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House of Representatives

The House met at 10:30 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Cheek, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3679. An act to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 898. An act designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''.

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 3023. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 150) ''An Act to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes'', with amendment.

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

S. Con. Res. 154. Concurrent resolution to acknowledge and salute the contributions of coin collectors.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 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 message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2796) ''An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes,'' and agrees to a conference asked by the House on the disagreeing

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Records@Reporters''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

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votes of the two Houses thereon, and appoints Mr. SMITH of New Hampshire, Mr. WARNER, Mr. VOINOVICH, Mr. BAUCUS, and Mr. GRAHAM, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

REPUBLICAN CONGRESS HAS WORKED TIRELESSLY FOR AMERICA

Mr. STEARNS. Mr. Speaker, in this pivotal election, the American people will hear a lot of back and forth about who works harder for their country. Shakespeare wrote, ''What's past is prologue.'' And I believe no other phrase can quite describe both the achievements of the Republican Congress and its vision for America's future.

In 1995 when Republicans took over here in the House of Representatives, one of the first orders of business for the new Republican majority was to declare that it was going to comply and be bound by the same laws with which all Americans are forced to comply.

We reformed the bloated, inefficient welfare system which held captive many Americans who only wanted a better life for their families. Providing a welfare-to-work incentive for both individuals and businesses, the Republican-led Congress succeeded in dropping the welfare rolls to the lowest level in history. Congress extended health insurance under the Medicaid program for millions of uninsured children, giving them the proper care and attention that they deserve. The Republicans passed health insurance portability to guarantee working Americans that if they switched jobs or lost their jobs, they could continue with their current health coverage. We reformed the Food and Drug Administration, giving people quicker access to lifesaving drugs and medical devices and providing for better food quality.

The Republican Congress enhanced criminal penalties for sexual crimes against children and established a nationwide tracking system for sexual predators. We also enhanced punishment for drug-induced rape. We boosted education by increasing funding and giving local school districts and States the flexibility to use Federal funds to best meet the needs of children.

For seniors, Mr. Speaker, we passed legislation ending the Social Security earnings limit test which unfairly penalized senior citizens for simply trying to make a living. The House also voted to roll back the 1993 Clinton-Gore tax on Social Security benefits.

We passed legislation to repeal the marriage penalty tax and the estate tax here. Sadly and unfortunately, the President vetoed both our bills and chose to turn his back on millions of Americans. We strengthened our national defense by increasing military pay and retirement benefits, enhancing health care benefits for veterans, providing the care and respect for our military which this administration has misused and forsaken.

And let us not forget the budget, Mr. Speaker. The Republicans passed the Balanced Budget Act and bound our appropriations bills to spending caps. The Nation's checkbook is in the black and we have paid down the debt by nearly $270 billion.

I would like to point out that the Democrats controlled the White House, the Senate and the House, right here in the 103d Congress. Instead of protecting Social Security, Medicare and providing for prescription drugs, the Democrats succeeded in increasing the Social Security tax on seniors, increasing the tax on gasoline, and increasing the overall tax burden on Americans. At the same time, the Democrats squandered the Social Security surplus. Before 1995, when Republicans took over here, the Democrats spent billions of dollars of the Social Security surplus as if it was a slush fund for Members of Congress.

The Republicans, in sharp contrast, have chosen to lock the Social Security surplus away, making it untouchable for anything except Social Security. Last month, the House passed the debt relief lockbox which will continue our pledge to protect 100 percent of both Social Security and Medicare while providing for $240 billion in debt reduction.

The fact is, Mr. Speaker, that the Republican Congress has worked tirelessly for the American people. We have produced real solutions here in Congress. We have fought hard and passed legislation on welfare reform, better health care, better education, tougher criminal penalties, tax relief, a stronger defense, a balanced budget, debt reduction, and Social Security protection.

We will not hear that, Mr. Speaker, from the folks on the other side. They refuse to state or admit the facts. They are afraid that the American people will see the truth, so I thought I would come on the floor this morning to set the record straight on the accomplishments of the Republican-led Congress.

SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Florida for that introduction.

This represents the bleak future of Social Security. Because of the substantial tax increase on American workers, the FICA tax increase in 1983, there is now more money coming into Social Security than is needed to pay out benefits. And again a reminder that Social Security is a pay-as-you-go program. Current workers pay in their tax and it is almost immediately sent out to current beneficiaries.

Because of the tax increase in 1983, an extra surplus is coming in from the higher tax. After 2015, we go into a bleak future of somehow coming up with the funding necessary to pay benefits.

Let me just comment on this short term surplus. During this surplus over the next 10 years, there is going to be $7.8 trillion. I know this gets into statistics but bear with me. In the next 10 years, there is going to be $7.8 trillion coming into the Social Security; $5.4 trillion is going to be used to pay benefits. That leaves a surplus over the next 10 years in Social Security of $2.4 trillion.

Governor Bush has suggested that we take $1 trillion out of that $2.4 trillion and use it as a transition to set up personal retirement savings accounts. Unlike the Vice President, he is not using the same trillion twice. What he does is take $1 trillion out of the $2.4 trillion surplus. Benefits are already going to be paid. There is $2.4 trillion left over.

In contrast, the Vice President has suggested that we increase spending over the next 10 years by $2.3 trillion. So he is using that extra money to increase spending. I think in terms of the implication for our kids and our grandkids, it is much better to start solving the Social Security problem than expanding government and making these huge promises of increased spending.

Let me comment briefly on the Vice President's suggestion for saving Social Security. He is suggesting that if we use this extra money coming in in surplus, on- and off-budget a 2nd time we can pay down the debt held by the public. That is $3.4 trillion. Again the total debt, what we owe Social Security plus the other trust funds combined with the $3.4 trillion, amounts to a $5.6 trillion debt that we are going to leave our kids if we do not start paying it down.

So everybody agrees, let us start paying the $3.4 trillion of debt held by the public, down. But the Vice President is suggesting that somehow paying this $3.4 trillion down and the savings of the interest that we are paying on this amount, to about $260 billion a year, it is going to accommodate the shortfall of $46.6 trillion between now and 2057.

Let me say that again. Mr. GORE is suggesting that if we pay off this $3.4

trillion, the interest savings is $260 billion a year. I think it is reasonable to say, start using that $260 billion a year saving to apply to the shortfall in Social Security. The blue line at the bottom represents the $260 billion a year. But what is left of the shortfall even if we have the guts, if we have the intestinal fortitude to use all that interest savings and apply it to Social Security, there is still a shortfall of $35 trillion.

It is fuzzy math. It does not work. It is a tremendous disappointment to me. I have been chairman of the bipartisan task force on Social Security in this Chamber. It is a disappointment that in the last 8 years we have not moved ahead to solve Social Security. Because the longer we wait, the longer we put off a decision to fix Social Security more drastic the solution is going to have to be.

We failed in the last 8 years to move ahead on that proposal because of the lack of leadership coming out of the White House.

RECESS

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

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess until noon.

1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at noon.

PRAYER

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

God of mercy and compassion, You oppose the proud-hearted and are attentive to the lowly.

It is better for us to humble ourselves before You than for us to be humiliated by others, or by events, or even by our own weakness. With all humility we place ourselves and our destiny in Your almighty hands.

May this proud and powerful Nation stand before You today in truth. May reflection on our history lead us to gratitude and repentance. May the present restlessness of the world, the issues placed before this Nation, and the responsibilities of this Congress bring us to honest dependence upon You, our Source of Wisdom, Patience and Judgment now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GEORGE MILLER of California led the Pledge of Allegiance as follows:

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

THANKS TO THOSE WHO HELP KEEP THE CAPITOL OF THE UNITED STATES FUNCTIONING

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

Mr. PORTER. Mr. Speaker, I am retiring from the House after 21 years of service, and I want to take this opportunity to do something that I and all of us should do, and that is to thank the other people that make this House, this great institution, work.

We thank our staffs and we thank the people who work here in the Chamber, but I want to talk about the people who run the elevators; about Bonnie and Andre, and Shelly and Wendy, and John and Sheila and Sylvia, and so many more that put up with us day after day. The people who run the restaurant, the House restaurant, Sally and John and Miss Vickie, and many more. The Capitol police, who protect us with their lives. The people who run the trains, the people who clean the offices in the Capitol and keep it beautiful for ourselves and for all of the visitors. The people who repair and maintain the Capitol complex, the people from the office of the Architect of the Capitol. The people who run the congressional Federal Credit Union, our cloakroom and the floor people, Tim and Joelle, and Jim and Jay, and others. Helen and Pat in our cloakroom. Helen has been an institution, a fixture in the House. Since 1939 she has been serving Republican Members. People who run the take-outs and the restaurants and the office buildings in the Capitol complex, the barber Joe Q. The people who run the service offices, the Member services, Caroline and Juanita. The doorkeepers, the parliamentarians, the TV and radio and press people, our chaplain, the Congressional Research Service people, the legislative counsel, the people who run the House garages and there are so many others who I have not named.

There are so many who work so hard for this institution and for its Members. All of us can never thank them enough for their wonderful service to us and to this institution and to our country.

TAX PACKAGE MUST INCLUDE MINIMUM WAGE INCREASE AND HELP FOR EMPLOYERS TO BE SUCCESSFUL

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

Mr. TRAFICANT. Mr. Speaker, last March I passed an amendment to raise the minimum wage $1 over 2 years, from $5.15 to $6.15. The minimum wage increase was then rolled in with a tax cut.

I voted for that tax cut because I believe if the boss cannot afford the wage increase, the boss will end up laying off some of the people on the bottom end of the ladder that are the very people we want to help the most. The bottom line is, what good is a pay increase if someone loses their job? Beam me up.

But let me say this: Any final agreement that does not both raise the minimum wage $1 over 2 years and also give help to the companies and employers who hire our people will be a failure.

Mr. Speaker, I yield back all the politics of class warfare at the White House.

TRIBUTE TO FORMER DISTRICT DIRECTOR AND FRIEND, JOHN J. MCGUIRE

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

Mr. WALSH. Mr. Speaker, on Monday, October 16, John J. McGuire, my former district director in Syracuse, New York, and close personal friend, died after a long battle with brain cancer. John served as an integral part of my staff since my election to Congress in 1988. Prior to that time, he served as a compliance officer for 11 years with the Wage and Hour Division of the United States Department of Labor in Syracuse.

John McGuire, a former Marine, was a highly decorated disabled American veteran. He is a past recipient of the Veterans Service Award from the United States Department of Veterans Affairs, four Special Achievement Awards and the Federal Distinguished Career Award. After serving as a sergeant in the Marine Corps during the Vietnam War, John taught English both here in the United States and in the Balkans.

With John's death earlier this week, his wife and children lost a terrific husband and father; and I lost a neighbor, a close adviser, and a loyal friend. The Central New York community lost a tireless worker and community advocate, and the entire nation lost a dedicated public servant and true American patriot. He will certainly be missed but never forgotten.

CONFERENCE REPORT ON S. 835, ESTUARIES AND CLEAN WATERS ACT OF 2000

Mr. BOEHLERT submitted the following conference report and statement on the Senate 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:

CONFERENCE REPORT (H. REPT. 106–995)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House 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, having met, after full and free conferences, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Estuaries and Clean Waters Act of 2000''.

(b) TABLE OF CONTENTS.—

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. Estuary habitat restoration strategy.
Sec. 107. Monitoring of estuary habitat restoration projects.
Sec. 108. Reporting.
Sec. 109. Funding.
Sec. 110. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay.

TITLE III—NATIONAL ESTUARY PROGRAM

Sec. 301. Addition to national estuary program.
Sec. 302. Grants.
Sec. 303. Authorization of appropriations.

TITLE IV—LONG ISLAND SOUND RESTORATION

Sec. 401. Short title.
Sec. 402. Innovative methodologies and technologies.
Sec. 403. Assistance for distressed communities.
Sec. 404. Authorization of appropriations.

TITLE V—LAKE PONTCHARTRAIN BASIN RESTORATION

Sec. 501. Short title.
Sec. 502. Lake Pontchartrain basin.

TITLE VI—ALTERNATIVE WATER SOURCES

Sec. 601. Short title.
Sec. 602. Pilot program for alternative water source projects.

TITLE VII—CLEAN LAKES

Sec. 701. Grants to States.
Sec. 702. Demonstration program.

TITLE VIII—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Definitions.
Sec. 804. Actions to be taken by the Commission and the Administrator.
Sec. 805. Negotiation of new treaty minute.
Sec. 806. Authorization of appropriations.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Purchase of American-made equipment and products.
Sec. 902. Long-term estuary assessment.
Sec. 903. Rural sanitation grants.

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 through the use of the environmental technology innovation program associated with the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461) to ensure that estuary habitat restoration efforts are based on sound scientific understanding and innovative technologies.

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, including the area located in the Great Lakes biogeographic region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act.

(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).

(7) 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).

(8) 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(f)(2), a nongovernmental organization.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(10) 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) SELECTION OF PROJECTS.—

(1) IN GENERAL.—The Secretary shall select estuary habitat restoration projects from a list of project proposals submitted by the Estuary Habitat Restoration Council under section 105(b).

