, anglers, birdwatchers, nature photographers, and others; and

(7) the Cat Island area is deserving of inclusion in the National Wildlife Refuge System.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''Refuge'' means the Cat Island National Wildlife Refuge; and

(2) the term ''Secretary'' means the Secretary of the Interior.

SEC. 4. PURPOSES.

The purposes for which the Refuge is established and shall be managed are—

(1) to conserve, restore, and manage habitats as necessary to contribute to the migratory bird population goals and habitat objective as established through the Lower Mississippi Valley Joint Venture;

(2) to conserve, restore, and manage the significant aquatic resource values associated with the area's forested wetlands and to achieve the habitat objectives of the ''Mississippi River Aquatic Resources Management Plan'';

(3) to conserve, enhance, and restore the historic native bottomland community characteristics of the lower Mississippi alluvial valley and its associated fish, wildlife, and plant species;

(4) to conserve, enhance, and restore habitat to maintain and assist in the recovery of endangered, and threatened plants and animals; *and*

[(5) to provide opportunities for priority public wildlife dependent uses for compatible hunting, fishing, trapping, wildlife observation and photography, and environmental education and interpretation; and

[(6)**]***(5)* to encourage the use of volunteers and facilitate partnerships among the United States Fish and Wildlife Service, local communities, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Refuge and the National Wildlife Refuge System and public participation in the conservation of those resources.

SEC. 5. ESTABLISHMENT OF REFUGE.

(a) ACQUISITION BOUNDARY.—The Secretary is authorized to establish the Cat Island National Wildlife Refuge, consisting of approximately 36,500 acres of land and water, as depicted upon a map entitled ''Cat Island National Wildlife Refuge–Proposed'', dated February 8, 2000, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such minor revisions of the boundary designated under this section as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(c) ACQUISITION.—The Secretary is authorized to acquire the lands and waters, or interests therein, within the acquisition boundary described in subsection (a) of this section.

(d) ESTABLISHMENT.—The Secretary shall establish the Refuge by publication of a notice to that effect in the Federal Register and publications of local circulation whenever sufficient property has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under this Act in accordance with the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.). The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish- and wildlife-oriented recreational opportunities as the Secretary considers appropriate to carry out the purposes of this Act.

(b) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-oriented recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior—

(1) such funds as may be necessary for the acquisition of lands and waters designated in section 5(c); and

(2) such funds as may be necessary for the development, operation, and maintenance of the Refuge.

AMENDMENT NO. 4298

Mr. MACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for Mr. SMITH of New Hampshire, proposes an amendment numbered 4298.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end, add the following:

SEC. 8. DESIGNATION OF HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER.

(a) IN GENERAL.—A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the ''Herbert H. Bateman Education and Administrative Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Herbert H. Bateman Education and Administrative Center.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Effective on the day after the date of enactment of the Act entitled, ''An Act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994'' (106th Congress), section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 668dd note; Public Law 103–340), relating to an environmental education center and refuge, is redesignated as section 7.

(b) Effective on the day after the date of enactment of the Cahaba River National Wildlife Refuge Establishment Act (106th Congress), section 6 of that Act is amended—

(1) in paragraph (2), by striking ''the Endangered Species Act of 1973 (16 U.S.C. 1331 et seq.)'' and inserting ''the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)''; and

(2) in paragraph (3), by striking ''section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))'' and inserting ''paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))''.

(c) Effective on the day after the date of enactment of the Red River National Wildlife Refuge Act (106th Congress), section 4(b)(2)(D) of that Act is amended by striking ''section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))'' and inserting ''paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))''.

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

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

The committee amendments were agreed to.

The amendment (No. 4298) was agreed to.

The bill (H.R. 3292), as amended, was read the third time and passed.

CAHABA RIVER NATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 908, H.R. 4286.

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

The legislative clerk read as follows:

A bill (H.R. 4286) to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

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

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

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

The bill (H.R. 4286) was read the third time and passed.

MAKING TECHNICAL CORRECTIONS TO A MAP RELATING TO THE COASTAL BARRIER RESOURCES SYSTEM

Mr. MACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 920, H.R. 34.

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

The legislative clerk read as follows:

A bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Environment and Public Works, with amendments.

[Omit the parts in black brackets and insert the parts printed in italic.]

H.R. 34

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

SECTION 1. CORRECTIONS TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment

of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled ''Amendments to the Coastal Barrier Resources System'', [dated ————, and on file with the Committee on Resources of the House of Representatives.] *dated June 5, 2000.*

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled ''Coastal Barrier Resources System'', dated November 2, 1994; and

(2) relates to unit P19–P of the Coastal Barrier Resources System.

(c) AVAILABILITY.—The Secretary of the Interior shall keep the map described in subsection (b) on file and available for public inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

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

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

The committee amendments were agreed to.

The bill (H.R. 34), as amended, was read the third time and passed.

CLARIFYING BOUNDARIES ON THE MAP RELATING TO THE COASTAL BARRIER RESOURCES SYSTEM

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 922, H.R. 4435.

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

The legislative clerk read as follows:

A bill (H.R. 4435) to clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.

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

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

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

The bill (H.R. 4435) was read the third time and passed.

200TH ANNIVERSARY OF THE FIRST MEETING OF THE CONGRESS IN WASHINGTON, DC

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 144, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A Senate concurrent resolution (S. Con. 144) commemorating the 200th anniversary of the first meeting of the Congress in Washington, DC.

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

Mr. MACK. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 144) was agreed to.

The preamble was agreed to.

The concurrent resolution with its preamble reads as follows:

S. CON. RES. 144

Whereas November 17, 2000, is the 200th anniversary of the first meeting of Congress in Washington, DC;

Whereas Congress, having previously convened at the Federal Hall in New York City and at the Congress Hall in Philadelphia, has met in the United States Capitol Building since November 17, 1800;

Whereas President John Adams, on November 22, 1800, addressed a joint session of Congress in Washington, DC, for the first time, stating, ''I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed.'';

Whereas, on December 12, 1900, Congress convened a joint meeting to observe the centennial of its residence in Washington, DC;

Whereas since its first meeting in Washington, DC, on November 17, 1800, Congress has continued to cultivate and build upon a heritage of respect for individual liberty, representative government, and the attainment of equal and inalienable rights, all of which are symbolized in the physical structure of the United States Capitol Building; and

Whereas it is appropriate for Congress, as the first branch of the government under the Constitution, to commemorate the 200th anniversary of the first meeting of Congress in Washington, DC, in order to focus public attention on its present duties and responsibilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) November 17, 2000, be designated as a day of national observance for the 200th anniversary of the first meeting of Congress in Washington, DC; and

(2) the people of the United States be urged and invited to observe such date by celebrating and examining the legislative process by which members of Congress convene and air differences, learn from one another, subordinate parochial interests, compromise, and work towards achieving a constructive consensus for the good of the people of the United States.

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

Mr. MACK. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany H.R. 707, an act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.''

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 707) entitled ''An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes'', with the following House Amendment to Senate Amendment:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Disaster Mitigation Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. President's Council on Domestic Terrorism Preparedness.
Sec. 305. Disaster grant closeout procedures.
Sec. 306. Public safety officer benefits for certain Federal and State employees.
Sec. 307. Buy American.
Sec. 308. Treatment of certain real property.
Sec. 309. Study of participation by Indian tribes in emergency management.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.),

high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 203. PREDISASTER HAZARD MITIGATION.

''(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term 'small impoverished community' means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

''(b) ESTABLISHMENT OF PROGRAM.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

''(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

''(d) STATE RECOMMENDATIONS.—

''(1) IN GENERAL.—

''(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than five local governments to receive assistance under this section.

''(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

''(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

''(2) USE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

''(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

''(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

''(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—Technical and financial assistance provided under this section—

''(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

''(B) may be used—

''(i) to support effective public-private natural disaster hazard mitigation partnerships;

''(ii) to improve the assessment of a community's vulnerability to natural hazards; or

''(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

''(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

''(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

''(1) shall be not less than the lesser of—

''(A) $500,000; or

''(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

''(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

''(3) shall be subject to the criteria specified in subsection (g).

''(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

''(1) the extent and nature of the hazards to be mitigated;

''(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

''(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

''(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

''(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

''(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

''(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

''(8) the opportunity to fund activities that maximize net benefits to society;

''(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

''(10) such other criteria as the President establishes in consultation with State and local governments.

''(h) FEDERAL SHARE.—

''(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

''(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

''(i) NATIONAL PREDISASTER MITIGATION FUND.—

''(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

''(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

''(A) amounts appropriated to carry out this section, which shall remain available until expended; and

''(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

''(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

''(4) INVESTMENT OF AMOUNTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

''(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

''(i) on original issue at the issue price; or

''(ii) by purchase of outstanding obligations at the market price.

''(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

''(E) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

''(k) MULTIHAZARD ADVISORY MAPS.—

''(1) DEFINITION OF MULTIHAZARD ADVISORY MAP.—In this subsection, the term 'multihazard advisory map' means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

''(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not

fewer than five States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

''(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

''(4) USE OF MAPS.—

''(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

''(B) AVAILABILITY OF MAPS.—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

''(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

''(ii) supporting the activities described in subsection (e); and

''(iii) other public uses.

''(l) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of the enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

''(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.''.

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

''TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE''.

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

''SEC. 204. INTERAGENCY TASK FORCE.

''(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

''(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

''(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

''(1) relevant Federal agencies;

''(2) State and local government organizations (including Indian tribes); and

''(3) the American Red Cross.''.

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 322. MITIGATION PLANNING.

''(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

''(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

''(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

''(2) establish a strategy to implement those actions.

''(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

''(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

''(2) support development of local mitigation plans;

''(3) provide for technical assistance to local and tribal governments for mitigation planning; and

''(4) identify and prioritize mitigation actions that the State will support, as resources become available.

''(d) FUNDING.—

''(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

''(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

''(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

''(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

''(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

''(A) eligibility criteria for property acquisition and other types of mitigation measures;

''(B) requirements for cost effectiveness that are related to the eligibility criteria;

''(C) a system of priorities that is related to the eligibility criteria; and

''(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

''SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

''(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

''(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

''(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

''(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.''.

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of the enactment of this Act, except that additional assistance provided under this subsection shall not exceed $6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking ''section 409'' and inserting ''section 322''; and

(B) in the third sentence, by striking ''The total'' and inserting ''Subject to section 322, the total''.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking ''section 803 of the Public Works and Economic Development Act of 1965'' each place it appears and inserting ''section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))''.

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

''SEC. 324. MANAGEMENT COSTS.

''(a) DEFINITION OF MANAGEMENT COST.—In this section, the term 'management cost' includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

''(b) ESTABLISHMENT OF MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

''(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of the enactment of this Act.

(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of the enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

''SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

''(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

''(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

''(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

''(B) could result in a significant reduction of assistance under the program.

''(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

''(b) CONSULTATION CONCERNING INTERIM POLICIES.—

''(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

''(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

''(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

''(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

''(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.''.

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

''(c) PROGRAM ADMINISTRATION BY STATES.—

''(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

''(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

''(A) the demonstrated ability of the State to manage the grant program under this section;

''(B) there being in effect an approved mitigation plan under section 322; and

''(C) a demonstrated commitment to mitigation activities.

''(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

''(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

''(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.''.

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

''(a) CONTRIBUTIONS.—

''(1) IN GENERAL.—The President may make contributions—

''(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

''(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

''(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

''(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

''(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

''(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

''(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

''(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

''(ii) the owner or operator of the facility—

''(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

''(II)(aa) has been determined to be ineligible for such a loan; or

''(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

''(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term 'critical services' includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

''(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

''(A) the Committee on Environment and Public Works of the Senate;

''(B) the Committee on Transportation and Infrastructure of the House of Representatives;

''(C) the Committee on Appropriations of the Senate; and

''(D) the Committee on Appropriations of the House of Representatives.''.

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

''(b) FEDERAL SHARE.—

''(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

''(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

''(A) that has been damaged, on more than one occasion within the preceding 10-year period, by the same type of event; and

''(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.''.

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

''(c) LARGE IN-LIEU CONTRIBUTIONS.—

''(1) FOR PUBLIC FACILITIES.—

''(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used—

''(i) to repair, restore, or expand other selected public facilities;

''(ii) to construct new facilities; or

''(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

''(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

''(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

''(2) FOR PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

''(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

''(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

''(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person's services and functions in the area affected by the major disaster.

''(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

''(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).''.

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

''(e) ELIGIBLE COST.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible

cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

''(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

''(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

''(B) COST ESTIMATION PROCEDURES.—

''(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

''(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

''(2) MODIFICATION OF ELIGIBLE COST.—

''(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

''(B) ACTUAL COST LESS THAN ESTIMATED COST.—

''(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

''(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

''(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

''(3) EXPERT PANEL.—

''(A) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

''(B) DUTIES.—The expert panel shall develop recommendations concerning—

''(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

''(i) cost estimation procedures described in subparagraph (B)(i); and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

''(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

''(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of the enactment of this Act and applies to funds appropriated after the date of the enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) CONFORMING AMENDMENT.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

''SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

''(a) IN GENERAL.—

''(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

''(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

''(b) HOUSING ASSISTANCE.—

''(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

''(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

''(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

''(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

''(c) TYPES OF HOUSING ASSISTANCE.—

''(1) TEMPORARY HOUSING.—

''(A) FINANCIAL ASSISTANCE.—

''(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

''(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

''(B) DIRECT ASSISTANCE.—

''(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

''(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

''(iii) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

''(2) REPAIRS.—

''(A) IN GENERAL.—The President may provide financial assistance for—

''(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

''(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

''(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

''(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(3) REPLACEMENT.—

''(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

''(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

''(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

''(A) no alternative housing resources are available; and

''(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

''(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

''(1) SITES.—

''(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

''(i) is complete with utilities; and

''(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

''(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

''(2) DISPOSAL OF UNITS.—

''(A) SALE TO OCCUPANTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

''(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

''(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

''(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

''(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

''(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

''(i) may be sold to any person; or

''(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

''(I) to comply with the nondiscrimination provisions of section 308; and

''(II) to obtain and maintain hazard and flood insurance on the housing unit.

''(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

''(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

''(f) STATE ROLE.—

''(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

''(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

''(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

''(g) COST SHARING.—

''(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

''(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

''(A) the Federal share shall be 75 percent; and

''(B) the non-Federal share shall be paid from funds made available by the State.

''(h) MAXIMUM AMOUNT OF ASSISTANCE.—

''(1) IN GENERAL.—No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster.

''(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.''.

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking ''temporary housing''.

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of the enactment of this Act.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking ''(a) The President'' and inserting the following:

''(a) IN GENERAL.—The President'';

(2) by striking ''The amount'' and inserting the following:

''(b) AMOUNT.—The amount'';

(3) by striking ''Repayment'' and inserting the following:

''(c) REPAYMENT.—

''(1) CANCELLATION.—Repayment'';

(4) by striking ''(b) Any loans'' and inserting the following:

''(d) EFFECT ON OTHER ASSISTANCE.—Any loans'';

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking ''and shall'' and inserting ''shall''; and

(B) by inserting before the period at the end the following: '', and shall not exceed $5,000,000''; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

''(2) CONDITION ON CONTINUING ELIGIBILITY.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.''.

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of the enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.''.

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking ''the Northern'' and all that follows through ''Pacific Islands'' and inserting ''and the Commonwealth of the Northern Mariana Islands'';

(2) by striking paragraph (6) and inserting the following:

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

''(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

''(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

''(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.''; and

(3) in paragraph (9), by inserting ''irrigation,'' after ''utility,''.

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

''SEC. 420. FIRE MANAGEMENT ASSISTANCE.

''(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

''(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

''(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

''(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of the enactment of this Act.

SEC. 304. PRESIDENT'S COUNCIL ON DOMESTIC TERRORISM PREPAREDNESS.

Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:

"Subtitle C—President's Council on Domestic Terrorism Preparedness

"SEC. 651. ESTABLISHMENT OF COUNCIL.

''(a) IN GENERAL.—There is established a council to be known as the President's Council on Domestic Terrorism Preparedness (in this subtitle referred to as the 'Council').

''(b) MEMBERSHIP.—The Council shall be composed of the following members:

''(1) The President.

''(2) The Director of the Federal Emergency Management Agency.

''(3) The Attorney General.

''(4) The Secretary of Defense.

''(5) The Director of the Office of Management and Budget.

''(6) The Assistant to the President for National Security Affairs.

''(7) Any additional members appointed by the President.

''(c) CHAIRMAN.—

''(1) IN GENERAL.—The President shall serve as the chairman of the Council.