(2) REQUIRED ELEMENTS.—Each estuary habitat restoration project selected by the Secretary must—

(A) address restoration needs identified in an estuary habitat restoration plan;

(B) be consistent with the estuary habitat restoration strategy developed under section 106;

(C) include a monitoring plan that is consistent with standards for monitoring developed under section 107 to ensure that short-term and long-term restoration goals are achieved; and

(D) 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 items of local cooperation and properly maintain the project.

(3) FACTORS FOR SELECTION OF PROJECTS.—In selecting an estuary habitat restoration project, the Secretary shall consider the following factors:

(A) Whether the project is part of an approved Federal estuary management or habitat restoration plan.

(B) The technical feasibility of the project.

(C) The scientific merit of the project.

(D) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(E) 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.

(F) Whether the project is cost-effective.

(G) 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.

(H) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(4) 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 (3)—

(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 of or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2) and subsection (e)(2), the Federal share of the cost of an estuary habitat restoration project (other than the cost of operation and maintenance of the project) carried out under this title shall not exceed 65 percent of such cost.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing of or a demonstration of an innovative technology described in subsection (c)(4)(B) shall be 85 percent.

(3) 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.

(4) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy to be developed under section 106, 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.

(f) COOPERATION OF NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—The Secretary may not carry out 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 (d)(3); and

(B) provide for maintenance and monitoring of the project.

(2) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project to be undertaken under this title, the Secretary, in consultation and coordination with appropriate State and local governmental agencies and Indian tribes, may allow a nongovernmental organization to serve as the non-Federal interest for the project.

(g) 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, upon the recommendation 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 developing recommendations concerning such proposals based on the factors specified in section 104(c)(3);

(2) submitting to the Secretary a list of recommended projects, including a recommended priority order and any recommendation as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 104(g);

(3) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(4) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; and

(5) providing advice on the development of the database, monitoring standards, and report required under sections 107 and 108.

(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 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.

(i) ADVICE.—The Council shall consult with persons with recognized scientific expertise in estuary or estuary habitat restoration, representatives of State agencies, local or regional government agencies, and nongovernmental organizations with expertise in estuary or estuary habitat restoration, and representatives of Indian tribes, agricultural interests, fishing interests, and other estuary users—

(A) to assist the Council in the development of the estuary habitat restoration strategy to be developed under section 106; and

(B) to provide advice and recommendations to the Council on proposed estuary habitat restoration projects, including advice on the scientific merit, technical merit, and feasibility of a project.

SEC. 106. ESTUARY HABITAT RESTORATION STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council, 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

(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. 107. 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. 108. REPORTING.

(a) IN GENERAL.—At the end of the third and fifth fiscal years following the date of 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 107(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. 109. 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) $40,000,000 for fiscal year 2001;

(B) $50,000,000 for each of fiscal years 2002 and 2003;

(C) $60,000,000 for fiscal year 2004; and

(D) $75,000,000 for fiscal year 2005.

Such sums 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 sums shall remain available until expended.

(b) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF THE COUNCIL.—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.

SEC. 110. 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 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 carry out this section, 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 a 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.—A 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 and maintain—

''(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, 2003, 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 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 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 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 $40,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.''.

TITLE III—NATIONAL ESTUARY PROGRAM

SEC. 301. 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 amended by inserting ''Lake Pontchartrain Basin, Louisiana and 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 ''$35,000,000 for each of fiscal years 2001 through 2005''.

TITLE IV—LONG ISLAND SOUND RESTORATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Long Island Sound Restoration Act''.

SEC. 402. INNOVATIVE METHODOLOGIES AND TECHNOLOGIES.

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 promoting innovative methodologies and technologies that are cost-effective and consistent with the goals of the Plan'' before the semicolon at the end.

SEC. 403. 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.—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.

''(2) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, the Administrator may give priority to a distressed community.''.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 403 of this Act) is amended—

(1) in paragraph (1) by striking ''1991 through 2001'' and inserting ''2001 through 2005''; 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 $40,000,000 for each of fiscal years 2001 through 2005''.

TITLE V—LAKE PONTCHARTRAIN BASIN RESTORATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Lake Pontchartrain Basin Restoration Act of 2000''.

SEC. 502. LAKE PONTCHARTRAIN BASIN.

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. 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; and

''(2) for public education projects recommended by the management conference.

''(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 4 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 to carry out this section $20,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

''(2) PUBLIC EDUCATION PROJECTS.—Not more that 15 percent of the amount appropriated pursuant to paragraph (1) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).''.

TITLE VI—ALTERNATIVE WATER SOURCES

SEC. 601. SHORT TITLE.

This title may be cited as the ''Alternative Water Sources Act of 2000''.

SEC. 602. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Title II the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 220. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

''(a) POLICY.—Nothing in this section shall be construed to affect the application of section 101(g) of this Act and all of the provisions of this section shall be carried out in accordance with the provisions of section 101(g).

''(b) IN GENERAL.—The Administrator may establish a pilot program to 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.

''(c) 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.

''(d) 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.).

''(3) GEOGRAPHICAL DISTRIBUTION.—Alternative water source projects selected by the Administrator under this section shall reflect a variety of geographical and environmental conditions.

''(e) 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.

''(f) 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.

''(g) 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.

''(h) REPORTS.—On or before September 30, 2004, the Administrator shall transmit to Congress a report on the results of the pilot program established under this section, including progress made toward meeting the critical water supply needs of the participants in the pilot program.

''(i) 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. Such term does not include water treatment or distribution facilities.

''(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.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $75,000,000 for fiscal years 2002 through 2004. Such sums shall remain available until expended.''.

TITLE VII—CLEAN LAKES

SEC. 701. 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. 702. 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; Walker Lake, Nevada; Lake Tahoe, California and Nevada; Ten Mile Lakes, Oregon; Woahink Lake, Oregon; Highland Lake, Connecticut; Lily Lake, New Jersey; Strawbridge Lake, New Jersey; Baboosic Lake, New Hampshire; French Pond, New Hampshire; Dillon Reservoir, Ohio; Tohopekaliga Lake, Florida; Lake Apopka, Florida; Lake George, New York; Lake Wallenpaupack, Pennsylvania; Lake Allatoona, Georgia;'' 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''.

TITLE VIII—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

SEC. 801. SHORT TITLE.

This title may be cited as the ''Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000''.

SEC. 802. 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. 803. 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. 804. 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 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 20 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) Maintenance by the owner of the Mexican facility at all times throughout the term of the contract of a 20 percent equity position in the capital structure of the Mexican facility.

(I) 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, with such annual payment to maintain the owner's 20 percent equity position throughout the term of the contract.

(J) 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.

(K) 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.

(L) The use of competitive procedures, consistent with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), 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.

(M) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(N) 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 section and the contract.

(O) 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 (N) to facilitate the monitoring and evaluation required under subsection (d).

(P) Offsets or credits against the payments to be made by the Commission under this section to reflect an agreed upon percentage of payments that the owner of the Mexican facility receives through the sale of water treated by the facility.

(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. 805. 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 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. 806. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated a total of $156,000,000 for fiscal years 2001 through 2005 to carry out this title. Such sums shall remain available until expended.

TITLE IX—GENERAL PROVISIONS

SEC. 901. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this Act should be American made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—The head of each Federal Agency providing financial assistance under this Act, to the extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 902. LONG-TERM ESTUARY ASSESSMENT.

(a) IN GENERAL.—The Secretary of Commerce (acting through the Under Secretary for Oceans and Atmosphere) and the Secretary of the Interior (acting through the Director of the Geological Survey) may carry out a long-term estuary assessment project (in this section referred to as the ''project'') in accordance with the requirements of this section.

(b) PURPOSE.—The purpose of the project shall be to establish a network of strategic environmental assessment and monitoring projects for the Mississippi River south of Vicksburg, Mississippi, and the Gulf of Mexico, in order to develop advanced long-term assessment and monitoring systems and models relating to the Mississippi River and other aquatic ecosystems, including developing equipment and techniques necessary to implement the project.

(c) MANAGEMENT AGREEMENT.—To establish, operate, and implement the project, the Secretary of Commerce and the Secretary of the Interior may enter into a management agreement with a university-based consortium.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) $1,000,000 for fiscal year 2001 to develop the management agreement under subsection (c); and

(2) $4,000,000 for each of fiscal years 2002, 2003, 2004, and 2005 to carry out the project.

Such sums shall remain available until expended.

SEC. 903. RURAL SANITATION GRANTS.

Section 303(e) of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a(e)) is amended by striking ''$15,000,000'' and all that follows through ''section.'' and inserting the following: ''to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.''.

And the House agree to the same.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
WAYNE T. GILCHREST,
TILLIE K. FOWLER,
DON SHERWOOD,
JOHN E. SWEENEY,
STEVEN T. KUYKENDALL,
DAVID VITTER,
JIM OBERSTAR,
BOB BORSKI,
JIM BARCIA,
BOB FILNER,
EARL BLUMENAUER,
JOHN BALDACCI,
Managers on the Part of the House.

BOB SMITH,
JOHN W. WARNER,
MICHAEL D. CRAPO,
MAX BAUCUS,
BARBARA BOXER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 835), to improve and increase Federal, State and local efforts and to provide funding to protect and enhance estuaries across the U.S., and to address other clean water-related matters, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the Managers and recommended in the accompanying Conference report.

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in Conference are noted below, except for clerical corrections and conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

The Conference substitute renames S. 835 as the ''Estuaries and Clean Waters Act of 2000.''

TITLE I—ESTUARY HABITAT RESTORATION

Title I of the Conference substitute establishes a new estuary habitat restoration program under the Secretary of the Army. Title I is similar to title I in both the Senate bill and House amendment. The Conferees adopted title I of the House amendment with amendments. Differences between the Senate bill, House amendment and Conference substitute are as follows:

SECTION 102. PURPOSES

Senate bill

Section 103 of the Senate bill states that the purposes of title I are to: restore one million acres of estuary habitat by the year 2010; ensure coordination of existing Federal, State, and local plans, programs, and studies; establish partnerships among public agencies at all levels of government and between the public and private sectors; promote efficient financing of estuary habitat restoration activities; and, develop and enhance monitoring and research capabilities through use of the environmental technology innovation program associated with the National Estuarine Research Reserve System (NERRs), to ensure that restoration efforts are based on sound scientific understanding and innovative technologies.

House amendment

Section 102 of the House amendment states that the purposes of title I are to: promote the restoration of estuary habitat; 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; to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and, 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.

Conference substitute

The purposes of the Senate bill and House amendment are substantially similar. The Conference substitute adopts the House amendment with an amendment. Section 102(4) is amended to clarify that monitoring and research capabilities for estuary habitat restoration efforts should be developed and enhanced through the use of the environmental technology innovation program associated with NERRs.

SECTION 103. DEFINITIONS

Senate bill

Section 104 of the Senate bill defines key terms used throughout the bill, including ''Collaborative Council,'' ''Degraded Estuary Habitat,'' ''Estuary,'' ''Estuary Habitat,'' ''Estuary Habitat Restoration Activity,'' ''Estuary Habitat Restoration Project,'' ''Estuary Habitat Restoration Strategy,'' ''Federal Estuary Management or Habitat Restoration Plan,'' ''Secretary,'' and ''Under Secretary.''

''Estuary'' is defined as a body of water and its associated physical, biological, and chemical elements, in which fresh water from a river or stream meets and mixes with salt water from the ocean. An exception to this definition is made for estuary-like areas in the Great Lakes biogeographic regions that are part of NERRs at the time of enactment of this legislation.

''Estuary Habitat'' is defined as the complex of physical and hydrologic features and living organisms within estuaries and their associated ecosystems, including salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

''Estuary Habitat Restoration Activity'' is defined as an activity that results in improving degraded estuary habitat, including both physical and functional restoration, with the goal of attaining a self-sustaining ecologically-based system that is integrated with the surrounding landscape. Eligible activities include: the reestablishment of physical features and biological and hydrologic functions; the cleanup of contamination; the control of non-native and invasive species, such as phragmites; and the reintroduction of native species, such as the planting of eel grass. A project is ineligible if it constitutes mitigation for the adverse effects of an activity regulated or otherwise governed under Federal or State law, or restoration for natural resource damages required under any Federal or State law.

''Federal Estuary Management or Habitat Restoration Plan'' is defined as any Federal

plan for restoration of degraded estuary habitat that was developed by a public body with the substantial participation of appropriate public and private stakeholders and reflects a community-based planning process.

House amendment

Section 103 of the House amendment also defines key terms, including: ''Council,'' ''Estuary,'' ''Estuary Habitat,'' ''Estuary Habitat Restoration Activity,'' ''Estuary Habitat Restoration Project,'' ''Estuary Habitat Restoration Plan,'' ''Indian Tribe,'' ''Non-Federal Interest,'' ''Secretary,'' and ''State.''

The definition of ''Estuary'' is based on section 104(n)(4) of the Clean Water Act. The House amendment also specifies that near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries are included in this definition for the purposes of this title to make such areas of the Great Lakes eligible for assistance under this title.