''(2) EXECUTIVE CHAIRMAN.—The President may appoint an Executive Chairman of the Council (in this subtitle referred to as the 'Executive Chairman'). The Executive Chairman shall represent the President as chairman of the Council, including in communications with Congress and State Governors.

''(3) SENATE CONFIRMATION.—An individual selected to be the Executive Chairman under paragraph (2) shall be appointed by and with the advice and consent of the Senate, except that Senate confirmation shall not be required if, on the date of appointment, the individual holds a position for which Senate confirmation was required.

''(d) FIRST MEETING.—The first meeting of the Council shall be held not later than 90 days after the date of the enactment of this Act.

"SEC. 652. DUTIES OF COUNCIL.

''The Council shall carry out the following duties:

''(1) Establish the policies, objectives, and priorities of the Federal Government for enhancing the capabilities of State and local emergency preparedness and response personnel in early detection and warning of and response to all domestic terrorist attacks, including attacks involving weapons of mass destruction.

''(2) Publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan in accordance with section 653, including the end state of preparedness for emergency responders established under section 653(b)(1)(D).

''(3) To the extent practicable, rely on existing resources (including planning documents, equipment lists, and program inventories) in the execution of its duties.

''(4) Consult with and utilize existing interagency boards and committees, existing governmental entities, and non-governmental organizations in the execution of its duties.

''(5) Ensure that a biennial review of the terrorist attack preparedness programs of State and local governmental entities is conducted and provide recommendations to the entities based on the reviews.

''(6) Provide for the creation of a State and local advisory group for the Council, to be composed of individuals involved in State and local emergency preparedness and response to terrorist attacks.

''(7) Provide for the establishment by the Council's State and local advisory group of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities in accordance with section 655.

''(8) Designate a Federal entity to consult with, and serve as a contact for, State and local governmental entities implementing terrorist attack preparedness programs.

''(9) Coordinate and oversee the implementation by Federal departments and agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such departments and agencies under the Domestic Terrorism Preparedness Plan.

''(10) Make recommendations to the heads of appropriate Federal departments and agencies regarding—

''(A) changes in the organization, management, and resource allocations of the departments and agencies; and

''(B) the allocation of personnel to and within the departments and agencies,

to implement the Domestic Terrorism Preparedness Plan.

''(11) Assess all Federal terrorism preparedness programs and ensure that each program complies with the Domestic Terrorism Preparedness Plan.

''(12) Identify duplication, fragmentation, and overlap within Federal terrorism preparedness programs and eliminate such duplication, fragmentation and overlap.

''(13) Evaluate Federal emergency response assets and make recommendations regarding the organization, need, and geographic location of such assets.

''(14) Establish general policies regarding financial assistance to States based on potential risk and threat, response capabilities, and ability to achieve the end state of preparedness for emergency responders established under section 653(b)(1)(D).

''(15) Notify a Federal department or agency in writing if the Council finds that its policies are not in compliance with its responsibilities under the Domestic Terrorism Preparedness Plan.

"SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN AND ANNUAL STRATEGY.

''(a) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of the first meeting of the Council, the Council shall develop a Domestic Terrorism Preparedness Plan and transmit a copy of the plan to Congress.

''(b) CONTENTS.—

''(1) IN GENERAL.—The Domestic Terrorism Preparedness Plan shall include the following:

''(A) A statement of the policies, objectives, and priorities established by the Council under section 652(1).

''(B) A plan for implementing such policies, objectives, and priorities that is based on a threat, risk, and capability assessment and includes measurable objectives to be achieved in each of the following 5 years for enhancing domestic preparedness against a terrorist attack.

''(C) A description of the specific role of each Federal department and agency, and the roles of State and local governmental entities, under the plan developed under subparagraph (B).

''(D) A definition of an end state of preparedness for emergency responders that sets forth measurable, minimum standards of acceptability for preparedness.

''(2) EVALUATION OF FEDERAL RESPONSE TEAMS.—In preparing the description under paragraph (1)(C), the Council shall evaluate each Federal response team and the assistance that the team offers to State and local emergency personnel when responding to a terrorist attack. The evaluation shall include an assessment of how the Federal response team will assist State and local emergency personnel after the personnel has achieved the end state of preparedness for emergency responders established under paragraph (1)(D).

''(c) ANNUAL STRATEGY.—

''(1) IN GENERAL.—The Council shall develop and transmit to Congress, on the date of transmittal of the Domestic Terrorism Preparedness Plan and, in each of the succeeding 4 fiscal years, on the date that the President submits an annual budget to Congress in accordance with section 1105(a) of title 31, United States Code, an annual strategy for carrying out the Domestic Terrorism Preparedness Plan in the fiscal year following the fiscal year in which the strategy is submitted.

''(2) CONTENTS.—The annual strategy for a fiscal year shall include the following:

''(A) An inventory of Federal training and exercise programs, response teams, grant programs, and other programs and activities related to domestic preparedness against a terrorist attack conducted in the preceding fiscal year and a determination as to whether any of such programs or activities may be duplicative. The inventory shall consist of a complete description of each such program and activity, including the funding level and purpose of and goal to be achieved by the program or activity.

''(B) If the Council determines under subparagraph (A) that certain programs and activities are duplicative, a detailed plan for consolidating, eliminating, or modifying the programs and activities.

''(C) An inventory of Federal training and exercise programs, grant programs, response teams, and other programs and activities to be conducted in such fiscal year under the Domestic Terrorism Preparedness Plan and measurable objectives to be achieved in such fiscal year for enhancing domestic preparedness against a terrorist attack. The inventory shall provide for implementation of any plan developed under subparagraph (B), relating to duplicative programs and activities.

''(D) A complete assessment of how resource allocation recommendations developed under section 654(a) are intended to implement the annual strategy.

''(d) CONSULTATION.—

''(1) IN GENERAL.—In developing the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall consult with—

''(A) the head of each Federal department and agency that will have responsibilities under the Domestic Terrorism Preparedness Plan or annual strategy;

''(B) Congress;

''(C) State and local officials;

''(D) congressionally authorized panels; and

''(E) emergency preparedness organizations with memberships that include State and local emergency responders.

''(2) REPORTS.—As part of the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall include a written statement indicating the persons consulted under this subsection and the recommendations made by such persons.

''(e) TRANSMISSION OF CLASSIFIED INFORMATION.—Any part of the Domestic Terrorism Preparedness Plan or an annual strategy for carrying out the plan that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately.

''(f) RISK OF TERRORIST ATTACKS AGAINST TRANSPORTATION FACILITIES.—

''(1) IN GENERAL.—In developing the plan and risk assessment under subsection (b), the Council shall designate an entity to assess the risk of terrorist attacks against transportation facilities, personnel, and passengers.

''(2) CONTENTS.—In developing the plan and risk assessment under subsection (b), the Council shall ensure that the following three tasks are accomplished:

''(A) An examination of the extent to which transportation facilities, personnel, and passengers have been the target of terrorist attacks and the extent to which such facilities, personnel, and passengers are vulnerable to such attacks.

''(B) An evaluation of Federal laws that can be used to combat terrorist attacks against transportation facilities, personnel, and passengers, and the extent to which such laws are enforced. The evaluation may also include a review of applicable State laws.

''(C) An evaluation of available technologies and practices to determine the best means of protecting transportation facilities, personnel, and passengers against terrorist attacks.

''(3) CONSULTATION.—In developing the plan and risk assessment under subsection (b), the Council shall consult with the Secretary of Transportation, representatives of persons providing transportation, and representatives of employees of such persons.

''(g) MONITORING.—The Council, with the assistance of the Inspector General of the relevant Federal department or agency as needed, shall monitor the implementation of the Domestic Terrorism Preparedness Plan, including conducting program and performance audits and evaluations.

''SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.

''(a) RECOMMENDATIONS REGARDING RESOURCE ALLOCATIONS.—

''(1) TRANSMITTAL TO COUNCIL.—Each Federal Government program manager, agency head, and department head with responsibilities under the Domestic Terrorism Preparedness Plan shall transmit to the Council for each fiscal year recommended resource allocations for programs and activities relating to such responsibilities on or before the earlier of—

''(A) the 45th day before the date of the budget submission of the department or agency to the Director of the Office of Management and Budget for the fiscal year; or

''(B) August 15 of the fiscal year preceding the fiscal year for which the recommendations are being made.

''(2) TRANSMITTAL TO THE OFFICE OF MANAGEMENT AND BUDGET.—The Council shall develop for each fiscal year recommendations regarding resource allocations for each program and activity identified in the annual strategy completed under section 653 for the fiscal year. Such recommendations shall be submitted to the relevant departments and agencies and to the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall consider such recommendations in formulating the annual budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, and shall provide to the Council a written explanation in any case in which the Director does not accept such a recommendation.

''(3) RECORDS.—The Council shall maintain records regarding recommendations made and written explanations received under paragraph (2) and shall provide such records to Congress upon request. The Council may not fulfill such a request before the date of submission of the relevant annual budget of the President to Congress under section 1105(a) of title 31, United States Code.

''(4) NEW PROGRAMS OR REALLOCATION OF RESOURCES.—The head of a Federal department or agency shall consult with the Council before acting to enhance the capabilities of State and local emergency preparedness and response personnel with respect to terrorist attacks by—

''(A) establishing a new program or office; or

''(B) reallocating resources, including Federal response teams.

''SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND LOCAL PROGRAMS.

''The Council shall provide for the establishment of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities for the purpose of providing guidance in the development and implementation of such programs. The guidelines shall address equipment, exercises, and training and shall establish a desired threshold level of preparedness for State and local emergency responders.

''SEC. 656. POWERS OF COUNCIL.

''In carrying out this subtitle, the Council may—

''(1) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency;

''(2) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

''(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS–18 of the General Schedule under section 5332 of title 5, United States Code;

''(4) accept and use donations of property from Federal, State, and local government agencies;

''(5) use the mails in the same manner as any other department or agency of the executive branch; and

''(6) request the assistance of the Inspector General of a Federal department or agency in conducting audits and evaluations under section 653(g).

''SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY COUNCIL EFFORTS.

''The Council may, in the Council's role as principal adviser to the National Security Council on Federal efforts to assist State and local governmental entities in domestic terrorist attack preparedness matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council. The Council may, subject to the direction of the President, participate in the National Security Council's working group structure.

''SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.

''(a) EXECUTIVE DIRECTOR.—The Council shall have an Executive Director who shall be appointed by the President.

''(b) STAFF.—The Executive Director may appoint such personnel as the Executive Director considers appropriate. Such personnel shall be assigned to the Council on a full-time basis and shall report to the Executive Director.

''(c) ADMINISTRATIVE SUPPORT SERVICES.—The Executive Office of the President shall provide to the Council, on a reimbursable basis, such administrative support services, including office space, as the Council may request.

''SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.

''(a) REQUESTS FOR ASSISTANCE.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall cooperate with the Council and, subject to laws governing disclosure of information, provide such assistance, information, and advice as the Council may request.

''(b) CERTIFICATION OF POLICY CHANGES BY COUNCIL.—

''(1) IN GENERAL.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall, unless exigent circumstances require otherwise, notify the Council in writing regarding any proposed change in policies relating to the activities of such department or agency under the Domestic Terrorism Preparedness Plan prior to implementation of such change. The Council shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

''(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Council as soon as practicable. The Council shall review such change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

''SEC. 660. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subtitle $9,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.''.

SEC. 305. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

''SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

''(a) STATUTE OF LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

''(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

''(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

''(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

''(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

''(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

''(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

''(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

''(1) the payment was authorized by an approved agreement specifying the costs;

''(2) the costs were reasonable; and

''(3) the purpose of the grant was accomplished.''.

SEC. 306. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

''(7) 'public safety officer' means—

''(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

''(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

''(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the head of the agency to be hazardous duties.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of the enactment of this Act.

SEC. 307. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) DEFINITION OF DEBAR.—In this subsection, the term ''debar'' has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 308. TREATMENT OF CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) REAL PROPERTY.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

(1) Maple Terrace Phase I;
(2) Maple Terrace Phase II;
(3) Maple Terrace Phase III Unit 1;
(4) Maple Terrace Phase III Unit 2;
(5) Maple Terrace Phase III Unit 3;
(6) Maple Terrace Phase IV Unit 1;
(7) Maple Terrace Phase IV Unit 2; and
(8) Maple Terrace Phase IV Unit 3.

(c) REVISION OF FLOOD INSURANCE RATE LOT MAPS.—As soon as practicable after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 309. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(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) STUDY.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) REQUIRED ELEMENTS.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) CONSULTATION.—In conducting the study, the Director shall consult with Indian tribes.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

Mr. MACK. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House with a further amendment which is at the desk.

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

(The amendment (No. 4299) is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SMITH of New Hampshire. Mr. President, I rise in support of H.R. 707, the Disaster Mitigation Act of 2000, and urge its passage by the full Senate. This legislation represents compromise language negotiated with the House of Representatives, but, is, substantively, very similar to the bill passed by the Senate in July of this year. This bill will ensure that FEMA not only remains responsive to local communities after a disaster, but also makes disaster preparedness and mitigation a priority. Further, I am proud that this bill will also result in both short and long term savings to the American taxpayer while, at the same time, providing the states and local communities with added resources for future mitigation efforts. Through added efficiencies this bill saves billions in the long run.

I would like to take this opportunity to thank a number of staff members who have worked so hard on this bill. In particular, I would like to recognize Marty Hall from my committee staff; Jo-Ellen Darcy, committee staff for Senator BAUCUS; Andy Wheeler and Mike Murray from Senator INHOFE'S staff; and Jason McNamara from Senator GRAHAM'S staff.

EMERGENCY HOME REPAIR ASSISTANCE

Mr. GRAHAM. The bill includes a provision that caps emergency home repair assistance for individuals and households at $5,000. Could the Chairman elaborate on this provision to describe what additional assistance might be available to individuals and households should their emergency home repair costs exceed $5,000?

Mr. SMITH. I would be happy to elaborate on the provision. The bill caps ''non-means-tested'' emergency home repair assistance at $5,000. In other words, as long as insurance proceeds were not available, an individual or household would be eligible for up to $5,000 of emergency home repair assistance before he/she was required to seek additional assistance from other sources, such as the SBA Disaster Loan Program. If that individual or household was not able to obtain an SBA loan, then he/she could be eligible for additional emergency home repair assistance, as long as the total amount of FEMA assistance to this individual or household does not exceed $25,000.

Mr. GRAHAM. Is it correct, then, that if an individual or household was unable to obtain a loan from SBA, or assistance from another source, then they could be eligible to receive additional emergency home repair assistance, based upon the regulations that FEMA promulgates for this section, and as long as the total FEMA assistance received by that individual or household does not exceed $25,000?

Mr. SMITH. The Senator is correct.

Mr. GRAHAM. I thank the Chairman for the clarification.

RESTORATION OF ESTUARY HABITAT

Mr. MACK. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany S. 835, ''An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.''

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 835) entitled ''An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Waters and Bays Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY RESTORATION

Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Estuary habitat restoration program.
Sec. 105. Establishment of Estuary Habitat Restoration Council.
Sec. 106. Advisory board.
Sec. 107. Estuary habitat restoration strategy.
Sec. 108. Monitoring of estuary habitat restoration projects.
Sec. 109. Reporting.
Sec. 110. Funding.
Sec. 111. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.

Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay.
Sec. 204. Sense of the Congress; requirement regarding notice.
TITLE III—NATIONAL ESTUARY PROGRAM.
Sec. 301. Additions to national estuary program.
Sec. 302. Grants.
Sec. 303. Authorization of appropriations.
TITLE IV—FLORIDA KEYS WATER QUALITY
Sec. 401. Short title.
Sec. 402. Florida Keys water quality improvements.
Sec. 403. Sense of the Congress; requirement regarding notice.
TITLE V—LONG ISLAND SOUND RESTORATION
Sec. 501. Short title.
Sec. 502. Nitrogen credit trading system and other measures.
Sec. 503. Assistance for distressed communities.
Sec. 504. Reauthorization of appropriations.
TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION
Sec. 601. Short title.
Sec. 602. National estuary program.
Sec. 603. Lake Pontchartrain Basin.
Sec. 604. Sense of the Congress.
TITLE VII—ALTERNATIVE WATER SOURCES
Sec. 701. Short title.
Sec. 702. Grants for alternative water source projects.
Sec. 703. Sense of the Congress; requirement regarding notice.
TITLE VIII—CLEAN LAKES
Sec. 801. Grants to States.
Sec. 802. Demonstration program.
Sec. 803. Sense of the Congress; requirement regarding notice.
TITLE IX—MISSISSIPPI SOUND RESTORATION
Sec. 901. Short title.
Sec. 902. National estuary program.
Sec. 903. Mississippi Sound.
Sec. 904. Sense of the Congress.
TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP
Sec. 1001. Short title.
Sec. 1002. Purpose.
Sec. 1003. Definitions.
Sec. 1004. Actions to be taken by the Commission and the Administrator.
Sec. 1005. Negotiation of new treaty minute.
Sec. 1006. Authorization of appropriations.

TITLE I—ESTUARY RESTORATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Estuary Restoration Act of 2000''.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and to create a national database of estuary habitat restoration information.

SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) COUNCIL.—The term ''Council'' means the Estuary Habitat Restoration Council established by section 105.

(2) ESTUARY.—The term ''estuary'' means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries.

(3) ESTUARY HABITAT.—The term ''estuary habitat'' means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term ''estuary habitat restoration activity'' means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term ''estuary habitat restoration project'' means a project to carry out an estuary habitat restoration activity.

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term ''estuary habitat restoration plan'' means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term ''estuary habitat restoration plan'' includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(8) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) NON-FEDERAL INTEREST.—The term ''non-federal interest'' means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 104(g)(2), a nongovernmental organization.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(11) STATE.—The term ''State'' means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and Guam.

SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title.

(b) ORIGIN OF PROJECTS.—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) REQUIRED ELEMENTS OF PROJECT PROPOSALS.—To be eligible for the estuary habitat restoration program established under this title, each proposed estuary habitat restoration project must—

(1) address restoration needs identified in an estuary habitat restoration plan;

(2) be consistent with the estuary habitat restoration strategy developed under section 107;

(3) be technically feasible;

(4) include a monitoring plan that is consistent with standards for monitoring developed under section 108 to ensure that short-term and long-term restoration goals are achieved; and

(5) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out and properly maintain the project.

(d) SELECTION OF PROJECTS.—

(1) IN GENERAL.—The Secretary, after considering the advice and recommendations of the Council, shall select estuary habitat restoration projects taking into account the following factors:

(A) The scientific merit of the project.

(B) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(C) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(D) Whether the project is cost-effective.

(E) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(F) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(2) PRIORITY.—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (1)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration project carried out under this title shall not exceed 65 percent of such cost.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project carried out under this title shall include lands, easements, rights-of-way, and relocations and may include services, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(f) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy to be developed under section 107, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(g) COOPERATION OF NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—The Secretary shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (e)(2); and

(B) provide for maintenance and monitoring of the project to the extent the Secretary determines necessary.

(2) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this title, the Secretary, upon the recommendation of the Governor of the State in which the project is located and in consultation with appropriate officials of political subdivisions of such State, may allow a nongovernmental organization to serve as the non-Federal interest.

(h) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this title, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, after considering the advice and recommendations of the Council, determines such delegation is appropriate.

SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.

(a) COUNCIL.—There is established a council to be known as the ''Estuary Habitat Restoration Council''.

(b) DUTIES.—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and making recommendations concerning such proposals based on the factors specified in section 104(d)(1), including recommendations as to a priority order for carrying out such projects and as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 104(h);

(2) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(3) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; and

(4) providing advice on the development of the database, monitoring standards, and report required under sections 108 and 109.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary's designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary's designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator's designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary's designee).

(5) The Secretary of Agriculture (or such Secretary's designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) PROHIBITION OF COMPENSATION.—Members of the Council may not receive compensation for their service as members of the Council.

(e) CHAIRPERSON.—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) CONVENING OF COUNCIL.—

(1) FIRST MEETING.—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of the enactment of this Act for the purpose of electing a chairperson.

(2) ADDITIONAL MEETINGS.—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this title is fully carried out, but not less often than annually.

(g) COUNCIL PROCEDURES.—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) PUBLIC PARTICIPATION.—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

SEC. 106. ADVISORY BOARD.

(a) IN GENERAL.—The Council shall establish an advisory board (in this section referred to as the ''board'').

(b) DUTIES.—The board shall provide advice and recommendations to the Council—

(1) on the strategy developed pursuant to section 107; and

(2) on the Council's consideration of proposed estuary habitat restoration projects and the Council's recommendations to the Secretary pursuant to section 105(b)(1), including advice on the scientific merit, technical merit, and feasibility of a project.

(c) MEMBERS.—The Council shall appoint members of the board representing diverse public and private interests. Members of the board shall be selected such that the board consists of—

(1) three members with recognized academic scientific expertise in estuary or estuary habitat restoration;

(2) three members representing State agencies with expertise in estuary or estuary habitat restoration;

(3) two members representing local or regional government agencies with expertise in estuary or estuary habitat restoration;

(4) two members representing nongovernmental organizations with expertise in estuary or estuary habitat restoration;

(5) two members representing fishing interests;

(6) two members representing estuary users other than fishing interests;

(7) two members representing agricultural interests; and

(8) two members representing Indian tribes.

(d) TERMS.—

(1) IN GENERAL.—Except as provided by subparagraph (B), members of the board shall be appointed for a term of 3 years.

(2) INITIAL MEMBERS.—As designated by the chairperson of the Council at the time of appointment, of the members first appointed—

(A) nine shall be appointed for a term of 1 year; and

(B) nine shall be appointed for a term of 2 years.

(e) VACANCIES.—Whenever a vacancy occurs among members of the board, the Council shall appoint an appropriate individual to fill that vacancy for the remainder of the applicable term.

(f) BOARD LEADERSHIP.—The board shall elect from among its members a chairperson of the board to represent the board in matters related to its duties under this title.

(g) COMPENSATION.—Members of the board shall not be considered to be employees of the United States and may not receive compensation for their service as members of the board, except that while engaged in the performance of their duties while away from their homes or regular place of business, members of the board may be allowed necessary travel expenses as authorized by section 5703 of title 5, United States Code.

(h) TECHNICAL SUPPORT.—Technical support may be provided to the board by regional and field staff of the Corps of Engineers, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the Department of Agriculture. The Secretary shall coordinate the provision of such assistance.

(i) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the board, the Secretary may provide to the board the administrative support services necessary for the board to carry out its responsibilities under this title.

(j) FUNDING.—From amounts appropriated for that purpose under section 110, the Secretary shall provide funding for the board to carry out its duties under this title.

SEC. 107. ESTUARY HABITAT RESTORATION STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Council, in consultation with the advisory board established under section 106, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) GOAL.—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) ELEMENTS OF THE STRATEGY.—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use of Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation and other direct and indirect values; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this title.

(e) PUBLIC REVIEW AND COMMENT.—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) PERIODIC REVISION.—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

SEC. 108. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) UNDER SECRETARY.—In this section, the term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) MONITORING DATA STANDARDS.—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) COORDINATION OF DATA.—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) USE OF EXISTING PROGRAMS.—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) PUBLIC AVAILABILITY.—The Under Secretary shall make the information collected and maintained under this section available to the public.

SEC. 109. REPORTING.

(a) IN GENERAL.—At the end of the third and fifth fiscal years following the date of the enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this title.

(b) CONTENTS OF REPORT.—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this title, including descriptions of, and partners involved with, projects selected, in progress, and completed under this title that comprise those acres;

(2) information from the database established under section 108(b) related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this title; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 110. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTUARY HABITAT RESTORATION PROJECTS.—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) $30,000,000 for fiscal year 2001;

(B) $35,000,000 for fiscal year 2002; and

(C) $45,000,000 for each of fiscal years 2003 through 2005.

Such amounts shall remain available until expended.

(2) MONITORING.—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title, $1,500,000 for each of fiscal years 2001 through 2005. Such amounts shall remain available until expended.

(b) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF THE COUNCIL AND ADVISORY BOARD.—Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or $1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council and the advisory board established under section 106.

SEC. 111. GENERAL PROVISIONS.

(a) AGENCY CONSULTATION AND COORDINATION.—In carrying out this title, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—In carrying out this title, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) FEDERAL AGENCY FACILITIES AND PERSONNEL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this title.

(d) IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this title.

(e) STUDY OF BIOREMEDIATION TECHNOLOGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) REQUIREMENTS.—The study shall—

(A) evaluate and assess bioremediation technology—

(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

(iii) on nonpoint petroleum hydrocarbon discharges; and

(iv) as a first response tool for petroleum hydrocarbon spills; and

(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Chesapeake Bay Restoration Act of 2000''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this title are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

''SEC. 117. CHESAPEAKE BAY.

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

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

''(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

''(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

''(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

''(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to achieve the goals and requirements contained in subsection (g)(1), subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(e) IMPLEMENTATION AND MONITORING GRANTS.—

''(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

''(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

''(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

''(2) PROPOSALS.—

''(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

''(B) CONTENTS.—A proposal under subparagraph (A) shall include—

''(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

''(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

''(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

''(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

''(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

''(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

''(A) all projects and activities funded for the fiscal year;

''(B) the goals and objectives of projects funded for the previous fiscal year; and

''(C) the net benefits of projects funded for previous fiscal years.

''(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

''(3) BUDGET COORDINATION.—

''(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

''(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

''(g) CHESAPEAKE BAY PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

''(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

''(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

''(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

''(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

''(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

''(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

''(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

''(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

''(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

''(2) REQUIREMENTS.—The study and report shall—

''(A) assess the state of the Chesapeake Bay ecosystem;

''(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

''(C) assess the effectiveness of management strategies being implemented on the date of the enactment of this section and the extent to which the priority needs are being met;

''(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of the enactment of this section or by adopting new strategies; and

''(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

''(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

''(2) REQUIREMENTS.—The study shall—

''(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

''(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

''(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

''(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2000 through 2005.''.

SEC. 204. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under section 117 of the Federal Water Pollution Control Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under section 117 of the Federal Water Pollution Control Act shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

TITLE III—NATIONAL ESTUARY PROGRAM

SEC. 301. ADDITIONS TO NATIONAL ESTUARY PROGRAM.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting ''Lake Ponchartrain Basin, Louisiana and Mississippi; Mississippi Sound, Mississippi;'' before ''and Peconic Bay, New York.''.

SEC. 302. GRANTS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) PURPOSES.—Grants under this subsection shall be made to pay for activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

''(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

''(A) shall not exceed—

''(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

''(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

''(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.''.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking ''$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991'' and inserting ''$50,000,000 for each of fiscal years 2000 through 2004''.

TITLE IV—FLORIDA KEYS WATER QUALITY

SEC. 401. SHORT TITLE.

This title may be cited as the ''Florida Keys Water Quality Improvements Act of 2000''.

SEC. 402. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 121. FLORIDA KEYS.

''(a) IN GENERAL.—Subject to the requirements of this section, the Administrator may make grants to the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

''(b) CRITERIA FOR PROJECTS.—In applying for a grant for a project under subsection (a), an applicant shall demonstrate that—

''(1) the applicant has completed adequate planning and design activities for the project;

''(2) the applicant has completed a financial plan identifying sources of non-Federal funding for the project;

''(3) the project complies with—

''(A) applicable growth management ordinances of Monroe County, Florida;

''(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

''(C) applicable water quality standards; and

''(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

''(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

''(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

''(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

''(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

''(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

''(4) other appropriate State and local government officials.

''(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall not be less than 25 percent.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

''(1) $32,000,000 for fiscal year 2001;

''(2) $31,000,000 for fiscal year 2002; and

''(3) $50,000,000 for each of fiscal years 2003 through 2005.

Such sums shall remain available until expended.''.

SEC. 403. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

TITLE V—LONG ISLAND SOUND RESTORATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Long Island Sound Restoration Act''.

SEC. 502. NITROGEN CREDIT TRADING SYSTEM AND OTHER MEASURES.

Section 119(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(1)) is amended by inserting '', including efforts to establish, within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the Plan'' before the semicolon at the end.

SEC. 503. ASSISTANCE FOR DISTRESSED COMMUNITIES.

Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

''(1) ELIGIBLE COMMUNITIES.—

''(A) STATES TO DETERMINE CRITERIA.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

''(B) CONSIDERATION OF IMPACT ON WATER AND SEWER RATES.—In determining if a community is a distressed community for the purposes of this subsection, the State shall consider the extent to which the rate of growth of a community's tax base has been historically slow such that implementing the plan described in subsection (c)(1) would result in a significant increase in any water or sewer rate charged by the community's publicly-owned wastewater treatment facility.

''(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

''(2) REVOLVING LOAN FUNDS.—

''(A) LOAN SUBSIDIES.—Subject to subparagraph (B), any State making a loan to a distressed community from a revolving fund under title VI for the purpose of assisting the implementation of the plan described in subsection (c)(1) may provide additional subsidization (including forgiveness of principal).

''(B) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State under subparagraph (A) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

''(3) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, a State may give priority to a distressed community.''.

SEC. 504. REAUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 503 of this Act) is amended—

(1) in paragraph (1) by striking ''1991 through 2001'' and inserting ''2000 through 2003''; and

(2) in paragraph (2) by striking ''not to exceed $3,000,000 for each of the fiscal years 1991 through 2001'' and inserting ''not to exceed $80,000,000 for each of fiscal years 2000 through 2003''.

TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Lake Pontchartrain Basin Restoration Act of 2000''.

SEC. 602. NATIONAL ESTUARY PROGRAM.

(a) FINDING.—Congress finds that the Lake Ponchartrain Basin is an estuary of national significance.

(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting ''Lake Ponchartrain Basin, Louisiana and Mississippi;'' before ''and Peconic Bay, New York.''.

SEC. 603. LAKE PONTCHARTRAIN BASIN.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:

"SEC. 122. LAKE PONTCHARTRAIN BASIN.

''(a) ESTABLISHMENT OF RESTORATION PROGRAM.—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

''(b) PURPOSE.—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

''(c) DUTIES.—In carrying out the program, the Administrator shall—

''(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

''(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

''(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

''(4) develop a comprehensive research plan to address the technical needs of the program;

''(5) coordinate the grant, research, and planning programs authorized under this section; and

''(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

''(d) GRANTS.—The Administrator may make grants—

''(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320;

''(2) for public education projects recommended by the management conference; and

''(3) for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) BASIN.—The term 'Basin' means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and four counties in the State of Mississippi.

''(2) PROGRAM.—The term 'program' means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated—

''(A) $100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana; and

''(B) $5,000,000 for each of fiscal years 2001 through 2005 to carry out this section.

Such sums shall remain available until expended.

''(2) PUBLIC EDUCATION PROJECTS.—Not more that 15 percent of the amount appropriated pursuant to paragraph (1)(B) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).''.

SEC. 604. SENSE OF THE CONGRESS.

It is the sense of the Congress that all recipients of grants pursuant to this title shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants.

TITLE VII—ALTERNATIVE WATER SOURCES

SEC. 701. SHORT TITLE.

This title may be cited as the ''Alternative Water Sources Act of 2000''.

SEC. 702. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 220. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

''(a) IN GENERAL.—The Administrator may make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

''(b) ELIGIBLE ENTITY.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

''(c) SELECTION OF PROJECTS.—

''(1) LIMITATION.—A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

''(2) ADDITIONAL CONSIDERATION.—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

''(d) COMMITTEE RESOLUTION PROCEDURE.—

''(1) IN GENERAL.—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds $3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

''(2) REQUIREMENTS FOR SECURING CONSIDERATION.—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.

''(e) USES OF GRANTS.—Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

''(f) COST SHARING.—The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

''(g) REPORTS.—

''(1) REPORTS TO ADMINISTRATOR.—Each recipient of a grant under this section shall submit to the Administrator, not later than 18 months after the date of receipt of the grant and biennially thereafter until completion of the alternative water source project funded by the grant, a report on eligible activities carried out by the grant recipient using amounts from the grant.

''(2) REPORT TO CONGRESS.—On or before September 30, 2005, the Administrator shall transmit to Congress a report on the progress made toward meeting the critical water supply needs of the grant recipients under this section.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) ALTERNATIVE WATER SOURCE PROJECT.—The term 'alternative water source project' means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater.

''(2) CRITICAL WATER SUPPLY NEEDS.—The term 'critical water supply needs' means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2000 through 2004. Such sums shall remain available until expended.''.

SEC. 703. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

TITLE VIII—CLEAN LAKES

SEC. 801. GRANTS TO STATES.

Section 314(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1324(c)(2)) is amended by striking ''$50,000,000'' the first place it appears and all that follows through ''1990'' and inserting ''$50,000,000 for each of fiscal years 2001 through 2005''.

SEC. 802. DEMONSTRATION PROGRAM.

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting ''Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota;'' after ''Sauk Lake, Minnesota;'';

(2) in paragraph (3) by striking ''By'' and inserting ''Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by''; and

(3) in paragraph (4)(B)(i) by striking ''$15,000,000'' and inserting ''$25,000,000''.

SEC. 803. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of expenditure.

TITLE IX—MISSISSIPPI SOUND RESTORATION

SEC. 901. SHORT TITLE.