The definition of ''Estuary Habitat'' is similar to the Senate bill, but does not list included habitats.

The definition of ''Estuary Habitat Restoration Activity'' is similar to the Senate bill but includes creating estuary habitat and the construction of reefs.

''Estuary Habitat Restoration Plan'' is defined as any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

''Indian tribe'' is defined by referencing the meaning that term has in section 4 of the Indian Self-Determination and Education Assistance Act, which includes Alaska Natives within the definition.

Conference substitute

Section 103 of the Conference substitute adopts the House amendment with the following amendment. The Conference substitute retains the House definition of the term ''Estuary,'' which includes the near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries. The Conference substitute adds a specific reference to the Old Woman's Creek NERR in Ohio, which is captured in the House definition. This reference was included in the definition of ''Estuary'' in the Senate bill after the Senate adopted by voice vote an amendment offered by Senator Voinovich during the September 29, 1999 Senate Committee on Environment and Public Works business meeting on S. 835.

The Conference substitute retains the prohibition against any project that constitutes mitigation or restoration required under Federal or State law. This provision does not prohibit the implementation of an estuary habitat restoration project that might also be eligible for funding under voluntary habitat restoration or environmental programs. This language also does not prohibit a non-Federal interest from using funds secured under damage settlements to enhance estuary habitat restoration projects.

SECTION 104. ESTUARY HABITAT RESTORATION PROGRAM

Senate Bill

The Senate bill establishes a collaborative, interagency process for the selection of estuary habitat restoration projects to receive assistance under this title. The Senate bill is based on the premise that the non-Federal interest will implement the estuary habitat restoration project, with funding provided by the Secretary of the Army. This approach is intended to reduce delays, expedite project implementation, and reduce unnecessary oversight and paperwork costs.

Section 106(b) of the Senate bill sets out the process for selection of projects. This section specifies that a non-Federal interest must submit a project application for an estuary habitat restoration project to the Collaborative Council established under section 105 for review and approval, and must obtain, where appropriate, the approval of State or local agencies.

Section 106(b) also sets forth the factors and priorities that the Council is to use to select projects and the duties of the non-Federal project sponsors. One of the priorities listed is whether the project is part of an approved Federal estuary management or restoration plan. For example, the Sarasota Bay area in Florida is presently implementing a comprehensive conservation and management plan (CCMP) under the National Estuary Program (NEP), which focuses on restoring lost habitat. The NEP is authorized by section 320 of the Clean Water Act. The habitat restoration is being accomplished by: reducing nitrogen pollution to increase sea grass coverage; constructing saltwater wetlands; and, building artificial reefs for juvenile fish habitat. Narragansett Bay in Rhode Island also is in the process of implementing a CCMP. Current efforts to improve the Bay's water quality and restore its habitat address the uniqueness of the Narragansett Bay watershed.

Section 106(c) authorizes interim habitat restoration activities to be carried out before the Council completes an estuary habitat restoration strategy. Section 106(d) allows a nonprofit entity to serve as the non-Federal interest, after coordination with the local official responsible for the political jurisdiction in which the project will occur.

House amendment

Section 104(a) of the House amendment authorizes an estuary habitat restoration program to be carried out by the Secretary of the Army, acting through the Army Corps of Engineers.

Section 104(b) provides that estuary habitat restoration projects must be submitted by non-Federal interests, consistent with State or local laws.

Section 104(c) sets forth required elements that eligible estuary habitat restoration projects must have, including, among others, that the project address restoration needs identified in an estuary habitat restoration plan.

Section 104(d) sets forth the factors and priorities that the Secretary is to use to select which estuary habitat restoration projects the Corps of Engineers will carry out, after the Secretary considers the advice and recommendations of the Estuary Habitat Restoration Council established under section 105.

Section 104(e) establishes the cost-sharing required for each project. The non-Federal share of a project must include necessary lands, easements, rights-of-way and relocations, and may include services or any other form of in-kind contributions that the Secretary determines to be an appropriate contribution toward the monetary amount required for the non-Federal share.

Section 104(f) authorizes the Corps of Engineers to carry out interim habitat restoration activities before the Council completes an estuary habitat restoration strategy.

Section 104(g) requires cooperation of non-Federal interests and allows a nongovernmental organization to serve as the non-Federal interest for a project, upon the recommendation of the Governor of the State in which a project is located, and in consultation with appropriate local officials.

Section 104(h) authorizes the Secretary of the Army to delegate project implementation to other Federal agencies, after considering the advice and recommendations of the Estuary Habitat Restoration Council.

Conference substitute

The Conference substitute substantially adopts the House estuary habitat program structure.

Unlike the Senate bill, the House amendment does not authorize grants. The House amendment provides that the Secretary of the Army is responsible for implementing estuary habitat restoration projects, similar to the responsibilities in carrying out water resources projects under Water Resources Development Acts. The Conference substitute adopts the House approach. However, in the context of estuary habitat restoration projects, it is expected that the Corps of Engineers will streamline its process for review and selection of projects. In particular, it is expected that the Corps will not need to conduct a Feasibility Study, or prepare a Chief's Report, for an estuary habitat restoration project because the Council will have already reviewed and evaluated a project proposal for technical feasibility, merit, and cost-effectiveness. The Corps is also strongly encouraged to keep its oversight and review costs and time to carry out projects to a minimum.

The Conference substitute makes several modifications to the House amendment. First, the Conference substitute enhances the role of the Estuary Habitat Restoration Council established under section 105 of the House amendment in the selection of estuary habitat restoration projects. In the House amendment, the Secretary of the Army selects projects after considering the advice and recommendations of the Council. Section 104(c)(1) of the Conference substitute directs the Secretary to select projects from a list developed and submitted by the Council. The Council is to review all project proposals submitted and prepare a list of eligible projects that meet the statutory criteria. The Council also is to prioritize the listed projects and make any recommendations regarding whether the projects should be delegated to other Federal agencies for implementation. The Secretary must select projects from that list; the Secretary may not use funds provided under this program to implement estuary habitat restoration projects that are not included on the list submitted by the Council.

The Conference substitute also makes minor revisions to the structure of the project selection process. The Conference substitute retains the factors for selection of a project from the House amendment and adds two factors from the Senate bill: technical feasibility, and whether the project is part of an approved Federal estuary management or habitat restoration plan.

The Conference substitute adds an innovative technology cost-share provision to section 104(d), based on similar language from section 107(e) of the Senate bill. New section 104(d)(2) provides that the Federal cost-share for the incremental additional cost of implementing innovative technologies in a project shall be 85 percent. The intent of this increased cost-share is to encourage the use of innovative technologies. Consistent with the stated purposes of this title, it is expected that NERRs will identify some of the innovative technologies that might be eligible for funding.

The Conference substitute also includes a new section 104(d)(4) on operation and maintenance costs that specifies that non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing and rehabilitating all projects carried out under this section.

Section 104(f) of the Conference substitute retains language from both the Senate bill

and the House amendment that allows non-governmental organizations to serve as the non-Federal interest in an estuary habitat restoration project with one modification. Under the Conference substitute, the Secretary is required to consult and coordinate with appropriate State and local agencies and tribes before allowing a nongovernmental organization to act as the non-Federal interest.

In selecting estuary habitat restoration projects, the Conferees direct the Secretary to give priority consideration to the Wetlands Recovery Project for the Los Cerritos Wetlands in Los Angeles County, California, and to a proposed project for restoration of estuary habitat in the Great Bay Estuary in New Hampshire.

SECTION 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL

Senate bill

Section 105 of the Senate bill establishes an interagency Collaborative Council chaired by the Secretary of the Army, with the participation of the Department of Commerce, acting through the Under Secretary for Oceans and Atmosphere; the Administrator of the Environmental Protection Agency (EPA); and, the Secretary of the Interior, acting through the Fish and Wildlife Service.

Section 106 establishes the duties of the Collaborative Council. Section 106(a) requires the Council to draft a strategy that will serve as a national framework for restoring estuaries. Under section 106(b), the Council is also responsible for reviewing project applications and determining the eligibility of specific proposals for funding.

House amendment

Section 105 of the House amendment establishes the national Estuary Habitat Restoration Council. The Council's function is to review project proposals and make recommendations on projects and priorities to the Secretary. The Council also makes recommendations regarding whether specific projects should be delegated to other agencies for implementation. In addition, the Council is responsible for developing and periodically reviewing, and updating as necessary, a national strategy to restore estuary habitat and is to provide advice on monitoring and reporting requirements under this title. Under section 106, the Council is also directed to establish an Advisory Board, which provides advice and recommendations to the Council on the strategy and in the consideration of project proposals.

The Council has six members, including the Secretaries of the Army, the Interior (acting through the Director of the Fish and Wildlife Service), Commerce (acting through the Under Secretary for Oceans and Atmosphere), and Agriculture; the Administrator of EPA; and the head of any other Federal agency designated by the President.

Conference substitute

The Conference substitute adopts the House amendment with several amendments. First, in section 105(b), the Conference substitute revises the Estuary Habitat Restoration Council's duties so that the Council shall have a greater role in recommending projects for the Secretary to carry out or to delegate to another agency to carry out. The House amendment directs the Council to solicit, review, and evaluate project proposals and make recommendations to the Secretary, including recommending prioritization of projects and delegation of project implementation to another agency. The Conference substitute retains these provisions, but includes a requirement that the Council submit a list of recommended projects to the Secretary, which shall include prioritization and delegation recommendations. Section 104 of the Conference substitute requires the Secretary to select projects from this list.

The Conference substitute also adds a new section 105(i) that directs the Council to consult with a broad range of experts in estuary or estuary habitat restoration and with estuary users to assist in the development of the estuary habitat restoration strategy developed under section 106. The Council also shall seek the advice and recommendations of experts on proposed projects, including the projects' scientific and technical merit, and feasibility. In particular, the Council shall consult with scientific experts and representatives of State, local or regional agencies, and non-governmental organizations with expertise in estuary or estuary habitat restoration, as well as Indian Tribes, agricultural interests, fishing interests, and other estuary users. This provision is similar to section 106(a)(4) of the Senate bill, and replaces section 106 in the House amendment that created a formal advisory board.

SECTION 106. ESTUARY HABITAT RESTORATION STRATEGY

Senate bill

Section 106(a) of the Senate bill requires the Collaborative Council, in consultation with non-Federal participants, to draft a strategy that will serve as a national framework for restoring estuaries. In developing the strategy, the Council is directed to consider the contributions of estuary habitat to wildlife; fish and shellfish; surface and ground water quality and quantity and flood control; outdoor recreation and other concerns; estimated historic losses of estuary habitat; and the most appropriate way to balance small and large estuary habitat restoration projects.

House amendment

Section 107 of the House amendment directs the Council, in consultation with the advisory board established under section 106, to develop a national estuary habitat restoration strategy. The strategy is intended to help maximize the benefits derived from estuary habitat restoration projects selected for implementation, and to foster coordination of Federal and non-Federal efforts to restore estuary habitat. The Council is directed to publish a draft of the strategy in the Federal Register and provide a public comment period of sufficient length to provide a meaningful opportunity for public review and comment.

Section 107(b) specifically provides that the goal of the strategy shall be to restore one million acres of estuary habitat by 2010.

Conference substitute

Section 106 of the Conference substitute adopts the House amendment with only minor changes. The Conference substitute specifically adopts the language establishing as the goal of the strategy the restoration of one million acres of estuary habitat. This goal is consistent with one of the stated purposes of the Senate bill.

SECTION 107. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS

Senate bill

Section 108(a) of the Senate bill directs the Under Secretary for Oceans and Atmosphere of the Department of Commerce, acting through the National Oceanic and Atmospheric Administration (NOAA), to maintain a database of restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information. This section is intended to ensure that available information will be used to improve the methods for assuring successful long-term habitat restoration.

House amendment

Section 108 of the House amendment directs the Under Secretary for Oceans and Atmosphere of the Department of Commerce, in consultation with the Council, to develop and maintain, using existing NOAA programs, a database with information on estuary habitat restoration projects carried out under this title. The Under Secretary will also develop monitoring standards for data types and format, as well as for monitoring frequency.

Conference substitute

Section 107 of the Conference substitute adopts the House amendment.

SECTION 108. REPORTING

Senate bill

Section 108(b) of the Senate bill directs the Council to submit a biennial report to Congress that describes program activities, including the number of acres of estuary habitat restored; the percent of restored habitat monitored under a plan; the types of restoration methods employed; the activities of governmental and non-governmental entities with respect to habitat restoration; and the effectiveness of the restoration projects.

House amendment

Section 109 of the House amendment requires the Secretary, after considering the advice and recommendations of the Council, to submit a report to Congress at the end of the third and fifth fiscal years after enactment of this title. The report must include information on the number of acres of estuary habitat restored; information from the database related to ongoing monitoring projects; an estimate of the long-term success of varying restoration techniques; a review of how the information on restoration techniques has been incorporated into the selection and implementation of estuary habitat restoration projects; and a review of efforts to maintain an appropriate database of habitat restoration projects.

Conference substitute

Section 108 of the Conference substitute adopts the House amendment.