This title may be cited as the ''Mississippi Sound Restoration Act of 2000''.

SEC. 902. NATIONAL ESTUARY PROGRAM.

(a) FINDING.—Congress finds that the Mississippi Sound is an estuary of national significance.

(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting ''Mississippi Sound, Mississippi;'' before ''and Peconic Bay, New York.''.

SEC. 903. MISSISSIPPI SOUND.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:

''SEC. 123. MISSISSIPPI SOUND.

''(a) ESTABLISHMENT OF RESTORATION PROGRAM.—The Administrator shall establish within the Environmental Protection Agency the Mississippi Sound Restoration Program.

''(b) PURPOSE.—The purpose of the program shall be to restore the ecological health of the Sound, including barrier islands, coastal wetlands, keys, and reefs, by developing and funding restoration projects and related scientific and public education projects and by coordinating efforts among Federal, State, and local governmental agencies and nonregulatory organizations.

''(c) DUTIES.—In carrying out the program, the Administrator shall—

''(1) provide administrative and technical assistance to a management conference convened for the Sound under section 320;

''(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

''(3) support environmental monitoring of the Sound and research to provide necessary technical and scientific information;

''(4) develop a comprehensive research plan to address the technical needs of the program;

''(5) coordinate the grant, research, and planning programs authorized under this section; and

''(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Sound.

''(d) GRANTS.—The Administrator may make grants—

''(1) for restoration projects and studies recommended by a management conference convened for the Sound under section 320; and

''(2) for public education projects recommended by the management conference.

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) SOUND.—The term 'Sound' means the Mississippi Sound located on the Gulf Coast of the State of Mississippi.

''(2) PROGRAM.—The term 'program' means the Mississippi Sound Restoration Program established under subsection (a).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section. Such sums shall remain available until expended.''.

SEC. 904. SENSE OF THE CONGRESS.

It is the sense of the Congress that all recipients of grants under this title (including amendments made by this title) shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants under this title.

TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000''.

SEC. 1002. PURPOSE.

The purpose of this title is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.

SEC. 1003. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term ''Commission'' means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP.—The term ''IWTP'' means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80–82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) SECONDARY TREATMENT.—The term ''secondary treatment'' has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(6) MEXICAN FACILITY.—The term ''Mexican facility'' means a proposed public-private wastewater treatment facility to be constructed and operated under this title within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) MGD.—The term ''mgd'' means million gallons per day.

SEC. 1004. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.

(a) SECONDARY TREATMENT.—

(1) IN GENERAL.—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 1005 of this Act, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) ADDITIONAL AUTHORITY.—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) COMPREHENSIVE PLAN.—Not later than 24 months after the date of the enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) CONTRACT.—

(1) IN GENERAL.—Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) TERMS.—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 30 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility.

(I) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(K) To the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(L) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(M) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this Act and the contract.

(N) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (M) to facilitate the monitoring and evaluation required under subsection (d).

(3) LIMITATION.—The Contract Disputes Act of 1978 (41 U.S.C. 601–613) shall not apply to a contract executed under this section.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) REPORT.—The Inspector General shall transmit to Congress a report containing the

evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

SEC. 1005. NEGOTIATION OF NEW TREATY MINUTE.

(a) CONGRESSIONAL STATEMENT.—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this title, in order that the other provisions of this title to address such pollution may be implemented as soon as possible.

(b) NEGOTIATION.—

(1) INITIATION.—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of the enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this title.

(2) IMPLEMENTATION.—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this title shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) MATTERS TO BE ADDRESSED.—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this title.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

Mr. MACK. Mr. President, I ask unanimous consent that the Senate disagree with the amendment of the House, agree to the request for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The Presiding Officer (Mr. BENNETT) appointed Mr. SMITH of New Hampshire, Mr. WARNER, Mr. CRAPO, Mr. BAUCUS, and Mrs. BOXER conferees on the part of the Senate.

MEASURE READ THE FIRST TIME—S. 3165

Mr. MACK. Mr. President, I understand S. 3165 is at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 3165) to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, and for other purposes.

Mr. MACK. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—S. 3173

Mr. MACK. Mr. President, I understand S. 3173 is at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 3173) to improve the implementation of the environmental streamlining provisions of the Transportation Equity Act for the 21st Century.

Mr. MACK. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—H.R. 4292

Mr. MACK. Mr. President, I understand that H.R. 4292 is at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (H.R. 4292) to protect infants who are born alive.

Mr. MACK. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1999

Mr. MACK. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 209 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. 209) to improve the ability of Federal agencies to license federally-owned inventions.

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

AMENDMENT NO. 4300

Mr. MACK. Mr. President, Senators EDWARDS, SHELBY, and SESSIONS have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida (Mr. MACK) for Mr. EDWARDS, Mr. SHELBY, and Mr. SESSIONS, proposes an amendment numbered 4300.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary of Energy shall direct the director of each national laboratory of the Department of Energy, and may direct the director of each facility under the jurisdiction of the Department of Energy, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of each such laboratory or facility with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing.

(b) QUALIFICATIONS.—An ombudsman appointed under subsection (a) shall be a senior official of the national laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory of facility, function as such a senior official.

(c) DUTIES.—Each ombudsman appointed under subsection (a) shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the national laboratory or facility regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution technique such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report quarterly on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information, to—

(A) the Secretary;

(B) the Administrator for Nuclear Security;

(C) the Director of the Office of Dispute Resolution of the Department of Energy; and

(D) the employees of the Department responsible for the administration of the contract for the operation of each national laboratory or facility that is a subject of the report, for consideration in the administration and review of that contract.

Mr. ROCKEFELLER. Senator EDWARDS' amendment establishes a Technology Partnership Ombudsman at Department of Energy's National Laboratories. It is my understanding that the Ombudsman should promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes with industry partners. To ensure fairness and objectivity, however, it would be the Senator's intent that nothing in this Section be interpreted to empower the Ombudsman to act as a mediator or an arbitrator in the process.

Mr. EDWARDS. The Senator's understanding is correct. That is our intention.

Mr. MACK. 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 any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4300) was agreed to.

The bill (H.R. 209), as amended, was passed.

TRAFFICKING VICTIMS PROTECTION AND VIOLENCE AGAINST WOMEN

Mr. BROWNBACK. Mr. President, I want to speak for a few minutes on a conference report, a bill we have been working on all year, including a couple of other provisions that have now been added. We are ready to move forward with it. That is what the vote will address tomorrow.

I have put forward this bill on sex trafficking with Senator WELLSTONE. He and I don't get together on too many bills, so when we do, it is a bit noteworthy. We come from different perspectives, different viewpoints. I think we both have good hearts but our heads take us in different directions. But on this subject of stopping sex trafficking, we don't disagree. We have worked together all year to get this bill through which challenges this practice known as sex trafficking.

Throughout the world, globalization has a dark side. We are seeing increasing numbers of young women, even girls, being trafficked from poorer countries to richer countries into the prostitution business. They have been tricked, forced, coerced and defrauded into working as prostitutes against their will. There are about 700,000 women and girls, according to our Government's estimates, being moved each year from poorer countries to richer countries into the prostitution business. Our Government estimates that approximately 50,000 women and children are trafficked annually into the United States, primarily from Asia and Central America.

This is clearly a terrible practice. Many of these are young girls who are tricked and deceived into forced prostitution believe they are going to a different country for another purpose. For example, those trafficked to the United States are promised a job as a dish washer, or a factory worker. Something that pays better than the job opportunities available in their own, typically poorer, countries. However, once the victims get here, there is no decent job waiting for them. Instead, the trafficker will take their papers and passport so that they have no legal identification. Then they are given false papers, if any. This begins to prepare them for their new life of forced prostitution, making it very difficult to track down and rescue the young woman or girl who has been trapped. There is a point very early in this process where the trafficker says something like the following to his victim, ''You are mine and you will do what I say. You will work in this brothel as a prostitute and you have no choice.'' At this point, she had become a slave in one of the most degrading fashions imaginable.

Senator WELLSTONE and I heard testimony to this effect. We have had two hearings in the Foreign Relations Committee on this subject of trafficking. At both hearings, we had victims testify to such experiences. At one hearing, we had three women who had been trafficked—all had been tricked into traveling to another country believing a good job was waiting on the other side, and once they got there, they were forced into prostitution. This is what they were subjected to. One young woman said that once she was moved into the United States, she was subjected to 30 clients a day, six days a week. If she refused, she was beaten without mercy. It is a dark, dark business.

In January of this year I was in Nepal. I met with a number of girls who had returned from India, where they were forced to work in the brothels in Bombay. These were young girls, frequently from villages, not particularly knowledgeable in the ways of the world. They were young and very innocent when the trafficker had taken them away. The trafficker had told one girl's parents, ''I can get her a job in a rug factory in Bombay.'' The family was poor, they needed income, and they believed him. So they agreed, and gave their daughter away to the trader who forced her into prostitution against her will. And she had no choice.

I met girls who had been trafficked at age 11, 12, and 13. The girls I saw in Nepal, in Katmandu, had returned from this devastating life. Some had escaped by running away, though many cannot since they are in chains or are locked away. Others were thrown out by the brothel because they had contracted AIDS or TB. When they returned at the age of 16, 17, or 18, two-thirds of them had AIDS and were waiting to die, having no proper medicine.

As I stood there with the woman who runs this place of restoration for these young women, she pointed around the room whispering: She is dying, she is dying, she is dying. These were girls of 17 years old, 16 years old, or younger. They were people who had had their youth stolen from them, were deceived or forced into this practice, and then, finally, received a death sentence of AIDS. I saw that. I talked with these survivors of trafficking. Once you see that, you know you have to try to help to stop this. This is wrong, and this terrible practice is increasing. It is happening to 700,000 women and children, girls, each year worldwide.

PAUL WELLSTONE and I worked very hard together. We have a bill that has gone through the Senate by unanimous consent which is the most comprehensive bill to combat this practice of sex trafficking. Among other provisions, this bill substantially increases the penalty for trafficking, while protecting those victims who have been forced into this awful practice. Presently, the victims of trafficking are treated almost as badly as their enslaver, but this bill changes that. Instead, this bill promotes the cooperation of the victims to testify against those who have forced them into trafficking. This will help to bust open the trafficking rings, which we are going very little of these day. It also promotes awareness programs so that people can protect their children and themselves from being tricked into forced prostitution.

I support the increasing globalization of the trade community, but we also have to recognize the problems associated with globalization. Trafficking may be among the worst of those problems. The United States can be a leader in starting to combat this practice, thus giving back to young girls all over the world their childhood instead of a death sentence.

Associated with this trafficking bill is a bill that Senator BIDEN has worked very aggressively on, the Violence Against Women Act. This is a reauthorization of that bill. These two bills are being paired, along with other measures. Senator BIDEN has spoken passionately and frequently on the need to deal with domestic violence in the United States, a very dark and pervasive tragedy in America.

It recently passed in the House of Representatives as a stand alone bill, with only 3 dissenting votes. It is up for reauthorization. VAWA will help those women who are suffering from some form of domestic violence. It is a good piece of legislation and these two bills belong together.

Also associated with this bill is an Internet Alcohol provision, as well as a provision dealing with terrorism, put forward by Senator MACK. It is noncontroversial. Also, in includes a bill entitled, Amy's Law, sponsored by Congressman SALMON in the House, and by Senator SANTORUM here in the Senate. It ultimately promotes tougher prison sentences for people who have been convicted of sex crimes such as rape.

In summary, the two lead bills in this package separately address sex trafficking and violence against women and children. I plead with my colleagues to vote for this package. It will be up tomorrow morning. This package challenges brutal practices suffered by some of the most defenseless and battered in our society and worldwide. It will assist people in some of the most violent and crushing situations, both here and abroad. It will help so many.

I plead with my colleagues in these last hours when people can put up roadblocks to bills. I plead with my colleagues to say that they will not block this bill which will help so many people who are brutalized, including by sex trafficking. I plead with my colleagues, let's move this package on through. This will clear through the House by a large vote. It is something we can do for the women and children in this country as well as worldwide. It is a sensible package. It has been worked out by both sides of the political spectrum, through both parties. So, please, let's do this.

This is something we can all be very proud of passing as we go home. We can

proudly say that we tried to do something, as we read increasing stories of forced sex trafficking worldwide. We can say we didn't look away by passing this bill.

Everybody is not going to like everything in these bills. But these two lead issues are so critical and important, and time is so short for us to get these through. Let's not wait until next session as increasingly more and more girls are being tricked into this practice of forced sex trafficking.

The United States can step up awareness and advocacy, and as we do, governments around the world will do the same. The U.S. has to speak first, however, and this is the bill to do the speaking. Let's do it now.

As we vote on this tomorrow morning, I ask my colleagues to vote yes on these very important pieces of legislation to help children, to help women. These are vital pieces of legislation of which we can all be proud.

Mr. President, I understand there may be some more items, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MAKING TECHNICAL CORRECTIONS TO TITLE X OF THE ENERGY POLICY ACT OF 1992

Mr. BROWNBACK. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 2641, which is at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 2641) to make technical corrections to title X of the Energy Policy Act of 1992.

Without objection, the Senate proceeded to consider the bill.

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

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

The bill (H.R. 2641) was read the third time and passed.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives to accompany S. 2311.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 2311) entitled ''An Act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes'', do pass with amendments.

Mr. BROWNBACK. I ask unanimous consent the Senate agree to the amendments of the House of Representatives.

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

Mr. JEFFORDS. Mr. President, it gives me great pleasure that the Senate is moving to pass the Ryan White Comprehensive AIDS Resources and Emergency Act Amendments of 2000, a measure that will reauthorize a national program providing primary health care services to people living with HIV and AIDS. I especially want to commend Senators HATCH and KENNEDY for the leadership they have provided since the inauguration of the legislation establishing the Ryan White programs over a decade ago. I also want to commend Senator FRIST whose medical expertise played a critical role in key provisions of the bill and continues to be an invaluable resource to our efforts on the range of health issues that come before the Senate. I want to recognize Senator DODD for his unwavering support for this legislation and people living with HIV and AIDS. Finally, I want to acknowledge Senator ENZI's recognition of the growing burden that AIDS and HIV have placed on rural communities throughout the country and the need to address those gaps in services.

It is also important that we recognize the dedicated efforts of our colleagues in the House of Representatives. Chairman BLILEY supported this bill through its passage and provided critical guidance through the negotiations. Representatives BILIRAKIS, COBURN, and WAXMAN have demonstrated time and time again their commitment to people living with AIDS and each has worked diligently to find a compromise to ensure the continued services for people with HIV/AIDS. Representatives BROWN and DINGELL have also played important roles in shepherding this bill through the legislative process.

Since its inception in 1990, the Ryan White program has enjoyed broad bipartisan support. During the last reauthorization of the Ryan White CARE Act in 1996, the measure garnered a vote of 97 to 3 on its final passage. As evidence that strong bipartisan support continues, I am happy to report that this reauthorization bill was passed unanimously by this Chamber in June of this year. The bipartisan support for this important legislation underlines the critical need for the assistance this Act provides across the Nation.

With this reauthorization, we mark the ten years through which the Ryan White CARE Act has provided needed health care and support services to HIV positive people around the country. Titles I and II have provided much needed relief to cities and states hardest hit by this disease, while Titles III and IV have had a direct role in providing healthcare services to underserved communities. Ryan White program dollars provide the foundation of care so necessary in fighting this epidemic and have allowed States and communities around the country to successfully address the needs of people affected by HIV disease.

In recent months a number General Accounting Office studies have shown that the CARE Act is providing services and support to people with HIV who are most in need and most deserving of our help. The GAO found that CARE Act funds are reaching the infected groups that have typically been underserved, including the poor, the uninsured, women, and ethnic minorities. These groups form a majority of CARE Act clients and are being served by the CARE Act in higher proportions than their representation in the AIDS population. The GAO also found that CARE Act funds support a wide array of primary care and support services, including the provision of powerful therapeutic regimens for people with HIV/AIDS that have dramatically reduced AIDS diagnoses and deaths.

Previous efforts to improve this legislation have led to incredible reductions in the number of HIV infected babies being born each year and, equally important, to increased outreach, counseling, voluntary testing, and treatment services being provided to women with HIV infection. Between 1993 and 1998, perinatal-acquired AIDS cases declined 74 percent in the U.S. In this bill, I have continued to support efforts to reach women in need of care for their HIV disease and have included provisions to ensure that women, infants and children receive resources in accordance with the prevalence of the infection among them.