SECTION 109. FUNDING

Senate bill

Section 111 of the Senate bill authorizes a total of $315 million over five years to assist States and other non-Federal persons in carrying out estuary habitat restoration projects as follows: $40 million for fiscal year 2001; $50 million for fiscal year 2002; and, $75 million for each of fiscal years 2003 through 2005.

House amendment

Section 110 of the House amendment authorizes a total of $200 million over five years for the Secretary of the Army to carry out and provide technical assistance for estuary habitat restoration projects as follows: $30 million for fiscal year 2001; $35 million for fiscal year 2002; and $45 million for each of fiscal years 2003 through 2005. Of the annual authorizations, the Secretary may use no more than three percent, or $1.5 million, whichever is greater, for administration and operation of the Council.

The House amendment also authorizes $1.5 million for each of fiscal years 2001 through 2005 for NOAA to acquire, maintain, and manage monitoring data on estuary habitat restoration projects.

Conference substitute

Section 109 of the Conference substitute adopts the House amendment with an amendment. It authorizes a total of $275 million over five years to carry out and provide technical assistance for estuary habitat restoration projects as follows: $40 million for

fiscal year 2001; $50 million for fiscal years 2002 and 2003; $60 million for fiscal year 2004; and $75 million for fiscal year 2005.

SECTION 110. GENERAL PROVISIONS

Senate bill

Section 113(a) of the Senate bill specifies that the Secretary of the Army has the authority to carry out estuary habitat restoration projects.

Section 113(b) makes certain sections of the Water Resources Development Act of 1986 inapplicable to this title.

Section 113(c) adds estuary habitat restoration as a mission of the Corps of Engineers.

Section 113(d) allows other Federal agencies to provide assistance to the Collaborative Council.

Section 113(e) requires an analysis of the personnel and funding needed for the Collaborative Council.

House amendment

Section 111(a) of the House amendment requires the Secretary of the Army to consult with other Federal agencies, as necessary.

Section 111(b) authorizes the Secretary of the Army to enter into cooperative agreements with Federal, State, and local agencies and other entities.

Section 111(c) authorizes other Federal agencies to cooperate in carrying out this title.

Section 111(d) requires the Secretary of the Army to identify and map sites appropriate for beneficial uses of dredged material.

Section 111(e) requires EPA to conduct a study of the efficacy of bioremediation products.

Conference substitute

Section 110 of the Conference substitute adopts the House amendment. The Secretary of the Army is to carry out this title in accordance with the provisions of this title, not Water Resources Development Acts.

TITLE II—CHESAPEAKE BAY RESTORATION

The Chesapeake Bay (the Bay) is the largest estuary in the United States, and the first estuary in the nation to be targeted for restoration as a single ecosystem. The Bay covers 4,431 square miles, and the Bay watershed covers 64,000 square miles including areas of Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Over 100,000 streams and rivers drain into the Bay, with the Susquehanna River draining 42 percent of the watershed. The Bay is a national and regional resource that provides millions of pounds of seafood, functions as a center for shipping and commerce and is home to thousands of species of wildlife. In 1983, Maryland, Pennsylvania, Virginia, the District of Columbia, and EPA signed the Chesapeake Bay Agreement (the Agreement), which established the Chesapeake Bay Program.

The Chesapeake Bay Program has evolved considerably since 1983 and has become a model for other estuary restoration and protection programs around the world. The 1987 amendments to the Agreement expanded the initial restoration efforts by targeting nutrient over-enrichment as the Bay's major problem and establishing a goal to reduce nutrients flowing into the Bay by 40 percent. This Agreement included 28 other specific commitments to address key issues in habitat, water quality, population growth, public information and public access. The 1992 amendments to the Agreement moved the program upriver and committed the 40 percent nutrient reduction goal to the ten major tributaries of the Bay beyond the year 2000.

The Water Quality Act of 1987 formally authorized EPA's participation in the Chesapeake Bay Program by adding section 117 to the Clean Water Act. Section 117 created the Chesapeake Bay Program office within EPA. The office helps to coordinate State and Federal efforts to restore and protect the Bay, makes information available to the public and conducts scientific research on the Bay. Section 117 authorized $3 million a year for fiscal years 1987 through 1990 to support the activities of the Chesapeake Bay Program office, and $10 million a year for fiscal years 1987 through 1990 for matching interstate development grants.

Title II of the Conference substitute amends section 117 of the Clean Water Act and reauthorizes the Chesapeake Bay Program. Title II of the Senate bill and the House amendment also amend section 117 of the Clean Water Act, and are substantially the same. The Conferees adopted the House amendment with the following amendments:

In new section 117(d), the Conference substitute adopts language from the Senate bill authorizing EPA to make assistance grants to non-Federal entities to carry out this section. Such grants may include assistance for monitoring activities, data collection, and research.

In new section 117(g), the Conference substitute adopts language from the Senate bill that requires the Administrator to ensure that management plans are developed and implementation is begun by signatories of the Agreement not only to achieve, but also to maintain, the goals of that Agreement.

In new section 117(j), the Conference substitute authorizes $40 million for each of fiscal years 2001 through 2005 to carry out this section.

TITLE III—NATIONAL ESTUARY PROGRAM

Title III of the Conference substitute amends section 320 of the Clean Water Act and reauthorizes the NEP. This title is substantially similar to title III in the House amendment and section 112 of the Senate bill. The Conferees adopted title III of the House amendment with amendments. Differences between the Senate bill, House amendment and Conference substitute are as follows:

SECTION 301. ADDITION TO NATIONAL ESTUARY PROGRAM

Senate bill

The Senate bill did not have a comparable provision.

House amendment

Section 301 of the House amendment amends section 320(a)(2)(B) of the Clean Water Act to identify two additional estuaries as priorities for inclusion in the NEP.

Conference substitute

Section 301 of the Conference substitute identifies only one additional estuary, Lake Pontchartrain Basin, as a priority for inclusion in the NEP.

SECTION 302. GRANTS

Senate bill

Section 112(a) of the Senate bill amends section 320(g)(2) of the Clean Water Act to provide explicit authority for EPA to make grants to implement CCMPs. Examples of implementation activities include: enhanced monitoring activities; habitat mapping; habitat acquisition; best management practices to reduce urban and rural polluted runoff; and, the organization of workshops for local elected officials and professional water quality managers about habitat and water quality issues.

House amendment

Section 302 of the House amendment amends both paragraphs (2) and (3) of section 320(g) of the Clean Water Act. The amendment to paragraph (2) is identical to the Senate bill. The amendment to paragraph (3) establishes a Federal cost-share of up to 50 percent for implementation grants. Under this title, construction of projects that are treatment works as defined in the Clean Water Act will be subject to the requirements of the Davis-Bacon Act as provided in Section 513 of the Clean Water Act. Some of the construction authorized by the reported bill may not come within the definition of treatment works. The House has not addressed the issue of whether these construction projects should be covered by the Davis-Bacon Act, and the House amendment should not be considered as a precedent on this issue.

Conference substitute

Section 302 of the Conference substitute adopts the House amendment.

SECTION 303. AUTHORIZATION OF APPROPRIATIONS

Senate bill

Section 112(b) of the Senate bill authorizes $25 million for each of fiscal years 2001 and 2002 to carry out section 320 of the Clean Water Act.

House amendment

Section 303 of the House amendment authorizes $50 million for each of fiscal years 2000 through 2004 to carry out section 320 of the Clean Water Act.

Conference Substitute

Section 303 of the Conference substitute authorizes $35 million for each of fiscal years 2001 through 2005 to carry out section 320 of the Clean Water Act.

TITLE IV—LONG ISLAND SOUND RESTORATION

Title IV of the Conference substitute amends section 119 of the Clean Water Act and reauthorizes the Long Island Sound program. This title is similar to title V in the House amendment and title III in the Senate bill. The Conferees adopted title V of the House amendment with amendments. Differences between the Senate bill, House amendment and Conference substitute are as follows:

SECTION 402. INNOVATIVE METHODOLOGIES AND TECHNOLOGIES

Senate bill

The Senate bill did not have a comparable section.

House amendment

Section 502 of the House amendment amends section 119(c)(1) of the Clean Water Act to encourage the Long Island Sound Office to assist and support 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 CCMP for Long Island Sound. This amendment does not affect any existing regulatory authorities under the Clean Water Act.

Conference substitute

Section 402 of the Conference substitute amends the House amendment regarding the duties of the Long Island Sound Office. The amendment to section 119(c)(1) of the Clean Water Act encourages the Office to assist in the implementation of the Long Island Sound CCMP, including efforts, within the process of granting a watershed general permit, to promote innovative methodologies and technologies, and other cost effective measures consistent with the goals of the CCMP. EPA should support innovative methodologies and technologies through out the program.

This assistance is to be provided under the existing authorities of the Clean Water Act and the laws of New York and Connecticut, or any subsequent amendments to such authorities or laws. The amendment does not

affect any existing statutory or regulatory authorities under the Clean Water Act.

SECTION 403. ASSISTANCE FOR DISTRESSED COMMUNITIES

Senate bill

The Senate bill did not have a comparable section.

House amendment

Section 503 of the House amendment amends section 119 of the Clean Water Act by adding a new subsection authorizing New York and Connecticut to use their state revolving funds, established under title VI of the Clean Water Act, to provide additional subsidization when making a loan to a distressed community for the purposes of assisting the implementation of the CCMP for Long Island Sound. The total amount of loan subsidies made by a State may not exceed 30 percent of the amount of the capitalization grant received by the State for a year.

Under this section, the States of New York and Connecticut would establish affordability criteria, after public review and comment, to be used to determine which communities are distressed. In establishing these criteria, the States must consider the extent to which the rate of growth of a community's tax base has been historically slow such that implementing the CCMP would result in significant increases in any water or sewer rate charged by the community's publicly-owned wastewater treatment facility. EPA is authorized to publish information to assist States in establishing affordability criteria. A State is authorized to give priority to distressed communities in making assistance available under this section for the upgrading of wastewater treatment facilities.

Conference substitute

Section 403 of the Conference substitute adopts the House amendment with an amendment. The Conference substitute does not adopt the provisions of the House amendment allowing loan subsidies for loans made to distressed communities from a State's revolving loan funds. The Conference substitute addresses distressed communities by allowing EPA to give distressed communities, which are upgrading wastewater treatment facilities, priority in making assistance available under section 119(d). A distressed community is any community that meets affordability criteria established by the State in which the community is located, after public review and comment.

SECTION 404. REAUTHORIZATION OF APPROPRIATIONS

Senate bill

Section 404 of the Senate bill authorizes $10 million for each of fiscal years 2001 through 2006 to carry out section 119(d) of the Clean Water Act.

House amendment

Section 504 of the House amendment authorizes $80 million for each of fiscal years 2000 through 2003 to carry out section 119(d) of the Clean Water Act.

Conference substitute

Section 404 of the Conference substitute authorizes $40 million for each of fiscal years 2001 through 2005 to carry out section 119(d) of the Clean Water Act.

TITLE V—LAKE PONTCHARTRAIN BASIN RESTORATION

Title V of the Conference substitute amends title I of the Clean Water Act adding a new section 121 establishing the Lake Pontchartrain Basin Restoration Program within EPA. This title is substantially similar to title VI of the House amendment. The Senate bill had no comparable title. The Conferees agreed to adopt title VI of the House amendment with amendments. Differences between the House amendment and Conference substitute are as follows:

SECTION 502. LAKE PONTCHARTRAIN BASIN

House amendment

Section 602 of the House amendment states a Congressional finding that the Lake Pontchartrain Basin is an estuary of national significance. It amends section 320(a)(2)(B) of the Clean Water Act to add the Lake Pontchartrain Basin to the list of estuaries to receive priority consideration for inclusion in the NEP.

Section 603 adds a new section 122 to title I of the Clean Water Act that establishes a Lake Pontchartrain Basin Program within EPA. The purpose of the program is to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

To carry out the program, the new section 122 requires EPA: to provide administrative and technical assistance to a management conference for the Lake Pontchartrain Basin convened under the NEP; to assist and support the activities of the management conference, including implementation of recommendations of the management conference; to support environmental monitoring of the Basin and research to provide necessary technical and scientific information; to develop a comprehensive research plan to address the technical needs of the program; to coordinate the grant, research, and planning programs authorized under this section; and to collect, and make available to the public, publications and other forms of information that the management conference determines to be appropriate relating to the environmental quality of the Basin.

The new section 122 authorizes $5 million in EPA grants for each of fiscal years 2001 through 2005 for restoration projects and studies and for public education projects recommended by the management conference, although no more than 15 percent of annual appropriations should be spent on grants for public education projects. It also authorizes $100 million in EPA grants for an inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

Conference substitute

Section 502 of the Conference substitute adopts the House amendment with amendments. The substitute authorizes $20 million in funding for the Lake Pontchartrain Basin Program for each of fiscal years 2001 through 2005, and deletes the specific authorization for funding for the inflow and infiltration project.