The AIDS Drug Assistance Program has been another critical success. This program has provided people with HIV and AIDS access to newly developed, highly effective therapeutics. Because of these drugs, people are maintaining their health and living longer. The AIDS death rate and the number of new AIDS cases have been dramatically reduced. From 1996 to 1998, deaths from AIDS dropped 54 percent while new AIDS cases have been reduced by 27 percent. In this reauthorization bill we have improved access for underserved and poor communities and increased support for services that help maximize the impact of these therapies.

Despite our great success, the Ryan White program remains as vital to the public health of this Nation as it was in 1990 and in 1996. While the rate of decline in new AIDS cases and deaths is leveling off, HIV infection rates continue to rise in many areas; becoming increasingly prevalent in rural and underserved urban areas; and also among

women, youth, and minority communities. Local and state healthcare systems face an increasing burden of disease, despite our success in treating and caring for people living with HIV and AIDS. Rural and underserved urban areas are often unable to address the complex medical and support services needs of people with HIV infection. As the AIDS epidemic continues to expand into these areas across the country, this legislation will allow us to adapt our care systems to meet the most urgent needs in the communities hardest hit by the epidemic.

The bill being considered today was developed on a bipartisan basis, working with other Committee Members, community stakeholders and elected officials at the state and local levels from whom we sought input to ensure that we addressed the most important problems facing communities of people with HIV infection. Finally we have worked closely with our colleagues in the House of Representatives to produce this agreement. This morning, our colleagues in the House of Representatives unanimously passed this legislation that we have before us. The agreements we have reached with our House colleagues have been fully explained in an Statement of Explanation and I would like unanimous consent that this document be printed as part of the RECORD.

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

(See exhibit 1.)

This bill will double the minimum base funding available to states through the CARE Act to assist them in developing systems of care for people struggling with HIV and AIDS. The bill also includes a new supplemental state grant to target assistance to small and mid-sized metropolitan areas to help them address the increasing number of people with HIV/AIDS living outside of urban areas that receive assistance under Title I of the Act. Rural and underserved areas receive a preference for planning, early intervention, and capacity development grants under title III. In order to assist states in expanding access to appropriate HIV/AIDS therapeutics to low-income people with HIV/AIDS, a supplemental grant has been added to the AIDS Drug Assistance Program.

The bill remains primarily a system of grants to State and local jurisdictions, thereby ensuring that grantees can respond to local needs. States, EMAs, and the affected communities will still decide how to best prioritize and address the healthcare needs of their HIV-positive citizens. This bill reinforces the ability of States and EMAs to identify and meet local needs.

Finally, in recognition of the changing nature of the epidemic, I have asked the Institute of Medicine to complete a study of the financing and delivery of primary care and support services for low income, uninsured, and under-insured individuals with HIV disease, within 21 months after the enactment of this Act. Changes in HIV surveillance and case reporting, and the effects of these changes on program funding, will be included in this study. The recommendations from this study will help Congress and the Secretary of Health and Human Services to ensure the most effective and efficient use of Federal funds for HIV and AIDS care and support.

I am proud that this bill has progressed through the Congress and that we will see this bill become law this year. The people struggling to overcome the challenges of HIV and AIDS must continue to benefit from high quality medical care and access to life-saving drugs. We have made incredible progress in the fight against HIV/AIDS and I want to ensure that every person in America in need of assistance benefits from our tremendous advances.

Many groups and individuals have contributed significantly to crafting this bill, but I want to acknowledge those at the Health Resources and Services Administration. All of the groups united under the umbrella of the National Organizations Responding to AIDS (NORA) deserve recognition. Representing a diverse community of people with AIDS, CARE Act service providers, and administrative agencies, NORA clearly and effectively communicated to Congress the needs and priorities of their constituents.

I also want to thank several staff members who have worked long and hard to craft this bill and to address the concerns and needs of the affected communities. Stephanie Robinson and Idalia Sanchez, for Senator KENNEDY, were key to reaching agreement on this bill and have provided invaluable assistance and support throughout the development of this legislation. Dave Larson and Mary Sumpter Johnson, of Senator FRIST's office, for their support for the needs of rural and underserved communities throughout the nation. Similarly, Jeannie Ireland with Senator DODD's office, Helen Rhee, working for Senator DEWINE, Libby Rolfe, for Mr. SESSIONS, and Raissa Geary and Mary Jordan in Senator ENZI's office, provided valuable input. Without the efforts of these staff members, we would not have such a strong, well-balanced, and targeted reauthorization bill before us today. I want to also express my gratitude and thanks to Bill Baird, Legislative Counsel, who worked tirelessly to craft legislative language. Finally, I want to acknowledge the contributions of Sean Donohue and William Oscar Fleming of my staff who guidance of this effort from the beginning has resulted in a bill that enjoys broad bipartisan support and which most importantly meets the pressing needs of people with HIV and AIDS.

EXHIBIT 1

RYAN WHITE CARE ACT AMENDMENTS OF 2000—MANAGERS' STATEMENT OF EXPLANATION

The Ryan White CARE Act Amendments of 2000 reauthorize Title XXVI of the Public Health Service Act to ensure that individuals living with HIV and AIDS receive health care and related support services. The legislation contains authorization for appropriations and programmatic changes to ensure the CARE Act programs respond to evolving demographic trends in the HIV/AIDS epidemic and advances in treatment and care.

In March, 1990, Congress enacted the Ryan White CARE Act, honoring Ryan White, a young man who taught the Nation to respond to the HIV/AIDS epidemic with hope and action rather than fear. By the spring of 1990, over 128,000 people had been diagnosed with AIDS in the United States and 78,000 had died of the disease. The CARE Act was reauthorized in 1996, as the epidemic spread to more than 600,000 Americans diagnosed with AIDS and amidst the nationwide recognition that CARE Act programs were indispensable to the care and treatment of Americans with HIV/AIDS.

The CARE Act Amendments of 2000 marks the second reauthorization of the CARE Act. In the last twenty years, the HIV/AIDS epidemic has claimed over 420,000 American men, women, and children. Today, the Centers for Disease Control and Prevention estimates that there are currently between 800,000 and 900,000 persons living with HIV in the United States, with 40,000 new infections annually.

While there is still no cure, the CARE Act has been instrumental in responding to the public health, social and economic burdens of the HIV/AIDS epidemic. However, the steady expansion and changed demographics of the epidemic, as well as the improved survival time for people living with AIDS, are placing increasing stress on State and local health care systems, community based organizations and families providing care. Most importantly, the epidemic is expanding beyond major cities to smaller cities and rural regions, and disproportionately affecting women, communities of color, children and youth.

The Ryan White CARE Act Amendments of 2000 preserves the best and proven features of existing CARE Act programs. But the CARE Act Amendments of 2000 also makes important and substantial reforms to respond to the significant changes in the HIV/AIDS epidemic of the last 5 years.

The Organization of Services Under the CARE Act Amendments of 2000 is as follows:

Title I. Emergency Relief for Areas with Substantial Need for Services: Provides emergency relief grants to 51 eligible metropolitan areas (EMAs) disproportionately affected by the HIV epidemic to provide primary care and HIV-related support services to people with HIV and AIDS. Half of the Title I funding is distributed by formula; the remaining half is distributed competitively, based on the demonstration of severity of need and other criteria.

Planning Council membership has been revised to include HIV prevention providers, homeless and housing service providers, and representatives of prisoners. A third of Planning Council members must be individuals with HIV/AIDS receiving care who are not officers, employees or consultants to Title I grantees.

Title II. CARE Grant Program: Provides formula grants to States, District of Columbia, Puerto Rico and U.S. Territories to improve the quality of health care and support services for individuals with HIV disease and their families. The funds are used: to provide medical support services, to continue health insurance payments, to provide home care services, and, through the AIDS Drug Assistance Programs (ADAP), to provide medications necessary for the care of these individuals. Supplemental formula grants are awarded to States with ''emerging communities'' which are ineligible for grants under Title I.

Subtitle B provides discretionary grants to States for the reduction of perinatal transmission of HIV, and for HIV counseling, testing, and outreach to pregnant women. Subtitle C provides discretionary grants to States for partner notification, counseling and referral services.

Title III. Early Intervention Services: Funds nonprofit entitles providing primary care and outpatient early intervention services, including case management, counseling, testing, referrals, and clinical and diagnostic services to individuals diagnosed with HIV. The unfunded program of State formula grants in current law is repealed.

Title IV. Other Programs and Activities: Provides grants for comprehensive services to children, youth, and women living with HIV and their families. Such services include primary, specialty and psychosocial care, as well as HIV outreach and prevention activities. Grantees must demonstrate linkages to, and provide clients with access and education on, HIV/AIDS clinical research.

Title IV newly authorizes the AIDS Education and Training Centers (AETC), a network of 14 regional centers conducting clinical HIV education and training of health providers, to provide prenatal and gynecological care. The HIV/AIDS Dental Reimbursement program, covering uncompensated oral health care for patients with HIV/AIDS, is expanded to provide community-based care in underserved areas.

Under Subtitle B, general provisions authorize CDC data collection of CARE Act planning and evaluation, enhanced interagency coordination of HIV services and prevention, development of a plan for the case management of prisoners with HIV, and administrative provisions related to audits, and a plan for simplification of CARE Act grant disbursements.

Title V. General Provisions: Authorizes Institute of Medicine (IOM) studies and expansion of Federal support for the development of rapid HIV tests. Makes necessary and technical corrections in Title XXVI of the Public Health Service Act.

A summary of selected provisions is as follows:

Use of HIV Case Data in Formula Grants: In order to target funding more accurately to reflect the HIV/AIDS epidemic, the Managers have revised and updated the Title I and Title II formulas to make use of data on cases of HIV infection as well as of AIDS. In Fiscal Year (FY) 2005, HIV and AIDS case data is intended to be used in the Title I and Title II formulas.

However, no later than July 1, 2004, the Secretary shall determine whether HIV case data, as reported to and confirmed by the Director of CDC, is sufficiently accurate and reliable from all eligible areas and States for such use in the formula. The Secretary shall also consider the findings of the Institute of Medicine (IOM) study undertaken under section 501(b).

If the Secretary makes an adverse determination regarding HIV case data, the Managers intend that only AIDS case data will be used in FY2005 formula allocations. The Secretary shall also provide grants and technical assistance to States and eligible areas to ensure that accurate and reliable HIV case data is available no later than FY2007.

Planning and priority setting: The Managers have strengthened the capacity of EMAs and States to plan, prioritize, and allocate funds, based on the size and demographic characteristics of the populations with HIV disease in the eligible area. Planning, priority setting, and funding allocation processes must take into account the demographics of the local HIV/AIDS epidemic, existing disparities in access HIV-related health care, and resulting adverse health outcomes. It is the intent of the Managers that CARE Act dollars more closely follow the shifting trends in the local epidemic and address disparities in health care access and health outcomes as well as the need for capacity development within the local and State HIV health care infrastructures.

The Managers intend both EMAs and States to develop strategies to bring into and retain in care those individuals who are aware of their HIV status but are not receiving services. As part of this process, the Managers place the highest priority on EMAs and States focusing on eliminating disparities in access and services among affected subpopulations and historically underserved communities. The Managers recognize, however, that the relative availability or lack of HIV prevalence data will be reflected in the scope, goals, timetable and allocation of funds for implementation of the strategy.

The Managers also expect the Secretary to collaborate with Titles I and II grant recipients and providers to develop epidemiologic measures and tools for use in identifying persons with HIV infection who know their HIV status but are not in care. The Managers recognize the difficulty the EMAs and States may experience in identifying persons with HIV infection who are not in care and who may be unknown to any health or social support system. The efforts on the part of EMAs and States to accomplish these important tasks, however, should not be delayed until this process is complete. Instead, the Managers expect Titles I and II grant recipients to establish and implement strategies responsive to these urgent needs before the development of nationally uniform measures, to the extent that is practicable and to which necessary prevalence data is reasonably available.

The Managers have also authorized outreach activities in Titles I and II intended to identify individuals with HIV disease know their HIV status but are not receiving services. The intent is to ensure that EMAs and States understand that outreach activities which are consistent with early intervention services and necessary to implement the aforementioned strategies, are appropriate uses of Titles I and II funds. It is not the Managers' intent that such activities supplant or otherwise duplicate activities such as case finding, surveillance and social marketing campaigns currently funded and administered by the Centers for Disease Control and Prevention (CDC). Instead, this authorization reflects the urgency of increasing the coordination between HIV prevention and HIV care and treatment services in all CARE Act programs.

Hold harmless provisions: The hold-harmless provisions are intended to minimize loss and stabilize systems of care in EMAs and States, while assuring that funds are allocated in Titles I and II to reflect the current distribution and epidemiology of the epidemic.

The Managers have revised the Title I hold harmless to limit a potential loss in an EMA's formula allocation to a small percentage of the amount allocated to the eligible area in the previous (or base) year. An EMA may lose no more than 15 percent of its base formula allocation over five years, beginning with 2 percent in the first year and increasing in subsequent years. If the Secretary determines that data on HIV prevalence are accurate and reliable for use in determining Title I formula grants for Fiscal Year 2005, all EMAs may lose no more than 2 percent of their Fiscal Year 2004 formula allocation in that year.

Should an EMA experience a decline in its Title I formula allocation followed by an intervening year in which there is no decline, its losses in any subsequent, nonconsecutive year of decline would once again be limited to 2 percent (i.e., the intervening year ''resets the clock'').

The Managers intend to ensure that essential primary care and support services are not compromised by short-term fluctuations in AIDS case counts. Because no new EMA is expected by HRSA's Bureau of HIV/AIDS to require the hold harmless in the first three or four years of this reauthorization period, the Managers expect this policy will shield all eligible areas, save those currently requiring the hold harmless, from any meaningful loss in Title I formula funding.

Under the Title II holds harmless, a State or territory may lose no more than 1 percent from the previous fiscal year amounts, or 5 percent over the 5-year reauthorization period. This protection extends to base Title II funding (which excludes funds for AIDS Drug Assistance Programs (ADAP)), as well as to overall Title II funding.

Women, child, infants, and youth set-aside: The Managers are aware of the rising incidence of HIV among youth and women, particularly women of color, and recognize the challenges in assuring them access to primary care and support services for HIV and AIDS. The Managers intend to increase the availability of primary care and health-related supportive services under Title I and Title II for each of the four groups described in the set-aside. Youth are added as a new category within this set-aside. The Managers intend the term ''youth'' to include persons between the ages of 13 and 24, and ''children'' to include those under the age of 13, including infants.

The Managers clarify that the set-asides for women, infants, children, and youth with HIV disease be allocated proportionally, based on the percentage of the local HIV-infected population that each group represents. The Managers intend that the States and EMAs continue to make every effort to reach and serve women, infants, children, and youth living with HIV/AIDS by allocating sufficient resources under Titles I and II to serve each of these populations. The Managers also recognize that these priority populations often comprise a greater proportion of HIV cases rather than AIDS cases in a local area. This distinction should be taken into account where necessary prevalence data is reasonably available.

The Managers are aware that these populations may also have access to HIV care through other parts of Title XXVI, Medicaid, State Children's Health Insurance Program (SCHIP), and other Federal and State programs. Therefore, the requirement to proportionally allocate funds provided under Title II to each of these populations may be waived for States which reasonably demonstrate that these populations are receiving adequate care.

Capacity development: Titles I, II and III of this legislation provide a new focus on strengthening the capacity of minority communities and underserved areas where HIV/AIDS is having a disproportionate impact. Currently, many underserved urban and rural areas are not able to compete successfully for planning grants and early intervention service grants due to the lack of infrastructure and experience with the Ryan White CARE Act programs. This gap in services available is increasingly important, as the HIV and AIDS epidemic extends into rural communities. In addition to authorizing capacity development under Titles I and II, the Managers establish a preference for rural areas under Title III that will allow program administrators to target capacity development grants, planning grants, and the delivery of primary care services to rural communities with a growing need for HIV

services. However, urban areas are not excluded from consideration for future grants nor is funding reduced to current grants in urban areas.

Quality management: The Managers recognize the importance of having CARE Act grantees ensure that quality services are provided to people with HIV and that quality management activities are conducted on an ongoing basis. Quality management programs are intended to serve grantees in evaluating and improving the quality of primary care and health-related supportive services provided under this act. The quality management program should accomplish a threeford purpose: (1) assist direct service medical providers funded through the CARE Act in assuring that funded services adhere to established HIV clinical practices and Public Health Service (PHS) guidelines to the extent possible; (2) ensure that strategies for improvements to quality medical care include vital health-related supportive services in achieving appropriate access to and adherence with HIV medical care; and (3) ensure that available demographic, clinical, and health care utilization information is used to monitor the spectrum of HIV-related illnesses and trends in the local epidemic.