The Conferees agreed to clarify several issues in House Transportation and Infrastructure Committee Report 106–594. In particular, the list of participants in the management conference to be convened to carry out the Lake Pontchartrain Basin Restoration Program in Report 106–594 is not exclusive. The management conference should be broad-based, and may also include local government representatives and representatives from affected industries and the general public, as determined under section 320(c). The Conferees also intend for the management conference to consult with the executives of all 16 Louisiana parishes and appropriate local government officials of four Mississippi counties located in the Lake Pontchartrain Basin. Further, priority should be given to funding for a parish-wide water and sewer systems study in Tammany Parish.

TITLE VI—ALTERNATIVE WATER SOURCES

Title VI of the Conference substitute amends title II of the Clean Water Act adding a new section 220 establishing a pilot program for alternative water sources. This title is similar to title VII of the House amendment. The Senate bill had no comparable title. The Conferees adopted title VII of the House amendment with amendments. Differences between the House amendment and Conference substitute are as follows:

SECTION 602. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCES

House amendment

Section 702 of the House amendment amends the Clean Water Act by adding a new section 220, ''Grants for Alternative Water Source Projects.''

Section 220(a) authorizes EPA to make grants for alternative water source projects to meet critical water supply needs.

Section 220(b) specifies that eligibility for grants is restricted to those entities with authority under State law to develop or provide water for municipal and industrial, or agricultural uses in areas that are experiencing critical water supply needs.

Section 220(c)(1) prohibits a project that has received funds under the Bureau of Reclamation's water reclamation and reuse program from being eligible for grant assistance under this section. Section 220(c)(2) requires EPA to consider whether a project is eligible under the Bureau of Reclamation's water reclamation and reuse program when selecting projects for grants under this section.

Section 220(d)(1) prohibits the appropriation of funds for a project with a Federal cost greater than $3 million if the project has not been approved by a resolution adopted by either the House or Senate authorizing committee of jurisdiction. In order to secure the appropriate authorizing committee's consideration of a committee resolution for a proposed project, section 220(d)(2) requires EPA and the non-Federal sponsor for the proposed project to provide to the Committee the required information on the project, including project costs, and area water supply needs.

Section 220(e) provides that grant funding 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 grant funding may not be used for operation, maintenance, replacement, repair or rehabilitation of such projects.

Section 220(f) provides that the Federal cost-share for a project receiving assistance under this section shall not exceed 50 percent of the eligible costs.

Section 220(g)(1) requires that each recipient of a grant under this section submit a report to EPA on the eligible activities carried out by the recipient using grant funding. This report shall be submitted to EPA no later than 18 months after the date the recipient receives grant funding and every two years thereafter, until the alternative water source project funded by the grant is complete. Section 220(g)(2) requires EPA to submit a report to Congress on the progress made toward meeting the critical water supply needs of the grant recipients under this section. This report is to be transmitted to Congress on or before September 30, 2004.

Section 220(h) defines key terms. ''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. These projects fall within the definition of treatment works in section 212 of the Clean Water Act. All such projects, including wastewater treatment projects, should be designed to provide water supplies in an environmentally sustainable manner. ''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.

To carry out the new section 220, section 220(i) authorizes $75 million for each of fiscal years 2000 through 2004.

Conference substitute

Section 602 of the Conference substitute adopts the House amendment with amendments, including narrowing the title to a pilot program.

Section 220(a) is added stating that nothing in the pilot program shall affect the application of section 101(g) of the Clean Water Act, which states Congressional policy that nothing in the Act shall supersede State authority to allocate water quantities or State rights to such quantities.

Section 220(d)(3) is added to require selected projects to reflect a variety of geographical and environmental conditions.

Section 220(h) is revised to require EPA to report to Congress on the results of the pilot program, including progress made by program participants in meeting their critical water supply needs.

In section 220(i)(1), the definition of ''Alternative Water Source Project'' adopts the House definition with a clarification that such term does not include water treatment or distribution facilities.

Section 220(j) authorizes a total of $75 million for the pilot program for fiscal years 2002 through 2004.

TITLE VII—CLEAN LAKES

Title VII of the Conference substitute reauthorizes and amends the Clean Lakes Program under section 314 of the Clean Water Act. This title is substantially similar to title VIII of the House amendment. The Senate bill had no comparable title. The Conferees adopted title VIII of the House amendment with amendments. Differences between the House amendment and Conference substitute are as follows:

SECTION 702. DEMONSTRATION PROGRAM

House amendment

Section 801 of the House amendment amends section 314(c)(2) of the Clean Water Act by authorizing $50 million for grants to States to implement the Clean Lakes Program for each of fiscal years 2001 through 2005.

Section 802 amends section 314(d) of the Clean Water Act by: adding several lakes to the list of lakes to receive priority consideration for demonstration projects in paragraph (2); preventing the report to Congress on the Clean Lakes demonstration program in paragraph (3) from expiring under the Federal Reports Elimination and Sunset Act of 1995; and, increasing the special authorization of financial assistance to States to carry out methods and procedures to mitigate harmful effects of high acidity from acid deposition or acid mine drainage in paragraph (4) from $15 million to $25 million.

Conference substitute

Section 702 of the Conference substitute amends section 314(d)(2) of the Clean Water Act authorizing demonstration projects to be undertaken in the following lakes, in addition to those in the House amendment: Lake Tahoe, California and Nevada; Highland Lake, Connecticut; Lake Apopka and Tohopekaliga Lake, Florida; Lake Allatoona, Georgia; Walker Lake, Nevada; Baboosic Lake and French Pond, New Hampshire; Lily Lake and Strawbridge Lake, New Jersey; Lake George, New York; Dillon Reservoir, Ohio; Ten Mile Lakes, and Woahink Lake, Oregon; and, Lake Wallenpaupack, Pennsylvania.

TITLE VIII—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

Title VIII of the Conference substitute authorizes certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River to reduce water pollution in the San Diego, California border region. This title is substantially similar to title X of the House amendment. The Senate bill had no comparable title. The Conferees adopted title X of the House amendment with amendments. Differences between the House amendment and Conference substitute are as follows:

SECTION 804. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR

House amendment

Subject to the negotiation and conclusion of a new treaty minute or amendment to Minute 283, section 1004(a) of the House amendment authorizes and directs the International and Boundary Water Commission (the Commission) to provide secondary treatment for a total of not more than 50 million gallons per day (mgd) in Mexico of both primary advanced effluent pumped from the International Wastewater Treatment Plant (IWTP) in San Diego and any additional sewage emanating from the Tijuana River area in Mexico.

Section 1004(b) directs EPA to develop a comprehensive plan with stakeholder involvement within two years of the date of enactment of the title. The comprehensive plan will analyze the long-term secondary treatment needs for the San Diego-Tijuana border region, and make recommendations for preferred options to provide additional treatment capacity for future flows emanating from the Tijuana River area. If the comprehensive plan includes a recommendation for additional treatment capacity to be provided in Mexico rather than in the U.S., the Commission is authorized to provide not more than an additional 25 mgd of such capacity in Mexico.

Subject to the availability of appropriations, section 1004(c) authorizes the Commission to enter into a fee-for-services contract and make payments on behalf of the U.S. for treatment services rendered under the contract with the owner of a Mexican facility. Section 1004(c)(2) requires the contract to include, at a minimum, the terms listed in the following subparagraphs:

(A) that the advanced primary effluent from the IWTP be transported to the Mexican facility;

(B) that the advanced primary effluent from the IWTP be treated to the secondary treatment level in compliance with U.S., California, and Mexican water quality laws;

(C) that any effluent treated at the Mexican facility not reused in Mexico or the U.S. is returned for discharge through the South Bay Ocean Outfall off the coast of San Diego, and that it is in compliance with U.S. and California water quality laws;

(D) that the Mexican facility may provide sewage treatment capacity in addition to the capacity needed to treat the advanced primary effluent pumped from the IWTP, if recommended as a preferred option in the EPA comprehensive plan analyzing the long-term treatment needs and recommending preferred options to provide such treatment;

(E) that the contract has a term of 30 years;

(F) that arrangements are made for the monitoring, verification, and enforcement of compliance with U.S., California and Mexican water quality standards;

(G) that arrangements are made for the disposal and use of sludge in Mexico, which is from the IWTP and the Mexican facility;

(H) that the Commission pays an annual fee to the owner of the Mexican facility covering the costs of development, financing, construction, and operation and maintenance of the facility;

(I) that, if the Commission fails to perform its contractual obligations, the ownership of the facility is transferred to the U.S. after the U.S. pays a cancellation fee to the owner of the facility, which reflects the costs of repayment of construction debt and other contractual losses resulting from early termination of the contract. The cancellation fee owed to the owner of the facility shall be in amounts declining over the term of the contract;

(J) that, if the owner of the Mexican facility fails to perform its contractual obligations, ownership of the facility will be transferred to the U.S. without a cancellation fee;

(K) that the owner of the Mexican facility uses competitive procedures to the extent practicable in the procurement of property or services for the engineering, construction, and operation and maintenance of the facility;

(L) that the Commission may review and approve the contractors providing for the engineering, construction, and operation and maintenance of the facility;

(M) that the owner of the Mexican facility maintains all records to demonstrate compliance with this section and the contract; and,

(N) that the U.S. Department of State Inspector General has access to all pertinent records to conduct audits to ensure the owner of the Mexican facility is complying with the terms of this title and the contract.

Section 1004(c)(3) states that the Contract Disputes Act of 1978 does not apply to a contract executed under this section.

Section 1004(d) requires the U.S. Department of State Inspector General to monitor the implementation of contracts entered into under this section and to evaluate whether the owner of the Mexican facility has complied with the terms of the section and fulfilled the contract terms.

Conference substitute

The Conference substitute adopts the House amendment with several amendments to the contract terms listed in section 804(c)(2).

In order to ensure greater accountability with respect to the costs of developing, financing, constructing, and operating and maintaining the facility, the Conference substitute requires the owner of the facility to share in all of these costs. New subparagraph (H) requires that the owner of the facility maintain 20 percent equity in the capital structure of the facility throughout the term of the contract. Under new subparagraph (I), the Commission's annual payments shall maintain the owner's 20 percent equity position throughout the term of the contract. Revised subparagraph (E) limits the contract term to 20 years.

The Conference substitute requires, in new subparagraph (P), that the owner of the facility provide offsets or credits in the event that the owner is able to sell the treated wastewater from the facility. The parties negotiating the contract may determine the amount of offsets or credits.

The Conference substitute also requires the owner of the facility to competitively bid all subcontracts for the facility. Revised subparagraph (L) specifically applies title III of the Federal Property and Administrative Services Act of 1949, as amended by the Competition in Contracting Act.

Finally, the Conference substitute does not provide an exemption from the Contract Disputes Act.

SECTION 806. AUTHORIZATION OF APPROPRIATIONS

House amendment

Section 1006 of the House amendment authorizes such sums as necessary to be appropriated to carry out the title.

Conference substitute

Section 806 of the Conference substitute changes the authorization from ''such sums as necessary to carry out'' the title to a five-year authorization of $156 million for fiscal years 2001 through 2005. The Conferees acknowledge that the title also authorizes the Commission to enter into a 20–year fee-for-services contract with the owner of a Mexican facility. The five-year authorization is included to be consistent with the authorizations throughout the Conference substitute, and the Conferees do not intend this to affect the Commission's obligations under the 20–year contract.

TITLE IX—GENERAL PROVISIONS

Other than section 901, this title includes new provisions that were not in the Senate bill or the House amendment.

SECTION 901. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

House amendment

Titles II, VI, VII, and VIII of the House amendment each contained a provision regarding the purchase of American-made equipment and products.

Conference substitute

The Conference substitute deletes the relevant provisions in titles II, VI, VII and VIII in the House amendment, and replaces them with a new section 901. This section states that it is the Sense of Congress, to the extent practicable, for all equipment and products purchased with funds made available under this Act to be made in America. Also, each Federal agency head providing financial assistance under this bill is directed to provide such notice to each recipient of financial assistance, to the extent practicable.

SECTION 902. LONG-TERM ESTUARY ASSESSMENT

Conference substitute

Section 902 of the Conference substitute authorizes the Secretary of Commerce and the Secretary of the Interior to carry out a long-term estuary assessment project for the Mississippi River south of Vicksburg, Mississippi and the Gulf of Mexico. The authorized appropriation levels are $1 million for fiscal year 2001 for the management agreement with a university-based consortium, and $4 million for each of fiscal years 2002 through 2005 to carry out the project.

The Conferees are aware that the Center for Bioenvironmental Research at Tulane University and Xavier University in New Orleans, Louisiana have formed a university-based consortium called the ''Long-term Estuary Assessment Group'' for the purpose of developing advanced long-term assessment and monitoring systems relating to the Mississippi River and other aquatic ecosystems and encourages the Secretaries of Commerce and of the Interior to examine the work begun by the Center for Bioenvironmental Research and this consortium when selecting a university-based consortium to manage this project.

SECTION 903. ALASKA RURAL SANITATION GRANTS

Conference substitute

Section 903 of the Conference substitute amends section 303(e) of the Safe Drinking Water Act Amendments of 1996 by reauthorizing $40 million for each of fiscal years 2001 through 2005.

ADDITIONAL ITEMS

House amendment

Title IV of the House amendment establishes an EPA grant program to improve water quality in the Florida Keys. Title IX establishes an EPA Mississippi Sound restoration program.

Conference substitute

The Conference substitute deletes titles IV and IX of the House amendment.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
WAYNE T. GILCHREST,
TILLIE K. FOWLER,
DON SHERWOOD,
JOHN E. SWEENEY,
STEVEN T. KUYKENDALL,
DAVID VITTER,
JIM OBERSTAR,
BOB BORSKI,
JIM BARCIA,
BOB FILNER,
EARL BLUMENAUER,
JOHN BALDACCI,
Managers on the Part of the House.
BOB SMITH,
JOHN W. WARNER,
MICHAEL D. CRAPO,
MAX BAUCUS,
BARBARA BOXER,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

CHIMPANZEE HEALTH IMPROVEMENT, MAINTENANCE, AND PROTECTION ACT

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3514) to amend the Public Health Service Act 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, as amended.

The Clerk read as follows:

H.R. 3514

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 ''Chimpanzee Health Improvement, Maintenance, and Protection Act''.

SEC. 2. ESTABLISHMENT OF NATIONAL SANCTUARY SYSTEM FOR FEDERALLY OWNED OR SUPPORTED CHIMPANZEES NO LONGER NEEDED FOR RESEARCH.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by inserting after section 481B the following section:

''SEC. 481C. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES.

''(a) IN GENERAL.—The Secretary shall provide for the establishment and operation in accordance with this section of a system to provide for the lifetime care of chimpanzees that have been used, or were bred or purchased for use, in research conducted or supported by the National Institutes of Health, the Food and Drug Administration, or other agencies of the Federal Government, and with respect to which it has been determined by the Secretary that the chimpanzees are not needed for such research (in this section referred to as 'surplus chimpanzees').

''(b) ADMINISTRATION OF SANCTUARY SYSTEM.—The Secretary shall carry out this section, including the establishment of regulations under subsection (d), in consultation with the board of directors of the nonprofit private entity that receives the contract under subsection (e) (relating to the operation of the sanctuary system).

''(c) ACCEPTANCE OF CHIMPANZEES INTO SYSTEM.—All surplus chimpanzees owned by the Federal Government shall be accepted into the sanctuary system. Subject to standards under subsection (d)(4), any chimpanzee that is not owned by the Federal Government can be accepted into the system if the owner transfers to the sanctuary system title to the chimpanzee.

''(d) STANDARDS FOR PERMANENT RETIREMENT OF SURPLUS CHIMPANZEES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall by regulation establish standards for operating the sanctuary system to provide for the permanent retirement of surplus chimpanzees. In establishing the standards, the Secretary shall consider the recommendations of the board of directors of the nonprofit private entity that receives the contract under subsection (e), and shall consider the recommendations of the National Research Council applicable to surplus chimpanzees that are made in the report published in 1997 and entitled 'Chimpanzees in Research—Strategies for Their Ethical Care, Management, and Use'.

''(2) CHIMPANZEES ACCEPTED INTO SYSTEM.—With respect to chimpanzees that are accepted into the sanctuary system, standards under paragraph (1) shall include the following:

''(A) A prohibition that the chimpanzees may not be used for research, except as authorized under paragraph (3).

''(B) Provisions regarding the housing of the chimpanzees.

''(C) Provisions regarding the behavioral well-being of the chimpanzees.

''(D) A requirement that the chimpanzees be cared for in accordance with the Animal Welfare Act.

''(E) A requirement that the chimpanzees be prevented from breeding.

''(F) A requirement that complete histories be maintained on the health and use in research of the chimpanzees.

''(G) A requirement that the chimpanzees be monitored for the purpose of promptly detecting the presence in the chimpanzees of any condition that may be a threat to the public health or the health of other chimpanzees.

''(H) A requirement that chimpanzees posing such a threat be contained in accordance with applicable recommendations of the Director of the Centers for Disease Control and Prevention.

''(I) A prohibition that none of the chimpanzees may be subjected to euthanasia, except as in the best interests of the chimpanzee involved, as determined by the system and an attending veterinarian.

''(J) A prohibition that the chimpanzees may not be discharged from the system. If any chimpanzee is removed from a sanctuary facility for purposes of research authorized under paragraph (3)(A)(ii), the chimpanzee shall be returned immediately upon the completion of that research. All costs associated

with the removal of the chimpanzee from the facility, with the care of the chimpanzee during such absence from the facility, and with the return of the chimpanzee to the facility shall be the responsibility of the entity that obtains approval under such paragraph regarding use of the chimpanzee and removes the chimpanzee from the sanctuary facility.

''(K) A provision that the Secretary may, in the discretion of the Secretary, accept into the system chimpanzees that are not surplus chimpanzees.

''(L) Such additional standards as the Secretary determines to be appropriate.

''(3) RESTRICTIONS REGARDING RESEARCH.—

''(A) IN GENERAL.—For purposes of paragraph (2)(A), standards under paragraph (1) shall provide that a chimpanzee accepted into the sanctuary system may not be used for studies or research, except as provided in clause (i) or (ii), as follows:

''(i) The chimpanzee may be used for noninvasive behavioral studies or medical studies based on information collected during the course of normal veterinary care that is provided for the benefit of the chimpanzee, provided that any such study involves minimal physical and mental harm, pain, distress, and disturbance to the chimpanzee and the social group in which the chimpanzee lives.

''(ii) The chimpanzee may be used in research if—

''(I) the Secretary finds that there are special circumstances in which there is need for that individual, specific chimpanzee (based on that chimpanzee's prior medical history, prior research protocols, and current status), and there is no chimpanzee with a similar history and current status that is reasonably available among chimpanzees that are not in the sanctuary system;

''(II) the Secretary finds that there are technological or medical advancements that were not available at the time the chimpanzee entered the sanctuary system, and that such advancements can and will be used in the research;

''(III) the Secretary finds that the research is essential to address an important public health need; and

''(IV) the design of the research involves minimal pain and physical harm to the chimpanzee, and otherwise minimizes mental harm, distress, and disturbance to the chimpanzee and the social group in which the chimpanzee lives (including with respect to removal of the chimpanzee from the sanctuary facility involved).

''(B) APPROVAL OF RESEARCH DESIGN.—

''(i) EVALUATION BY SANCTUARY BOARD.—With respect to a proposed use in research of a chimpanzee in the sanctuary system under subparagraph (A)(ii), the board of directors of the nonprofit private entity that receives the contract under subsection (e) shall, after consultation with the head of the sanctuary facility in which the chimpanzee has been placed and with the attending veterinarian, evaluate whether the design of the research meets the conditions described in subparagraph (A)(ii)(IV) and shall submit to the Secretary the findings of the evaluation.

''(ii) ACCEPTANCE OF BOARD FINDINGS.—The Secretary shall accept the findings submitted to the Secretary under clause (i) by the board of directors referred to in such clause unless the Secretary makes a determination that the findings of the board are arbitrary or capricious.

''(iii) PUBLIC PARTICIPATION.—With respect to a proposed use in research of a chimpanzee in the sanctuary system under subparagraph (A)(ii), the proposal shall not be approved until—

''(I) the Secretary publishes in the Federal Register the proposed findings of the Secretary under such subparagraph, the findings of the evaluation by the board under clause (i) of this subparagraph, and the proposed evaluation by the Secretary under clause (ii) of this subparagraph; and

''(II) the Secretary seeks public comment for a period of not less than 60 days.

''(C) ADDITIONAL RESTRICTION.—For purposes of paragraph (2)(A), a condition for the use in studies or research of a chimpanzee accepted into the sanctuary system is (in addition to conditions under subparagraphs (A) and (B) of this paragraph) that the applicant for such use has not been fined for, or signed a consent decree for, any violation of the Animal Welfare Act.

''(4) NON-FEDERAL CHIMPANZEES OFFERED FOR ACCEPTANCE INTO SYSTEM.—With respect to a chimpanzee that is not owned by the Federal Government and is offered for acceptance into the sanctuary system, standards under paragraph (1) shall include the following:

''(A) A provision that the Secretary may authorize the imposition of a fee for accepting such chimpanzee into the system, except as follows:

''(i) Such a fee may not be imposed for accepting the chimpanzee if, on the day before the date of enactment of this section, the chimpanzee was owned by the nonprofit private entity that receives the contract under subsection (e) or by any individual sanctuary facility receiving a subcontract or grant under subsection (e)(1).

''(ii) Such a fee may not be imposed for accepting the chimpanzee if the chimpanzee is owned by an entity that operates a primate center, and if the chimpanzee is housed in the primate center pursuant to the program for regional centers for research on primates that is carried out by the National Center for Research Resources.

Any fees collected under this subparagraph are available to the Secretary for the costs of operating the system. Any other fees received by the Secretary for the long-term care of chimpanzees (including any Federal fees that are collected for such purpose and are identified in the report under section 3 of the Chimpanzee Health Improvement, Maintenance, and Protection Act) are available for operating the system, in addition to availability for such other purposes as may be authorized for the use of the fees.

''(B) A provision that the Secretary may deny such chimpanzee acceptance into the system if the capacity of the system is not sufficient to accept the chimpanzee, taking into account the physical capacity of the system; the financial resources of the system; the number of individuals serving as the staff of the system, including the number of professional staff; the necessity of providing for the safety of the staff and of the public; the necessity of caring for accepted chimpanzees in accordance with the standards under paragraph (1); and such other factors as may be appropriate.

''(C) A provision that the Secretary may deny such chimpanzee acceptance into the system if a complete history of the health and use in research of the chimpanzee is not available to the Secretary.

''(D) Such additional standards as the Secretary determines to be appropriate.

''(e) AWARD OF CONTRACT FOR OPERATION OF SYSTEM.—

''(1) IN GENERAL.—Subject to the availability of funds pursuant to subsection (g), the Secretary shall make an award of a contract to a nonprofit private entity under which the entity has the responsibility of operating (and establishing, as applicable) the sanctuary system and awarding subcontracts or grants to individual sanctuary facilities that meet the standards under subsection (d).

''(2) REQUIREMENTS.—The Secretary may make an award under paragraph (1) to a nonprofit private entity only if the entity meets the following requirements:

''(A) The entity has a governing board of directors that is composed and appointed in accordance with paragraph (3) and is satisfactory to the Secretary.

''(B) The terms of service for members of such board are in accordance with paragraph (3).

''(C) The members of the board serve without compensation. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the board.

''(D) The entity has an executive director meeting such requirements as the Secretary determines to be appropriate.

''(E) The entity makes the agreement described in paragraph (4) (relating to non-Federal contributions).

''(F) The entity agrees to comply with standards under subsection (d).

''(G) The entity agrees to make necropsy reports on chimpanzees in the sanctuary system available on a reasonable basis to persons who conduct biomedical or behavioral research, with priority given to such persons who are Federal employees or who receive financial support from the Federal Government for research.

''(H) Such other requirements as the Secretary determines to be appropriate.

''(3) BOARD OF DIRECTORS.—For purposes of subparagraphs (A) and (B) of paragraph (2):

''(A) The governing board of directors of the nonprofit private entity involved is composed and appointed in accordance with this paragraph if the following conditions are met:

''(i) Such board is composed of not more than 13 voting members.

''(ii) Such members include individuals with expertise and experience in the science of managing captive chimpanzees (including primate veterinary care), appointed from among individuals endorsed by organizations that represent individuals in such field.

''(iii) Such members include individuals with expertise and experience in the field of animal protection, appointed from among individuals endorsed by organizations that represent individuals in such field.

''(iv) Such members include individuals with expertise and experience in the zoological field (including behavioral primatology), appointed from among individuals endorsed by organizations that represent individuals in such field.

''(v) Such members include individuals with expertise and experience in the field of the business and management of nonprofit organizations, appointed from among individuals endorsed by organizations that represent individuals in such field.

''(vi) Such members include representatives from entities that provide accreditation in the field of laboratory animal medicine.

''(vii) Such members include individuals with expertise and experience in the field of containing biohazards.

''(viii) Such members include an additional member who serves as the chair of the board, appointed from among individuals who have been endorsed for purposes of clause (ii), (iii), (iv), or (v).

''(ix) None of the members of the board has been fined for, or signed a consent decree for, any violation of the Animal Welfare Act.

''(B) The terms of service for members of the board of directors are in accordance with this paragraph if the following conditions are met:

''(i) The term of the chair of the board is 3 years.

''(ii) The initial members of the board select, by a random method, 1 member from each of the 6 fields specified in subparagraph (A) to serve a term of 2 years and (in addition to the chair) 1 member from each of such fields to serve a term of 3 years.

''(iii) After the initial terms under clause (ii) expire, each member of the board (other than the chair) is appointed to serve a term of 2 years.

''(iv) An individual whose term of service expires may be reappointed to the board.

''(v) A vacancy in the membership of the board is filled in the manner in which the original appointment was made.

''(vi) If a member of the board does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy is appointed for the remainder of the term of the predecessor member.