The Managers expect the Secretary to provide States with guidance and technical assistance for establishing quality management programs, including disseminating such models as have been developed by States and are already being utilized by Title II programs and in clinical practice environments. Furthermore, the Managers intend that the Secretary provide clarification and guidance regarding the distinction between use of CARE Act funds for such program expenditures that are covered as either planning and evaluation and funds for program support costs. It is not the Managers' intent to divert current program resources or to reassign current program support costs or clinical quality programs to new cost areas, if they are an integral part of a State's current quality management efforts.

Program support costs are described as any expenditure related to the provision of delivering or receiving health services supported by CARE Act funds. As applied to the clinical quality programs, these costs include, but are not limited to, activities such as chart review, peer-to-peer review activities, data collection to measure health indicators or outcomes, or other types of activities related to the development or implementation of a clinical quality improvement program. Planning and evaluation costs are related to the collection and analysis of system and process indicators for purposes of determining the impact and effectiveness of funded health-related support services in providing access to and support of individuals and communities within the health delivery system.

Early intervention services: The Managers authorize early intervention services as eligible services under Titles I and II under certain circumstances. The Managers intend to allow grantees to provide certain early intervention services, such as HIV counseling, testing, and referral services, to individuals at high risk for HIV infection, in accordance with State or EMA planning activities. The Managers recognize the range of organizations that may be eligible to provide early intervention services, including other grantees under titles I, II and III such as community based organizations (CBOs) that act as points of entry into the health care system for traditionally underserved and minority populations.

The Managers believe that referral relationships maintained by providers of early intervention services are essential to increasing the numbers of people with HIV/AIDS who are identified and to bringing them into care earlier in the progression of their disease.

Health-care related support services: The Managers wish to stress the importance of CARE Act funds in meeting the health care needs of persons and families with HIV disease. The Act requires support services provided through CARE Act funds to be health care related. States and EMAs should ensure that support services meet the objective of increasing access to health care and ongoing adherence with primary care needs. The Managers reaffirm the critical relationship between support service provision and positive health outcomes.

Title I planning council duties and membership: The Managers have amended numerous aspects of CARE Act programs to enhance the coordination between HIV prevention and HIV/AIDS care and treatment services. In this case, Planning Council membership of the providers of HIV prevention services will help assure this coordination. To improve representation of underserved communities, providers of services to homeless populations and representatives of formerly incarcerated individuals with HIV disease are included in planning council membership. It is the intent of the Managers that the needs of all communities affected by HIV/AIDS and all providers working within the service areas be represented. The Managers also intend the Planning Councils more adequately reflect the gender and racial demographics of the HIV/AIDS population within their respective EMAs.

The Managers also intend that patients and consumers of Title I services constitute a substantial proportion of Planning Council memberships. The prohibited of officers, employees and consultants is not intended to impede the participation of qualified, motivated volunteers with Title I grantees from serving on Planning Councils where they do not maintain significant financial relationships with such grantees. In contrast to such significant financial relationships, volunteers may be reimbursed reasonable incidental costs, including for training and transportation, which help to facilitate their important contribution to the Planning Councils.

To ensure that new Planning Council members are adequately prepared for full participation in meetings, the Managers direct the Secretary to ensure that proper training and guidance is provided to members of the Councils. The Managers also expect Planning Councils to provide assistance, such as transportation and childcare, to facilitate the participation of consumers, particularly those from affected subpopulations and historically underserved communities.

Consistent with the ''sunshine'' policies of the Federal Advisory Committee Act (FACA), all meetings of the Planning Councils shall be open to the public and be held after adequate notice to the public. Detailed minutes, records, reports, agenda, and other relevant documents should also be available to the public. The Managers intend for such documents to be available for inspection and copying at a single location, including posting on the Internet.

Title I supplemental: In order to target funding to areas in greatest need of assistance, severity of need is given a greater weight of 33 percent in the award of Title I supplemental grants. The Managers intend that Title I supplemental awards are not intended to be allocated on the basis of formula grant allocations. Instead, such supplemental awards are to be directed principally to those eligible areas with 'severe need,'' or the greatest or expanding public health challenges in confronting the epidemic. The Managers have included additional factors to be considered in the assessment of severe need, including the current prevalence of HIV/AIDS, and the degree of increasing and unmet needs for services. Additionally, the Managers believe that syphilis, hepatitis B and hepatitis C should be regarded as important co-morbidities to HIV/AIDS.

It is the Managers' strong view that HRSA's Bureau of HIV/AIDS should employ standard, quantitative measures to the maximum extent possible in lieu of narrative self-reporting when awarding supplemental awards. The Managers therefore renew the Bureau's obligation to develop in a timely manner a mechanism for determining severe need upon the basis of national, quantitative incidence data. In this regard, the Managers recognize that adequate and reliable data on HIV prevalence may not be uniformly available in all eligible areas on the date of enactment. It is noted, however, that ''HIV disease'' under the CARE Act encompasses both persons living with AIDS as well as persons diagnosed as HIV positive who have not developed AIDS.

Title II base minimum funding: The minimum Title II base award is increased in order to increase the funding available to States for the capacity development of health system programs and infrastructure. The Federated States of Micronesia and the Republic of Palau are included as entities eligible to receive Title II funds, in recognition of the need to establish a minimum level of funding to assist in building HIV infrastructure.

Title II public participation: The Managers urge States to strengthen public participation in the Ryan White Title II planning process. While the Managers do not intend that States be mandated to consult with all entities participating in the Title I planning process, reference to such entities is intended to provide guidance to the States that such entities are important constituencies which the States should endeavor to include in their planning processes. Moreover, States may demonstrate compliance with the new requirement of an enhanced process of public participation by providing evidence that existing mechanisms for consumer and community input provide for the participation of such entities. The intent is to allow States to utilize the optimal public advisory planning process, such as special planning bodies or standing advisory groups on HIV/AIDS, for their particular population and circumstances.

The Managers are also aware of the difficulties that some States with limited resources may encounter in convening public hearings over large geographic or rural areas and encourage the Secretary to work with these States to develop appropriate processes for public input, and to consider such limitations when enforcing these requirements.

Title II HIV care consortia: The Manager intend that the States continue to work with local consortia to ensure that they identify potential disparities in access to HIV care services at the local level, with a special emphasis on those experiencing disparities in access to care, historically underserved populations, and HIV infected persons not in care. However, the Managers do not intend that States and/or consortia be mandated to consult with all entities participating in the Title I planning process. Rather, reference to such entities is intended to provide guidance to the States that such entities are important constituencies which the States should endeavor to include in their planning processes.

Title II ''emerging communities'' supplement: There continues to be a growing need to address the geographic expansion of this epidemic, and this Act continues the efforts made during the last reauthorization to direct resources and services to areas that are

particularly underserved, including rural areas and metropolitan areas with significant AIDS cases that are not eligible for Title I funding. A supplemental formula grant program is created within Title II to meet HIV care and support needs in non-EMA areas. There are a large number of areas within States that do not meet the definition of a Title I EMA but that, nevertheless, experience significant numbers of people living with AIDS. This provision stipulates that these ''emerging communities,'' defined as cities with between 500 and 1,999 reported AIDS cases in the most recent 5-year period, be allocated 50 percent of new appropriations to address the growing need in these areas. Funding for this provision is triggered when the allocations to carry out Part B, excluding amounts allocated under section 2618(a)(2)(I), are $20,000,000 in excess of funds available for this part in fiscal year 2000, excluding amounts allocated under section 2618(a)(2)(I). States can apply for these supplemental awards by describing the severity of need and the manner in which funds are to be used.

The Managers intend to acknowledge the challenges faced by many areas with a significant burden of HIV and AIDS and a lack of health care infrastructure or resources to provide HIV care services. This supplemental program allows the Secretary to make grants to States to address HIV service needs in these underserved areas. The Managers understand the necessity to continue to support existing and expanding critical Title II base services.

AIDS Drug Assistance Program supplemental grant and expanded services: Under this Act, the AIDS Drug Assistance Program (ADAP) has been strengthened to assist States in a number of areas. The Secretary is authorized to reserve 3 percent of ADAP appropriations for discretionary supplemental ADAP grants which shall be awarded in accordance with severity of need criteria established by the Secretary. Such criteria shall account for existing eligibility standards, formulary composition and the number of patients with incomes at or below 200 percent of poverty. The Managers also encourage the Secretary to consider such factors as the State's ability to remove restrictions on eligibility based on current medical conditions or income restrictions and to provide HIV therapeutics consistent with PHS guidelines.

States are also required to match the Federal supplement at a rate of 1:4. The Managers expect the State to continue to maintain current levels of effort in its ADAP funding. The Managers intend that the 25 percent State match required to receive funds under this section be implemented in a flexible manner that recognizes the variations between Federal, State, and programmatic fiscal years.

In addition, up to 5 percent of ADAP funds will be allowed to support services that directly encourage, support, and enhance adherence with treatment regimens, including medical monitoring, as well as purchase health insurance plans where those plans provided fuller and more cost-effective coverage of AIDS therapies and other needed health care coverage. However, up to 10 percent of ADAP funds may be expended for such purposes if the State demonstrates that such services are essential and do not diminish access to therapeutics. Finally, the Managers recognize that existing Federal policy provides adequate guidelines to states for carrying out provisions under this section.

Partner notification, perinatal transmission, and counseling services: Discretionary grants are authorized under this Act for partner notification, counseling and referral services. The Managers have also expanded the existing grant program to States for the reduction of perinatal transmission of HIV, and for HIV counseling, testing, and outreach to pregnant woman. Funding for perinatal HIV transmission reduction activities is expanded, with additional grants available to States with newborn testing laws or States with significant reductions in perinatal HIV transmission. In addition, this Act further specifies information to be conveyed to individuals receiving HIV positive test results in order to reduce risk of HIV transmission through sex or needle-sharing practices.

Coordination of coverage and services: This Act also strengthens the requirements made on the States and EMAs in a number of areas aimed at improving the coordination of coverage and services. Grantees must access the availability of other funding sources, such as Medicaid and the State Children's Health Insurance Program (SCHIP) and improve efforts to ensure that CARE Act funds are coordinated with other available payers.

Titles II and IV administrative expenses: The administrative cap for the directly funded Title III programs is increased. The administrative cap for Title III grants is raised from 7.5 percent to 10 percent to correspond with the 10 percent cap on individual contractors in Title I. The Secretary is directed to review administrative and program support expenses for Title IV, in consultation with grantees. In order to assure that children, youth, women, and families have access to quality HIV-related health and support services and research opportunities, the Secretary is directed to work with Title IV grantees to review expenses related to administrative, program support, and direct service-related activities.

Title IV access to research: This Act removes the requirement that Title IV grantees enroll a ''significant number'' of patients in research projects. Title IV provides an important link between women, children, and families affected by HIV/AIDS and HIV-related clinical research programs. The ''significant number'' requirement is removed here to eliminate the incentive for providers to inappropriately encourage or pressure patients to enroll in research programs.

To maintain appropriate access to research opportunities, providers are required to develop better documentation of the linkages between care and research. The Secretary of Health and Human Services (HHS), through the National Institutes of Health (NIH), is also directed to examine the distribution and availability of HIV-related clinical programs for purposes of enhancing and expanding access to clinical trials, including trials funded by NIH, CDC and private sponsors. The Managers encourage the Secretary to assure that NIH-sponsored HIV-related trials are responsive to the need to coordinate the health services received by participants with the achievement of research objectives. Nor do the Managers intend this requirement to require the redistribution of funds for such research projects.

Part F Dental Reimbursement Program: The Managers have established new grants for community-based health care to support collaborative efforts between dental education programs and community-based providers directed at providing oral health care to patients with HIV disease in currently unserved areas and communities without dental education programs. Although the Dental Program has been tremendously successful, there is still a large HIV/AIDS population that has not benefitted because there is not a dental education institution participating in their area. These patients are also in need of dental services that could be provided at community sites if more community-based providers would partner with a dental school or residency program. In these partnerships, dental students or residents could provide treatment for HIV/AIDs patients in underserved communities under the direction of a community-based dentist who would serve as adjunct faculty. By encouraging dental educational institutions to partner with community-based providers, the Managers intend to address the unmet need in these areas by ensuring that dental treatment for the HIV/AIDS population is available in all areas of the country, not just where dental schools are located.

Technical assistance and guidance: The Managers reaffirm the Secretary's responsibility in providing needed guidance and tools to grantees in assisting them in carrying out new requirements under this Act. The Secretary is required to work with States and EMAs to establish epidemiologic measures and tools for use in identifying the number of individuals with HIV infection, especially those who are not in care. The legislation requests an IOM study to assist the Secretary in providing this advice to grantees.

The Managers understand that the Secretary has convened a Public Health Service Working Group on HIV Treatment Information Dissemination, which has produced recommendations and a strategy for the dissemination of HIV treatment information to health care providers and patients. Recognizing the importance of such a strategy, the Managers intend that the Secretary issue and begin implementation of the strategy to improve the quality of care received by people living with HIV/AIDS.

Data Collection through CDC: The Managers believe that an additional authorization for HIV surveillance activities under the CDC will serve to advance the purposes of the CARE Act. To better identify and bring individuals with HIV/AIDS into care, States and cities may use such funding to enhance their HIV/AIDS reporting systems and expand case finding, surveillance, social marketing campaigns, and other prevention service programs. Notwithstanding its strong interest in improving the coordination between HIV prevention and HIV care and treatment services, the Managers intend that this enhanced funding for CDC and its grantees ensure that CARE Act programs and funds not duplicate or be diverted to activities currently funded and administered by the CDC.

Coordination: This Act requires the Secretary to submit a plan to Congress concerning the coordination of Health Resources and Services Administration (HRSA), Centers for Disease Control and Prevention (CDC), Substance Abuse and Mental Health Services Administration (SAMHSA), and Health Care Financing Administration (HCFA), to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Managers believe that much greater effort is required to ensure that the provision of HIV prevention and care services becomes as seamless as possible, and that coordination be pursued at the Federal level, in the States and local communities to eliminate any administrative barriers to the efficient provision of high quality services to individuals with HIV disease.

A second plan for submission to Congress focuses on the medical case management and provision of support services to persons with HIV released from Federal or State prisons.

Administrative simplification: The Managers intend for the Secretary of HHS to explore opportunities to reduce the administrative requirements of Ryan CARE Act grantees through simplifying and streamlining the administrative processes required of grantees and providers under Titles I and II. In consultation with grantees and service providers of both parts, the Secretary is directed to (1) develop a plan for coordinating the disbursement of appropriations for grants under

Title I with the disbursement of appropriations for grants under Title II, (2) explore the impact of biennial application for Titles I and II on the efficiency of administration and the administrative burden imposed on grantees and providers under Titles I and II, and (3) develop a plan for simplifying the application process for grants under Titles I and II. It is the intent of the Managers to improve the ability to grantees to comply with administrative requirements while decreasing the amount of staff time and resources spent on administrative requirements.

Program and service studies: The Managers request that the Secretary, through the IOM, examine changing trends in the HIV/AIDS epidemic and the financing and delivery of primary care and support services for low-income, uninsured individuals with HIV disease. The Secretary is directed to make recommendation regarding the most effective use of scarce Federal resources. The purpose of the study is to examine key factors associated with the effective and efficient financing and delivery of HIV services (including the quality of services, health outcomes, and cost-effectiveness). The Managers expect that the study would include examination of CARE Act financing of services in relation to existing public sector financing and private health coverage; general demographics and comorbidities of individuals with HIV disease; regional variations in the financing and costs of HIV service delivery; the availability and utility of health outcomes measures and data for measuring quality of Ryan White funded service; and available epidemiologic tools and data sets necessary for local and national resource planning and allocation decisions, including an assessment of implementation of HIV infection reporting, as it impacts these factors.

The Managers also require an IOM study focuses on determining the number of newborns with HIV, where the HIV status of the mother is unknown; perinatal HIV transmission reduction efforts in States; and barriers to routine HIV testing of pregnant women and newborns when the mothers' HIV status is unknown. The study is intended to provide States with recommendations on improving perinatal prevention services and reducing the number of pediatric HIV/AIDS cases resulting from perinatal transmission.

Development of Rapid HIV Test: The Managers encourage the Secretary to expedite the availability of rapid HIV tests which are safe, effective, reliable and affordable. The Managers intend that the National Institutes of Health expand research which may lead to such tests. The Managers also intend that the Director of CDC should take primary responsibility, in conjunction with the Commissioner of Food and Drugs, for a report to Congress on the public health need and recommendations for the expedited review of rapid HIV tests. The Managers believe that the Food and Drug Administration should account for the particular applications and urgent need for rapid HIV tests, as articulated by public health experts and the CDC, when determining the specific requirements to which such tests will be held prior to marketing.

Department of Veterans Affairs: The Managers note that the U.S. Department of Veterans Affairs is the largest single direct provider of HIV care and services in the country. Over 18,000 veterans received HIV care at VA facilities in 1999. Veterans with HIV infection are eligible to participate in Ryan White Title I and Title II programs when they meet eligibility requirements set by EMAs and States, whose plans for the delivery of services must account for the availability of VA services. VA facilities are eligible providers of HIV health and support services where appropriate. The Managers expect that HRSA's Bureau of HIV/AIDS shall encourage Ryan White grantees to develop collaborations between providers and VA facilities to optimize coordination and access to care to all persons with HIV/AIDS.

International HIV/AIDS Initiatives: The Managers note that the CARE Act provides a model of service delivery and Federal partnership with States, cities and community-based organizations which should prove valuable in global efforts to combat the HIV/AIDS epidemic. The Managers strongly encourage the Secretary, the Bureau of HIV/AIDS at HRSA, and the CDC to provide technical assistance available to other countries which has already proven invaluable in helping to limit the suffering caused by HIV/AIDS. It is the Managers' hope that the hard-earned knowledge and experience gained in this country can benefit people with HIV/AIDS overseas.

Mr. KENNEDY. Mr. President, it is a privilege to support the CARE Act Amendments of 2000. I commend the many Senators who worked hard and well on the issue of HIV and AIDS. Senator JEFFORDS and Senator HATCH have championed this issue since 1990 when the CARE Act was first proposed, and Senator FRIST has been an impressive leader in recent years. Their leadership has and the leadership of many others has raised our collective conscience about the HIV/AIDS crisis. Our goal in this legislation is to ensure that citizens with HIV disease continue to receive the benefits of advances in therapies and a system of support that has achieved remarkable success in recent years.

For 20 years, America has struggled with the devastation caused by HIV/AIDS. It is a virus that knows no color, religion, political affiliation, or income status. AIDS continues to kill brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives. This epidemic knows no geographic boundaries and has no mercy on those it strikes. HIV/AIDS has become one of the greatest public health challenges of our times. The CARE Act has directed needed resources to accelerate research, develop effective therapies, and support the 900,000 persons and families living with HIV/AIDS in America, and it clearly deserves to be extended and expanded.

AIDS has claimed over 420,000 lives so far in the United States and it continues to claim the most vulnerable among us, especially women, youth, and minorities. We have good reason to be encouraged by medical advances over the past ten years, but we still face an epidemic that kills over 47,000 people each year. Like other epidemics before it, AIDS is now hitting hardest in areas where knowledge about the disease is scarce and poverty is high. The epidemic has dealt a particularly severe blow on communities of color, which account for 73 percent of all new infections. Women account for 30 percent of new infections. Over half of new infections occur in persons under 25.

An estimated 34 percent of AIDS cases in the U.S. occur in rural areas, and this percentage is growing. As the crisis continues year after year, it becomes increasingly difficult for anyone to claim that AIDS is someone else's problem. We all share in a very real way in being touched by the epidemic.

Fortunately, we have been able to slow the progression of this devastating disease. Many people living with HIV and AIDS are alive today and leading longer and healthier lives. AIDS deaths declined by 20 percent between 1997 and 1998, thanks to advances in care and effective new treatments. The smallest increase in new AIDS cases—11 percent—took place in 1999, compared with an 18 percent increase in new cases just a year before. We are helping people earlier in their disease progression and keeping them healthier longer.

Nevertheless, an estimated 30 percent of persons living with AIDS do not have insurance coverage to pay for costly treatments. As a result, heavy demands are placed on community-based organizations and state and local governments. For these Americans, the CARE Act Amendments of 2000 will continue to provide the only means to obtain the care and treatment they need.

In Massachusetts, there has been a 77 percent decline in AIDS and HIV-related deaths since 1995. But the number of cases increased in women by 11 percent from 1997 to 1998. Fifty-five percent of persons living with AIDS in the state are persons of color. Massachusetts is fortunate to have a state budget that provides funding for primary care, prevention, and surveillance efforts. But no state is economically sufficient enough to provide the significant financial resources needed to enable all persons living with HIV disease to obtain the medical and supportive services they need without the Ryan White CARE Act.

The CARE Act will continue to bring hope to the over 600,000 individuals it serves each year in dealing with this devastating disease. This reauthorization builds on past accomplishments, while recognizing the challenge of ensuring access drug treatment for all who need it, reducing health disparities in vulnerable populations, and improve the distribution and quality of services.

Funds totaling $3.4 billion over the next five years will target the hardest hit 51 metropolitan areas in the country under Title I of the Act. Local planning and priority-setting under Title I assures that each of the eligible metropolitan areas responds to local HIV/AIDS needs. Safeguards are put in place to ensure that Title I areas are protected from drastic shifts in funding that can destabilize their HIV care infrastructure by limiting these losses to a maximum of 15 percent over its FY 2000 levels without compounded the effects of the loss from year to year. We also have assured EMAs the opportunity to reset the clock each time they find they do not need hold harmless protection in order to allow them

the needed time and resources to plan prioritize, and redirect resources in response to major shifts that may occur in funding and in the local epidemic.

Under Title II, $4.4 billion over the next five years will provide emergency relief to assist states in developing their HIV health care infrastructure. These funds will also provide life-sustaining drugs to over 61,000 persons each month. In addition, these funds will provide assistance for emerging communities that are increasingly affected by HIV/AIDS, but do not currently qualify for additional assistance, while assuring that base Title II funding losses do not occur in any fiscal year for any state or territory.

Title III programs will receive $730 million during the five year period to assist over 200 local health centers and other primary health care providers in communities with a significant and disproportionate need for HIV care. Many of these communities are located in the hardest hit areas, serving low income communities. An additional $30 million in funds under Title III will provide planning and capacity development grants for hard-to-reach urban and rural communities.

In Title IV, $2700 million over the next five years will be used to meet the specific needs of women, infants, youth, and families. An additional $42 million will assure that oral health care is available to persons with HIV/AIDS who are uninsured. One hundred and forty-one million dollars in funding over the five-year period will assure that we continue our investment in improving the skills of the healthcare workforce.

In total, the CARE Act will authorize over $8.5 billion in funding to fight HIVS/AIDS over the next five years.

I commend the dedication of the AIDS community and the Administration in working with Congress over the past year to bring forward the best possible legislation. I also commend Sean Donohue and William Fleming of Senator JEFFORDS' staff, Dave Larsen of Senator FRIST's staff, and Stephanie Robinson and Idalia Sanchez of my staff for their effective work on this landmark legislation.

The Senate's action today reaffirms our long-standing commitment to provide greater help to those with HIV/AIDS and to families touched by this devastating disease. America has the resources to win the battle against AIDS. We must face this disease with the same courage demonstrated by Ryan White, the young man with hemophilia who contracted AIDS through blood transfusions, and for whom the original act was named. Ryan White touched the world's heart through his valiant effort to speak out against the ignorance and discrimination faced by persons living with AIDS. This legislation carries on his brave work and I urge the Senate to approve it.

Mr. FRIST. Mr. President, I am pleased to acknowledge the final Senate passage of the Ryan White CARE Act Amendments of 2000 today, which follows the actions of House of Representatives earlier this morning. This important bill forms a unique partnership between federal, local, and state governments; non-profit community organizations, health care and supportive service providers. For the last decade, this Act has successfully provided much needed assistance in health care costs and support services for low-income, uninsured and underinsured individuals with HIV/AIDS.

Through programs such as the AIDS Drug Assistance Program, ADAP, which provides access to pharmaceuticals, the CARE Act has helped extend and even save lives. Last year alone, nearly 100,000 people living with HIV and AIDS received access to drug therapy because of the CARE Act. Half the people served by the CARE Act have family incomes of less than $10,000 annually, which is less than the $12,000 annual average cost of new drug ''cocktails'' for treatment. The CARE Act is critical in ensuring that the number of people living with AIDS continues to increase, as effective new drug therapies are keeping HIV-infected persons healthy longer and dramatically reducing the death rate. Investments in enabling patients with HIV to live healthier and more productive lives have helped to reduce overall health costs. For example, the National Center for Health Statistics reported that the nation has seen a 30 percent decline in HIV related hospitalizations, producing nearly one million fewer HIV related hospital days and a savings of more than $1 billion.

During the 104th Congress, I had the pleasure of working with Senator Kassebaum on the Ryan White CARE Act Amendments of 1996 to ensure that this needed law was extended. Senator JEFFORDS, who has done a terrific job in crafting this bill, has already outlined some specifics of this legislation, however, I would like to conclude by discussing a specific provision which I am grateful Senator JEFFORDS included in this reauthorization.

This bill contains a provision, under Title II of this Act, addressing the fact that the face of this disease is changing as AIDS moves into communities which have not been impacted as great as several Title I grantees. One important aspect of this provision is the creation of supplemental grants for emerging metropolitan communities, which do not qualify for Title I funding but have reported between 500 and 2,000 AIDS cases in the last five years. For cities that have between 1,000 and 2,000 AIDS cases this provision would provide cities, including Memphis and Nashville, at least $5 million in new funding to divide each year, or 25 percent of new monies under Title II, whichever is greater. For cities with 500 to 999 AIDS cases in the last five years, at least $5 million in new funding each year will be divided, or 25 percent of new monies under Title II, whichever is greater. This provision will be implemented as soon as the appropriation level for Title II, excluding the ADAP program, is increased by $20 million above the FY2000 funding level. Once implemented, this program would remain in place every year after the initial trigger level is met with at least $10 million coming from the Title II funding to support this needed effort.

Mr. President, I would like to thank Senator JEFFORDS for his leadership on this issue, and Sean Donohue and William Fleming of his staff for all their expertise in drafting this bill. I would also like to thank Senator KENNEDY and Stephanie Robinson of his staff for their work and dedication to this issue. And finally I would like to think Dave Larson and Mary Sumpter Johnson of my health staff for their work on passage of this bill.

Daily Digest

HIGHLIGHTS

Senate passed Continuing Appropriations Resolution.

Senate agreed to the Conference Report on Interior Appropriations.

House committees ordered reported 13 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S9875–S10035

Measures Introduced: Fifteen bills and four resolutions were introduced, as follows: S. 3161–3175, S. Res. 367, and S. Con. Res. 142–144. **Pages S9944–45**

Measures Reported:

S. 1950, to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, with an amendment. (S. Rept. No. 106–490)

S. 1969, to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, with an amendment in the nature of a substitute. (S. Rept. No. 106–491)

S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States, with an amendment in the nature of a substitute.

Page S9941

Measures Passed:

Continuing Appropriations: By 95 yeas to 1 nay (Vote No. 264), Senate passed H.J. Res. 110, making further continuing appropriations for the fiscal year 2001. **Pages S9876–79**

Peopling of America Theme Study Act: Senate passed S. 2478, to require the Secretary of the Interior to conduct a theme study on the peopling of America, after agreeing to committee amendments.

Pages S9975–95

Saint Croix Island Heritage Act: Senate passed S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, after agreeing to a committee amendment. **Pages S9975–95**

Carter G. Woodson Home National Historic Site Study Act: Senate passed H.R. 3201, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, clearing the measure for the President.

Pages S9975–95

Fort Matanzas National Monument: Senate passed S. 1670, to revise the boundary of Fort Matanzas National Monument. **Pages S9975–95**

"I Have A Dream" Speech Plaque: Senate passed H.R. 2879, to provide for the placement at the Lincoln Memorial a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech, after agreeing to a committee amendment in the nature of a substitute.

Pages S9975–95

Yuma Crossing National Heritage Area Act: Senate passed H.R. 2833, to establish the Yuma Crossing National Heritage Area, clearing the measure for the President. **Pages S9975–95**

Gaylord Nelson Apostle Islands Stewardship Act: Senate passed S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area, after agreeing to a committee amendment.

Pages S9975–95

Colorado Land Conveyance: Senate passed S. 1972, to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park, after agreeing to committee amendments. **Pages S9975–95**

Coal Market Competition Act: Senate passed S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

Pages S9975–95

Pennsylvania Hydroelectric Project Extension: Senate passed S. 2499, to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania. **Pages S9975–95**

Saint Helena Island National Scenic Area: Senate passed H.R. 468, to establish the Saint Helena Island National Scenic Area, after agreeing to a committee amendment. **Pages S9975–95**

Ivanpah Valley Airport Public Lands Transfer Act: Senate passed H.R. 1695, to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, after agreeing to committee amendments. **Pages S9975–95**

Lake Tahoe Restoration Act: Senate passed S. 1925, to promote environmental restoration around the Lake Tahoe basin, after agreeing to a committee amendment in the nature of a substitute. **Pages S9975–95**

Wyoming Land Conveyance: Senate passed S. 2069, to permit the conveyance of certain land in Powell, Wyoming. **Pages S9975–95**

Golden Gate National Recreation Area Boundary Adjustment Act: Senate passed H.R. 3632, to revise the boundaries of the Golden Gate National Recreation Area, clearing the measure for the President. **Pages S9975–95**

Black Hills National Forest and Rocky Mountain Research Station Improvement Act: Senate passed H.R. 4226, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest, clearing the measure for the President. **Pages S9975–95**

National Historic Lighthouse Preservation Act: Senate passed H.R. 4613, to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program, clearing the measure for the President. **Pages S9975–95**

Effigy Mounds National Monument Additions Act: Senate passed H.R. 3745, to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa, clearing the measure for the President. **Pages S9975–95**

West Virginia Hydroelectric Project Extension: Senate passed S. 2942, to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia. **Pages S9975–95**

Virginia Land Exchange: Senate passed S. 3000, to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, after agreeing to a committee amendment in the nature of a substitute. **Pages S9975–95**

California Trail Interpretive Act: Senate passed S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States. **Pages S9975–95**

Virginia Wilderness: Senate passed S. 2865, to designate certain land of the National Forest System located in the State of Virginia as wilderness. **Pages S9975–95**

Texas Land Conveyance: Senate passed H.R. 4285, to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, and to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, clearing the measure for the President. **Pages S9975–95**

New Mexico-Washington Land Transfer: Senate passed S. 2757, to provide for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, after agreeing to committee amendments. **Pages S9975–95**

California Paleontology Interpretive Center: Senate passed S. 2977, to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles. **Pages S9975–95**

Jamestown 400th Commemoration Commission: Senate passed S. 2885, to establish the Jamestown 400th Commemoration Commission, after agreeing to committee amendments. **Pages S9975–95**

Colorado Conservation and Wilderness: Senate passed H.R. 4275, to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, clearing the measure for the President. **Pages S9975–95**

California Land Conveyance: Senate passed S. 2111, to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the

San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation, after agreeing to a committee amendment in the nature of a substitute. **Pages S9975–95**

Colorado National Park/Preserve Establishment: Senate passed S. 2547, to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, after agreeing to a committee amendment in the nature of a substitute.

Pages S9975–95

Americans of German Heritage Recognition: Senate agreed to H. Con. Res. 89, recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

Pages S9975–95

DOE National Laboratories: Senate passed S. 1756, to enhance the ability of the National Laboratories to meet Department of Energy missions, after agreeing to a committee amendment in the nature of a substitute. **Pages S9975–95**

Miwaleta Park Expansion Act: Senate passed H.R. 1725, to provide for the coverage by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land, after agreeing to the following amendment proposed thereto: **Pages S9995–S10003**

Mack (for Murkowski) Amendment No. 4290, to add clarifying language related to management of conveyed lands. **Pages S9995–S10003**

Saint-Gaudens National Historic Site: Senate passed S. 1367, to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary, after agreeing to a committee amendment, and the following amendment proposed thereto: **Pages S9995–S10003**

Mack (for Thomas) Amendment No. 4291, to make certain technical and clarifying corrections.

Pages S9995–S10003

Southeastern Alaska Intertie Authorization: Senate passed S. 2439, to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, after agreeing to the following amendment proposed thereto: **Pages S9995–S10003**

Mack (for Murkowski) Amendment No. 4292, to limit the authorization for the Southeastern Alaska Intertie and provide an authorization for Navajo electrification. **Pages S9995–S10003**

Sand Creek Massacre National Historic Site Establishment Act: Senate passed S. 2950, to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado, after agreeing to committee amendments, and the following amendment proposed thereto:

Pages S9995–S10003

Mack (for Thomas) Amendment No. 4293, to make certain technical and clarifying corrections.