''(4) REQUIREMENT OF MATCHING FUNDS.—The agreement required in paragraph (2)(E) for a nonprofit private entity (relating to the award of the contract under paragraph (1)) is an agreement that, with respect to the costs to be incurred by the entity in establishing and operating the sanctuary system, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs, in cash or in kind, in an amount not less than the following, as applicable:

''(A) For expenses associated with establishing the sanctuary system (as determined by the Secretary), 10 percent of such costs ($1 for each $9 of Federal funds provided under the contract under paragraph (1)).

''(B) For expenses associated with operating the sanctuary system (as determined by the Secretary), 25 percent of such costs ($1 for each $3 of Federal funds provided under such contract).

''(5) ESTABLISHMENT OF CONTRACT ENTITY.—If the Secretary determines that an entity meeting the requirements of paragraph (2) does not exist, not later than 60 days after the date of enactment of this section, the Secretary shall, for purposes of paragraph (1), make a grant for the establishment of such an entity, including paying the cost of incorporating the entity under the law of one of the States.

''(f) DEFINITIONS.—For purposes of this section:

''(1) PERMANENT RETIREMENT.—The term 'permanent retirement', with respect to a chimpanzee that has been accepted into the sanctuary system, means that under subsection (a) the system provides for the lifetime care of the chimpanzee, that under subsection (d)(2) the system does not permit the chimpanzee to be used in research (except as authorized under subsection (d)(3)) or to be euthanized (except as provided in subsection (d)(2)(I)), that under subsection (d)(2) the system will not discharge the chimpanzee from the system, and that under such subsection the system otherwise cares for the chimpanzee.

''(2) SANCTUARY SYSTEM.—The term 'sanctuary system' means the system described in subsection (a).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(4) SURPLUS CHIMPANZEES.—The term 'surplus chimpanzees' has the meaning given that term in subsection (a).

''(g) FUNDING.—

''(1) IN GENERAL.—Of the amount appropriated under this Act for fiscal year 2001 and each subsequent fiscal year, the Secretary, subject to paragraph (2), shall reserve a portion for purposes of the operation (and establishment, as applicable) of the sanctuary system and for purposes of paragraph (3), except that the Secretary may not for such purposes reserve any further funds from such amount after the aggregate total of the funds so reserved for such fiscal years reaches $30,000,000. The purposes for which funds reserved under the preceding sentence may be expended include the construction and renovation of facilities for the sanctuary system.

''(2) LIMITATION.—Funds may not be reserved for a fiscal year under paragraph (1) unless the amount appropriated under this Act for such year equals or exceeds the amount appropriated under this Act for fiscal year 1999.

''(3) USE OF FUNDS FOR OTHER COMPLIANT FACILITIES.—With respect to amounts reserved under paragraph (1) for a fiscal year, the Secretary may use a portion of such amounts to make awards of grants or contracts to public or private entities operating facilities that, as determined by the board of directors of the nonprofit private entity that receives the contract under subsection (e), provide for the retirement of chimpanzees in accordance with the same standards that apply to the sanctuary system pursuant to regulations under subsection (d). Such an award may be expended for the expenses of operating the facilities involved.''.

SEC. 3. REPORT TO CONGRESS REGARDING NUMBER OF CHIMPANZEES AND FUNDING FOR CARE OF CHIMPANZEES.

With respect to chimpanzees that have been used, or were bred or purchased for use, in research conducted or supported by the National Institutes of Health, the Food and Drug Administration, or other agencies of the Federal Government, the Secretary of Health and Human Services shall, not later than 365 days after the date of enactment of this Act, submit to Congress a report providing the following information:

(1) The number of such chimpanzees in the United States, whether owned or held by the Federal Government, any of the States, or private entities.

(2) An identification of any requirement imposed by the Federal Government that, as a condition of the use of such a chimpanzee in research by a non-Federal entity—

(A) fees be paid by the entity to the Federal Government for the purpose of providing for the care of the chimpanzee (including any fees for long-term care); or

(B) funds be provided by the entity to a State, unit of local government, or private entity for an endowment or other financial account whose purpose is to provide for the care of the chimpanzee (including any funds provided for long-term care).

(3) An accounting for fiscal years 1999 and 2000 of all fees paid and funds provided by non-Federal entities pursuant to requirements described in subparagraphs (A) and (B) of paragraph (2).

(4) In the case of such fees, a specification of whether the fees were available to the Secretary (or other Federal officials) pursuant to annual appropriations Acts or pursuant to permanent appropriations.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration, H.R. 3514.

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

There was no objection.

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

Mr. Speaker, H.R. 3514 is the Chimpanzee Health Improvement, Maintenance, and Protection Act. It has 139 bipartisan supporters.

Mr. Speaker, I am a member of the Committee on Commerce, and the Committee on Commerce has jurisdiction over the National Institutes of Health. The NIH is the world's premier biomedical research facility in the world. Because the chimpanzee is the closest genetic relative to humans, it has long been used as a model for physiological, biomedical, and behavioral research. We all remember in the early days of the space program the chimpanzee, Ham, pioneering space travel before we dared to allow humans to do that. We would not have a space program if it had not been for the contributions of the chimpanzees in the program.

When the AIDS epidemic became apparent to researchers, since we had stopped the practice of importing chimpanzees, the NIH went on a crash program to breed chimpanzees, on the assumption that the chimpanzee, being so closely related to humans genetically, would be the perfect model to study AIDS and HIV and could be used as a means to do research to find cures. It turns out that the chimpanzee was not a good model for HIV and AIDS. It did not contract the disease so readily. And as a result, we now have on our hands 1,700 surplus chimpanzees, 1,700 chimpanzees living in six research centers throughout the country.

Often these chimpanzees, which are intelligent animals with emotions and social groupings, live in cramped cages without any social contact at all. It is expensive to do this, Mr. Speaker. It costs the taxpayers about $7.5 million a year to keep these animals in these conditions. The legislation that is before us will create a new public-private partnership to create sanctuaries where these chimpanzees, who are no longer needed for research, can spend the remainder of their lives, and they often live to be 60 years of age, in humane sanctuaries where they can live in social groupings and in humane and healthy conditions.

I first became aware of this issue from the work of Dr. Jane Goodall. We all remember Dr. Jane Goodall from the National Geographic special. She was the pioneer researcher living in the field amongst the chimpanzees and learning to understand them and all of the nuances of their behavior. Dr. Jane Goodall is practically a saint, as far as I am concerned. She is a wonderful, gentle, thoughtful person who recognized that these creatures deserve far better from us than they are receiving, and so she suggested this notion that we create these sanctuaries and she has

offered to help to raise the funds to meet the private sector side of this.

As she said, when she testified before our committee in May, ''Instead of expending research dollars to warehouse chimpanzees, sometimes for decades, retiring chimpanzees to a sanctuary will be a humane alternative that also frees financial resources that can better be used to find cures for human ailments.'' Mr. Speaker, this legislation will save the taxpayers, it is estimated, about $3 million per year. So it is not only the humane thing to do, it is also the cost-effective thing to do.

I would like to thank some folks who worked very hard to get this legislation before us today. Tina Nelson is my constituent from Bucks County, Pennsylvania. She is the Executive Director of the American Anti-Vivisection Society. I would also like to thank the National Chimpanzee Sanctuary Task Force, the ASPCA, the NAVS, the SAPL, and the Humane Society of the United States, whose collective membership represents 8 million members.

I would also like to thank their staff, Joyce Cowan, Adam Roberts, Chris Heyde, Mimi Brody and Marianne Radziewicz, and Nandan Kenkeremath of the Committee on Commerce staff, as well as my former staff member, Mara Garducci, who started work on this, and Joel White, who completed the task.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise in support of H.R. 3514, the Chimpanzee Health Improvement, Maintenance, and Protection Act. I am one of over 140 of the gentleman's cosponsors. The author has done a great job of gaining and garnering support and ushering it through.

Mr. Speaker, this directs HHS to establish and maintain a sanctuary system for the lifetime care of chimpanzees that have been used, bred for, or purchased for research conducted or supported by the National Institutes of Health, the Food and Drug Administration or other agencies in the Federal Government.

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Although many of these surplus chimpanzees have hepatitis and HIV infections and are a danger to uninfected animals as well as their caretakers, H.R. 3514 provides, I think, the highest level of veterinary expertise for these retired animals. It establishes sanctuaries and does a lot of other things. But basically, it provides chimpanzees with housing and a protected environment that is sensitive to their social needs along with the long-term health care and all needed medications. It is the right thing to do. It is also an excellent animal model for future health care legislation for all American citizens.

While I rise in support of this bill today, I also look forward to working on more equitable public health policies for our Nation's citizens in the 107th Congress.

I salute and support the gentleman from Pennsylvania (Mr. GREENWOOD). He has done a good job with this. It is a humane bill. It is one of the few things that this body does that really ought to be done for a group who have no lobby. He has done a great job. I am honored to be a part of it.

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

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

Mr. Speaker, I thank the gentleman from Texas (Mr. HALL) for his kind remarks and for his help in this legislation.

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

Mr. HALL of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I rise very briefly to commend the sponsor of the legislation.

Before coming to Congress, I was a clinical psychologist. In psychology we make extensive use of chimpanzees and other primates in research, and it is incumbent upon us to care for the animals that serve us well in providing research and critical data to advance human health.

I want to commend the sponsor of the bill and other cosponsors of this critical piece of legislation, and I urge its passage.

Mr. DINGELL. Mr. Speaker, I rise in reluctant support of H.R. 3514, the Chimpanzee Health Improvement, Maintenance and Protection Act. I say reluctant because this bill is still not supported by the Administration, which has raised a number of concerns. I include with my statement a letter to me from Dr. Ruth Kirschstein, Principal Deputy Director, National Institutes of Health (NIH).

H.R. 3514, which is clearly well intended, will consume millions of dollars of funding from the Health and Human Services' (HHS) budget to establish and maintain a sanctuary system for the lifetime care of chimpanzees that have been used, bred for, or purchased for research conducted or supported by the NIH, the Food and Drug Administration, or other agencies of the Federal Government. H.R. 3514 has the support of many of my colleagues from both sides of the aisle.

Many of these surplus chimpanzees have hepatitis and HIV infections, and are a danger to uninfected animals, as well as their caretakers. This bill establishes how the sanctuaries will be administered and operated through a partnership with a private, non-profit entity, that includes the highest level of veterinary expertise. It also sets forth guidelines for the care of these animals and the limited conditions under which they can be returned to research. Whether chimpanzees not used in Federally-funded research should be accepted into the sanctuaries is somewhat controversial, but it is permissible under this bill.

Beyond the humane intentions of this bill on behalf of these surplus chimpanzees, I am concerned about the message we are sending to the American people about our priorities in the waning days of the 106th Congress. Many important public health issues before this Congress languish. These include: enactment of a real Patients' Bill of Rights; restoration of federal jurisdiction to control tobacco use by America's children; access to prescription drugs for senior citizens; long-term care for the elderly; access for America's children with rare or serious health problems to pediatric specialists, medications and clinical trials; adequate protection for human research subjects; protection from genetic discrimination by health insurers and employers; and enhanced protection of confidential medical records.

Providing chimpanzees with housing in a protected environment that is sensitive to their social needs, along with long-term health care and medications, is all well and good for the chimps. However, America's human citizens also deserve these benefits. It is time for this Congress to examine the public health policies it is legislating for animals, such as the comprehensive facilities for the one-to-two thousand surplus chimpanzees that are covered by H.R. 3514, and use them as models for caring for our most valued resource, America's human citizens.

I respect the valuable contribution to science made by our evolutionary forebears. The majority has given new meaning to the notion of incremental reform. Perhaps we can do for humans in the 107th Congress what we will do for chimps in the 106th.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE,

Bethesda, MD, October 16, 2000.

Hon. JOHN D. DINGELL,

Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. DINGELL: I am writing to inform you of the impact on the National Institutes of Health (NIH) of S. 2725 and H.R. 3514, the Chimpanzee Health Improvement, Maintenance, and Protection Act. The bills, which are substantially similar, would require that NIH enter into a contract with a nonprofit private entity for the purpose of operating a sanctuary system for the long-term care of chimpanzees. A sanctuary system, however well intentioned, could have unintended consequences for both humans as well as the chimpanzees it seeks to protect.

The NIH is deeply committed to the care and well-being of chimpanzees used in biomedical research. The chimpanzee has been an essential, effective animal model for studying several serious diseases, including hepatitis and respiratory syncytial virus. This animal model has been a necessary and valuable part of the NIH-supported efforts to prevent these diseases and their serious, sometimes fatal consequences.

The NIH is implementing a plan to provide long-term care for 288 chimpanzees that are infected with human immunodeficiency virus (HIV), hepatitis, or both. These animals are not candidates for a sanctuary because their persistent infections pose a significant health threat to caretakers and uninfected animals. They also have unique health care problems that require special care not generally available in sanctuaries. Under the plan, these chimpanzees may be returned to research, if the need arises. Thus, the plan meets the needs of research, while providing humane care for the animals.