Pages S9995–S10003

Little Sandy River Watershed Protection: Senate passed S. 2691, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, after agreeing to a committee amendment, and the following amendment proposed thereto:

Pages S9995–S10003

Mack (for Thomas) Amendment No. 4294, to require the Secretaries of Agriculture and Interior to complete an administrative reclassification such that Oregon and California Railroad lands within the area described in the Act become public domains lands not subject to distribution provisions, and to authorize ecosystem restoration activities in Clackamas County, Oregon. **Pages S9995–S10003**

Harriet Tubman Special Resource Study Act: Senate passed S. 2345, to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9995–S10003**

Mack (for Thomas) Amendment No. 4295, to make a technical correction. **Pages S9995–S10003**

Fort Sumter Tours, Inc., Franchise Fee: Senate passed S. 2331, to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc., to binding arbitration, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9995–S10003**

Mack (for Bingaman) Amendment No. 4296, to provide for certain arbitration requirements.

Pages S9995–S10003

Dayton Aviation Heritage Preservation Amendments Act: Senate passed H.R. 5036, to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park, clearing the measure for the President. **Page S10003**

Disabled Veterans' LIFE Memorial Foundation: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 1509, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who

became disabled while serving in the Armed Forces of the United States, and the bill was then passed, clearing the measure for the President.

Pages S10004–08

Taunton River Wild and Scenic River Study Act: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 2778, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and the bill was then passed, clearing the measure for the President. **Pages S10004–08**

Santa Rosa and Santa Jacinto Mountains National Monument Act: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 3676, to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, and the bill was then passed, clearing the measure for the President.

Pages S10004–08

"Jaryd Atadero Legacy Trail": Committee on Energy and Natural Resources was discharged from further consideration of H.R. 3817, to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the "Jaryd Atadero Legacy Trail", and the bill was then passed, clearing the measure for the President.

Pages S10004–08

Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area: Committee on Energy and Natural Resources was discharged from further consideration of S. 2273, to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S10004–08**

Mack (for Bryan) Amendment No. 4297, in the nature of a substitute. **Pages S10004–08**

"National Cowboy Poetry Gathering": Committee on Energy and Natural Resources was discharged from further consideration of S. Res. 326, designating the Cowboy Poetry Gathering in Elko, Nevada, as the "National Cowboy Poetry Gathering", and the resolution was then agreed to.

Pages S10004–08

Rosie the Riveter National Park: Senate passed H.R. 4063, to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, after committee amendments were withdrawn, clearing the measure for the President. **Pages S10008–09**

Technical Corrections: Senate agreed to S. Con. Res. 143, to make technical corrections in the enrollment of the bill H.R. 3676. **Page S10009**

Indian Arts and Crafts Enforcement Act: Senate passed S. 2872, to improve the cause of action for misrepresentation of Indian arts and crafts.

Page S10009

Junior Duck Stamp Conservation and Design Program Act Reauthorization: Senate passed H.R. 2496, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, clearing the measure for the President. **Page S10009**

Cat Island National Wildlife Refuge Establishment Act: Senate passed H.R. 3292, to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana, after agreeing to committee amendments, and the following amendment proposed thereto: **Pages S10009–10**

Mack (for Smith of N.H.) Amendment No. 4298, to make certain technical corrections. **Page S10010**

Cahaba River National Wildlife Refuge Establishment Act: Senate passed H.R. 4286, to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama, clearing the measure for the President. **Page S10010**

Coastal Barrier Resources System Map: Senate passed H.R. 34, to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, after agreeing to committee amendments. **Pages S10010–11**

Coastal Barrier Resources System Boundaries: Senate passed H.R. 4435, to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System, clearing the measure for the President. **Page S10011**

Congress' 200th Anniversary in Washington, D.C.: Senate agreed toS. Con. Res. 144, commemorating the 200th anniversary of the first meeting of Congress in Washington, D.C. **Page S10011**

Technology Transfer Commercialization Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 209, to improve the ability of Federal agencies to license federally owned inventions, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S10027–28**

Mack (for Edwards) Amendment No. 4300, to establish a technology partnerships ombudsman.

Page S10027

Technical Correction: Senate passed H.R. 2641, to make technical corrections to title X of the Energy Policy Act of 1992, clearing the measure for the President. **Pages S10003, S10029**

Interior Appropriations—Conference Report: By 83 yeas to 13 nays (Vote No. 266), Senate agreed to the conference report on H.R. 4578, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001. **Pages S9879–S9917**

During consideration of this measure today, Senate also took the following action:

By 89 yeas to 9 nays (Vote No. 265), three-fifth of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to the motion to close further debate on the conference report. **Page S9900**

Arrowrock Dam Hydro Project: Senate concurred in the amendment of the House to S. 1236, to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho, clearing the measure for the President. **Page S10003**

White Clay Creek Wild and Scenic Rivers System: Senate concurred in the amendment of the House to S. 1849, to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, clearing the measure for the President. **Page S10003**

Disaster Mitigation Act: Senate concurred in the amendment of the House to the Senate amendment to H.R. 707, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, with a further amendment proposed thereto as follows: **Pages S10011–19**

Mack (for Smith of N.H.) Amendment No. 4299, in the nature of a substitute. **Page S10019**

Estuary Habitat and Chesapeake Bay Restoration Act: Senate disagreed to the amendment of the House to S. 835, to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, agreed to the House request for a conference, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Smith (of N.H.), Warner, Crapo, Baucus, and Boxer. **Pages S10019–27**

Ryan White Care Act Amendments: Senate concurred in the amendments of the House to S. 2311, to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, clearing the measure for the President. **Pages S10029–35**

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany the International Plant Protection Convention (Treaty Doc. 106–23) (Exec. Rept. No. 106–27). **Pages S9941–44**

Nominations Received: Senate received the following nominations:

Anita Perez Ferguson, of California, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

John M. Reich, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years. **Page S9931**

Messages From the House: **Pages S9940–41**

Measures Read First Time: **Page S9941**

Communications: **Page S9941**

Executive Reports of Committees: **Pages S9941–44**

Statements on Introduced Bills: **Pages S9945–63**

Additional Cosponsors: **Pages S9963–64**

Amendments Submitted: **Pages S9965–75**

Additional Statements: **Pages S9938–40**

Enrolled Bills Presented: **Page S9941**

Record Votes: Three record votes were taken today. (Total—266) **Pages S9878–79, S9900, S9917**

Recess: Senate convened at 9:31a.m., and recessed at 6:51 p.m., until 9:30 a.m., on Friday, October 6, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9931.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Robert B. Pirie, Jr., of Maryland, to be Under Secretary of the Navy, Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board, Department of Defense, and 7,577 military nominations in the Army, Navy, Marine Corps, and Air Force.

TOBACCO REDUCTION PROGRAMS

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine effective tobacco reduction programs, focusing on how States are spending their revenues from the tobacco settlement entered into in November 1998, after receiving

testimony from David Satcher, Assistant Secretary for Health and Surgeon General, and Terry Pechacek, Assistant Director for Science, Smoking and Health, Centers for Disease Control and Prevention, both of the Department of Health and Human Services; Maryland State Delegate John Hurson, Annapolis, on behalf of the National Conference of State Legislatures; Ohio Attorney General Betty D. Montgomery, Columbus; Francis L. Coolidge, Boston, Massachusetts, on behalf of the American Cancer Society; and Matthew Myers, Campaign for Tobacco-Free Kids, Washington, D.C.

NORTHWEST ELECTRICITY MARKETS

Committee on Energy and Natural Resources: Subcommittee on Energy Research, Development, Production and Regulation concluded hearings to examine the challenges facing the electricity markets in the Northwest, including the effects of recent wholesale price increases, tight supply and demand conditions, and wholesale power market competition, after receiving testimony from James J. Hoecker, Chairman, Federal Energy Regulatory Commission, and Stephen R. Oliver, Vice President, Bulk Marketing and Transmission Services, Power Business Line, Bonneville Power Administration, both of the Department of Energy; Tom Karier, Northwest Power Planning Council, and Rachel Shimshak, Renewable Northwest Project, both of Portland, Oregon; Kelly Norwood, Avista Utilities, Spokane, Washington; Jack Pigott, Calpine Corporation, Pleasanton, California; Marc J. Sullivan, Northwest Energy Coalition, Seattle, Washington; and Steve Stout, Micron Technology, Boise, Idaho.

U.S. TRADE POLICY

Committee on Finance: Subcommittee on International Trade concluded hearings to examine issues relating to the preservation and strengthening of the United States leadership role in foreign trade policy, including fast-track negotiating authority, Free Trade Area of Americas negotiations, multilateral trade negotiations in the World Trade Organization, and agricultural trade reform, after receiving testimony from Minnesota Governor Jesse Ventura, Minneapolis.

IRANIAN WEAPONS PROGRAMS

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs and Subcommittee on European Affairs concluded joint hearings to examine Russia's role in Iran's weapons programs, focusing on Iran's continuing efforts to acquire weapons of mass destruction and missile delivery systems, foreign assistance to those programs, and the status of United States efforts to halt them, after receiving testimony from Robert J. Einhorn, Assistant Secretary of State for Nonproliferation; and John A. Lauder, Director of Central Intelligence Nonproliferation Center.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States, with an amendment in the nature of a substitute.

Also, committee began consideration of S. 1020, to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts, and a committee resolution for document subpoena pursuant to Rule 26 to the Department of Energy regarding Secretary Richardson, but did not complete action thereon, and recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 18 public bills, H.R. 5389–5406; 1 private bill, H.R. 5407; and 1 resolution, H. Con. Res. 418 were introduced. **Pages H9010–11**

Reports Filed: Reports were filed today as follows.

H.R. 3241, to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina, amended (H. Rept. 106–937),

S. 1936, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes, amended (H. Rept. 106–938);

Conference report on H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking (H. Rept. 106–939);

Conference report on H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–940);

H. Res. 612, waiving points of order against the conference report to accompany H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–941); and

H. Res. 613, waiving points of order against the conference report to accompany H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking (H. Rept. 106–942). **Pages H8855–86, H8922–H9004, H9010**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Simpson to act as Speaker pro tempore for today. **Page H8813**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. Norman B. Steen of the Christian Reformed Church of Washington, D.C. **Page H8813**

Ryan White CARE Act Amendments: The House passed S. 2311, to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease by a yea and nay vote of 411 yeas with none voting ''nay'', Roll No. 512. Agreed to amend the title. **Pages H8818–47**

Pursuant to the rule, the Bliley amendment in the nature of a substitute, printed in the Congressional Record and numbered 1, was considered as adopted. **Page H8822**

H. Res. 611, the rule that provided for consideration of the bill was agreed to by voice vote. **Pages H8817–18**

Las Cienegas National Conservation Area Establishment: The House passed H.R. 2941, to establish the Las Cienegas National Conservation Area in the State of Arizona. **Pages H8850–55**

Pursuant to the rule, agreed to the Hansen amendment in the nature of a substitute printed in the Congressional Record and numbered 1; and **Page H8852**

Earlier, agreed to the Kolbe amendment to the amendment in the nature of a substitute that strikes the reference to the use of eminent domain to acquire land. **Page H8855**

H. Res. 610, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 411 yeas with none voting ''nay'', Roll No. 513. **Pages H8847–48**

Point of Privilege: Representative Shuster rose to a point of personal privilege and was recognized for one hour. **Pages H8849–50**

Microenterprise for Self-Reliance and International Anti-Corruption Act: The House agreed to the Senate amendment to H.R. 1143, to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries clearing the measure for the President. **Pages H8886–93**

Recess: The House recessed at 5:32 p.m. and reconvened at 9:38 p.m. **Page H8922**

Recess: The House recessed at 9:39 p.m. and reconvened at 11:06 p.m. **Page H9004**

Senate Messages: Messages received from the Senate today appear on pages H8813–14, H8848, and H8921.

Quorum Calls Votes: Two yea-and-nay votes developed during the proceedings of the House today and

appear on pages H8846–47 and H8848. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:08 p.m.

Committee Meetings

YOUTH CRIME GUN INTERDICTION INITIATIVE

Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government, on Bureau of Alcohol, Tobacco and Firearms, Youth Crime Gun Interdiction Initiative. Testimony was heard from the following officials of the Department of the Treasury: Bradley Buckles, Director, Bureau of Alcohol, Tobacco and Firearms; and Dennis Schindel, Office of Inspector General.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported, as amended, following measures: H.R. 3011, Truth in Telephone Billing Act of 1999; H. Res. 575, Supporting Internet safety awareness; H.R. 5164, Transportation Recall Enhancement, Accountability, and Documentation Act; and H.R. 4281, ICCFAM Authorization Act of 2000.

Committee recessed subject to call.

FEDERAL PRISON INDUSTRIES

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on Federal Prison Industries (FPI): The Proposed Military Clothing Production Expansion—Assessing Existing Protections for Workers, Business, and FPI's Federal Agency Customers. Testimony was heard from Representative LoBiondo; George H. Allen, Deputy Commander, Defense Supply Center, Philadelphia, Defense Logistics Agency, Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES; COMMITTEE REPORTS

Committee on Government Reform: Ordered reported the following bills: H.R. 4181, amended, Debt Pay Incentive Act of 2000; H.R. 5016, amended, to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the "J.T. Weeker Service Center;" H.R. 4830, to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the "Cesar Chavez Post Office; H.R. 4831, amended, to designate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the "Roberto Clemente Post Office;" H.R. 4853, amended, to redesignate the facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station;" H.R. 5143, to designate the Post Office Building located at 3160 Irvin Cobb Drive in Paducah, Kentucky, as the "Morgan Station;" H.R. 5144, to designate the facility of the United States Postal Service located at 203 West Paige Street, in Tompkinsville, Kentucky, as the "Tim Lee Carter Post Office Building;" H.R. 5229, to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office Building;" and H.R. 5210, to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building;"

The Committee also approved the following draft reports entitled: "The Failure to Produce White House E-Mails: Threats, Obstruction and Unanswered Questions;" "Non-Binding Legal Effect of Agency Guidance Documents;" and the "Vaccine Injury Compensation Program: Addressing Needs and Improving Practices."

SUBPOENA DUCES TECUM

Committee on the Judiciary: Subcommittee on Immigration and Claims authorized the issuance of a subpoena duces tecum requiring the Immigration and Naturalization Service to provide Congress with a report on illegal immigration statistics that was originally scheduled to be released on September 28, 2000.

CONFERENCE REPORT—TRAFFICKING VICTIMS PROTECTION ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 3244, Trafficking Victims Protection Act, and against its consideration. The rule provides that the conference report shall be considered as read.

TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS 2001 CONFERENCE REPORT

Committee on Rules: Grant by voice vote, a rule waiving all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. Finally, the rule provides that House Resolutions 586, 592, 595, 599 and 600 are laid on the table.

ACCESS TO TECHNOLOGY

Committee on Science: Subcommittee on Technology held a hearing on rural Access to Technology: Connecting the Last American Frontier. Testimony was heard from public witnesses.

CHALLENGES ASSOCIATE WITH BUILDING NEW RUNWAYS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Challenges Associated with Building New Runways. Testimony was heard from Gerald L. Dillingham, Director, Physical Infrastructure, GAO; and public witnesses.

AIRCRAFT ELECTRICAL SYSTEM SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on Aircraft Electrical System Safety. Testimony was heard from the following officials of the Department of Transportation: Alexis Stefani, Assistant Inspector General, Auditing; and Elizabeth Erickson, Director, Aircraft Certification Service, FAA; and public witnesses.

Joint Meetings

APPROPRIATIONS—AGRICULTURE

Conferees continued in evening session to resolve the differences between the Senate and House passed versions of H.R. 2465, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 6, 2000

Senate

No meetings/hearings scheduled.

House

Committee on Commerce, to mark up H.R. 2441, Fairness in Securities Transactions Act, 9:30 a.m., 2123 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to continue hearings on the Future of the Interactive Television Services Marketplace: What Should Consumers Expect? 11 a.m., 2322 Rayburn.

Committee on Government Reform, hearing on ''Federal Wetlands Policy: Protecting the Environment or Breaching Constitutional Rights?'' 10 a.m., 2154 Rayburn.

Subcommittee on the District of Columbia, hearing on Examining Metro's Track Record: An Oversight hearing on the Challenges and Opportunities Facing the Washington Metropolitan Area Transit Authority, 1 p.m., 2154 Rayburn.

Subcommittee on Government Management, Information, and Technology, oversight hearing on the Management Practices of the Federal Communications Commission: The Chairman Reports, 12:30 p.m., 2247 Rayburn.

Next Meeting of the **SENATE**

9:30 a.m., Friday, October 6

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate may begin consideration of the Conference Report on H.R. 4475, Transportation Appropriations, and the Conference Report on H.R. 3244, Trafficking Victims Protection Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Friday, October 6

House Chamber

Program for Friday: Consideration of the Conference Report on H.R. 4475, Transportation Appropriations, 2001 (rule waiving points of order).

Consideration of the Conference Report on H.R. 3244, Trafficking Victims Protection Act (rule waiving points of order).

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5:30 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $179.00 for six months, $357.00 per year, or purchased for $3.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.