Any long-term care plan must ensure that chimpanzees may be used, if necessary, in future biomedical research. S. 2725 and H.R. 3514 would prohibit any further research on chimpanzees placed in the sanctuary. The NIH plan, however, does allow animals to be returned to research if the need arises. Biomedical research does not always proceed in a simple, swift, and direct path. A drug may have been discarded because it was not effective for a specific disease, only to be found years later to be effective against a different disease. At some future time, a scientist might discover a vaccine for hepatitis C or a treatment that could potentially eradicate HIV from an infected individual. It would be very unfortunate if we did not have access to animals with these long-term infections to assess new treatments and vaccines. This could have a substantial deleterious effect on the health of humans and chimpanzees. For these reasons, we believe that permanent retirement of these chimpanzees is unwise. In addition, providing permanent retirement would represent poor stewardship in regard to the already substantial investment in these animals by the NIH.

Much time and considerable resources are required to establish appropriate facilities for chimpanzees. At this time, any long-term care plan should be limited to those chimpanzees that have participated in research funded by the NIH and the Public Health Service. Both S. 2725 and H.R. 3514 could potentially require that NIH expend resources to provide long-term care for chimpanzees that participated in research funded by the private sector or were used in other ways, for example, by the entertainment industry.

I appreciate your continued interest in the NIH and the future of biomedical research. I would be pleased to provide more information about our plan and to discuss any further needs you might see in this area. We request that you delay legislative action on this issue until we have had an opportunity to discuss with Congress our proposed long-term care plan for the chimpanzees.

This letter is also being sent to Senators James M. Jeffords and Edward M. Kennedy and Representative Tom Bliley, Jr.

Sincerely yours,

RUTH L. KIRSCHSTEIN, M.D.,
Principal Deputy Director.

Mrs. MALONEY of New York. Mr. Speaker, as an original sponsor of this important and humane legislation, I rise today in support of H.R. 3514 which will provide a sanctuary for chimpanzees that are no longer needed for public research purposes. This is an issue that I have cared about for a long time and one which has required an enormous amount of effort to resolve.

Currently, there are more than 1,700 apes in labs across the United States used for a variety of research purposes including infectious disease testing, AIDS research, spinal and brain injury research, and toxicity testing. Although scientists have been highly successful in breeding chimpanzees in captivity to meet their research needs, there has been no consideration of what to do with chimpanzees when they are no longer needed. Given the surplus of chimpanzees in captivity, the National Institutes of Health, which owns the title to many of these research chimpanzees, projects the divestiture of a large proportion of the chimpanzees from their facilities in the near future.

Without this legislation, these retired chimps will continue to be housed in expensive facilities that provide marginal or inhumane care. One of the worst examples of these substandard facilities is the chimpanzee housing operated by the Coulston Foundation. Despite being cited for numerous violations of the Animal Welfare Act, Coulston retains many chimpanzees simply because there are no available alternatives. This bill will finally provide a safe home for these chimpanzees.

Fortunately, this legislation will also help us care for surplus chimpanzees in a way that saves taxpayer resources. Currently, NIH is supporting approximately 600 chimpanzees at a cost of between $15 and $30 per day per ape. The U.S. Government spends at least $7.5 million annually to warehouse surplus chimpanzees in labs where they are no longer needed. These chimpanzees can be maintained in better environments at a far lower cost in a sanctuary setting that allows many chimpanzees to be stored together in a healthy and comfortable environment.

For all these reasons, I strongly support this legislation and I urge its immediate passage.

Mr. BROWN of Ohio. Mr. Speaker, I want to commend my colleague, Mr. GREENWOOD, for bringing Congressional attention to this issue. I'm pleased we are passing legislation that illustrates a sensitivity to and responsibility for chimpanzees after they are no longer needed for research. But I cannot understand how we are unable to demonstrate this level of responsiveness to Medicare beneficiaries or consumers of managed care plans who have asked us to address their concerns about health care. There is no excuse for adjourning Congress without a Medicare prescription drug benefit. There is no excuse for adjourning Congress without a Patients Bill of Rights. There is no excuse for adjourning without addressing the health care concerns that consume the daily lives of our constituents. This Congress is capable of doing more and I would urge us to pass this important bill as well as responsible health care legislation for the nation.

Great work is being done in research with the use of animal subjects like Chimpanzees. Federal agencies including the NIH, CDC, FDA, and NASA rely on chimps for research. Chimps have proven to be an invaluable resource in the study of human diseases—breakthroughs in Hepatitis B and C can be attributed to research conducted with these primates. Ohio State University's Chimpanzee Center is expanding their 17-year-old program on cognitive and behavioral research and building a new facility. They are very supportive of the need for the sanctuaries outlined in this legislation. In the mid-to-late eighties, the Federal Government launched a vigorous chimpanzee breeding program aimed at finding answers to the cause of AIDS.

While these animals served us well in research that led to breakthrough medical treatments for many diseases, researchers discovered chimps were not a good model for AIDS research. As a result, there is a surplus of Chimps living with HIV that deserve our attention in their post-research existence. Today, chimps no longer needed for research are being housed in warehouses in laboratories throughout the nation at a price of $7 million annually. It costs $20–$30 per day per animal to house chimpanzees in laboratory cages. Some are living at a facility charged with gross negligence in their treatment of chimps.

The passage of this bill would establish a cost-effective, public-private partnership to create a sanctuary system to provide for the lifetime care of chimps. These sanctuaries would be staffed by trained professionals and overseen by a board of professionals with a thorough understanding of the medical needs of the chimps and the safety requirements of their caretakers. Not only will this provide a much higher quality of life for these animals, it will also serve taxpayers well, costing substantially less than the current laboratory facilities.

This legislation has garnered overwhelming support from such diverse groups as the biomedical research community, zoological community, and the animal welfare groups. According to the National Academy of Sciences, National Research Council study, there are hundreds of chimpanzees currently sitting in small cages that will never and can never be used for research. There is a moral responsibility for the long-term care of chimpanzees that are used for our benefit in scientific research and today that responsibility is ours.

While I am pleased we are passing legislation that illustrates a sensitivity to and responsibility for chimpanzees after they are no longer needed for research, I cannot understand why we are unable to demonstrate this level of responsiveness to Medicare beneficiaries or consumers of managed care plans who have asked us to address their concerns about health care.

Mr. SHAYS. Mr. Speaker, as an original cosponsor of the CHIMP Act and a co-chair of the Congressional Friends of Animals Caucus, I rise in strong support of the bill today.

The CHIMP Act will provide for a more cost-efficient way of caring for surplus chimpanzees, including those housed by the Coulston Foundation. The bill establishes a public-private partnership so that the cost of caring for these chimpanzees will be shared with private interests. This ensures the federal government saves money and the chimps are kept in a more humane environment. The CHIMP Act also calls for grouping chimpanzees in larger communities than laboratories allow—thereby reducing housing costs.

Chimpanzees serve our needs in research that has led to breakthrough medical treatments for AIDS and other diseases. The animals live almost as long as humans and we must work to provide a humane and cost efficient environment for their retirement.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this common sense legislation.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and pass the bill, H.R. 3514, as amended.

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

A motion to reconsider was laid on the table.

ENERGY ACT OF 2000

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy

and Conservation Act through fiscal year 2003.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION. 1. SHORT TITLE.

This Act may be cited as the Energy Act of 2000.

TITLE I—STRATEGIC PETROLEUM RESERVE

SEC. 101. SHORT TITLE.

This title may be cited as the ''Energy Policy and Conservation Act Amendments of 2000''.

SEC. 102. AMENDMENT TO SECTION 2 OF THE ENERGY POLICY AND CONSERVATION ACT

Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(1) in paragraph (1) by striking ''standby'' and '', subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and''; and

(2) by striking paragraphs (3) and (6).

SEC. 103. AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) by striking section 102 (42 U.S.C. 6211) and its heading;

(2) by striking section 104(b)(1);

(3) by striking section 106 (42 U.S.C. 6214) and its heading;

(4) by amending section 151(b) (42 U.S.C. 6231) to read as follows:

''(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this Act.'';

(5) in section 152 (42 U.S.C. 6232)—

(A) by striking paragraphs (1), (3) and (7), and

(B) in paragraph (11) by striking ''; such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve''.

(6) by striking section 153 (42 U.S.C. 6233) and its heading;

(7) in section 154 (42 U.S.C. 6234)—

(A) by amending subsection (a) to read as follows:

''(a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.'';

(B) by amending subsection (b) to read as follows:

''(b) The Secretary, in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve.''; and

(C) by striking subsections (c), (d), and (e);

(8) by striking section 155 (42 U.S.C. 6235) and its heading;

(9) by striking section 156 (42 U.S.C. 6236) and its heading;

(10) by striking section 157 (42 U.S.C. 6237) and its heading;

(11) by striking section 158 (42 U.S.C. 6238) and its heading;

(12) by amending the heading for section 159 (42 U.S.C. 6239) to read, ''Development, Operation, and Maintenance of the Reserve'';

(13) in section 159 (42 U.S.C. 6239)—

(A) by striking subsections (a), (b), (c), (d), and (e);

(B) by amending subsection (f) to read as follows:

''(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may—

''(1) issue rules, regulations, or orders;

''(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

''(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

''(4) use, lease, maintain, sell or otherwise dispose of land or interests in land, or of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary or appropriate;

''(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

''(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

''(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

''(8) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land.''; and

(C) in subsection (g)—

(i) by striking ''implementation'' and inserting ''development''; and

(ii) by striking ''Plan'';

(D) by striking subsections (h) and (i);

(E) by amending subsection (j) to read as follows:

''(j) If the Secretary determines expansion beyond 700,000,000 barrels of petroleum product inventory is appropriate, the Secretary shall submit a plan for expansion to the Congress.''; and

(F) by amending subsection (l) to read as follows:

''(l) During a drawdown and sale of Strategic Petroleum Reserve petroleum products, the Secretary may issue implementing rules, regulations, or orders in accordance with section 553 of title 5, United States Code, without regard to rulemaking requirements in section 523 of this Act, and section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).'';

(14) in section 160 (42 U.S.C. 6240)—

(A) in subsection (a), by striking all before the dash and inserting the following—

''(a) The Secretary may acquire, place in storage, transport, or exchange'';

(B) in subsection (a)(1) by striking all after ''Federal lands'';

(C) in subsection (b), by striking '', including the Early Storage Reserve and the Regional Petroleum Reserve'' and by striking paragraph (2); and

(D) by striking subsections (c), (d), (e), and (g);

(15) in section 161 (42 U.S.C. 6241)—

(A) by striking ''Distribution of the Reserve'' in the title of this section and inserting ''Sale of Petroleum Products'';

(B) in subsection (a), by striking ''drawdown and distribute'' and inserting ''drawdown and sell petroleum products in'';

(C) by striking subsections (b), (c), and (f);

(D) by amending subsection (d)(1) to read as follows:

''(d)(1) Drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the President has found drawdown and sale are required by a severe energy supply interruption or by obligations of the United States under the international energy program.'';

(E) by amending subsection (e) to read as follows:

''(e)(1) The Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale considered appropriate by the Secretary, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

''(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and sale under this section.''; and

(F) in subsection (g)—

(i) by amending paragraph (1) to read as follows:

''(g)(1) The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures. In the conduct of an evaluation, the Secretary is authorized to carry out a test drawdown and sale or exchange of petroleum products from the Reserve. Such a test drawdown and sale or exchange may not exceed 5,000,000 barrels of petroleum products.'';

(ii) by striking paragraph (2);

(iii) in paragraph (4), by striking ''90'' and inserting ''95'';

(iv) in paragraph (5), by striking ''drawdown and distribution'' and inserting ''test'';

(v) by amending paragraph (6) to read as follows:

''(6) In the case of a sale of any petroleum products under this subsection, the Secretary shall, to the extent funds are available in the SPR Petroleum Account as a result of such sale, acquire petroleum products for the Reserve within the 12-month period beginning after completion of the sale.''; and

(vi) in paragraph (8), by striking ''drawdown and distribution'' and inserting ''test'';

(G) in subsection (h)—

(i) in paragraph (1) by striking ''distribute'' and inserting ''sell petroleum products from'';

(ii) by deleting ''and'' at the end of paragraph (1)(A) and by deleting ''shortage,'' at the end of paragraph (1)(B) and inserting ''shortage; and

''(C) the Secretary of Defense has found that action taken under this subsection will not impair national security,'';

(iii) in paragraph (2) by striking ''In no case may the Reserve'' and inserting ''Petroleum products from the Reserve may not''; and

(iv) in paragraph (3) by striking ''distribution'' each time it appears and inserting ''sale'';

(16) by striking section 164 (42 U.S.C. 6244) and its heading;

(17) by amending section 165 (42 U.S.C. 6245) and its heading to read as follows:

''ANNUAL REPORT

''SEC. 165. The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

''(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum products in the Reserve;

''(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including upgrades and investments carried out as part of operational maintenance or extension of life activities;

''(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing those remedial actions;

''(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on those rates and capabilities;

''(5) a listing of petroleum product acquisitions made in the preceding year and planned in the following year, including quantity, price, and type of petroleum;

''(6) a summary of the actions taken to develop, operate, and maintain the Reserve;

''(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the year;

''(8) a summary of expenses for the year, and the number of Federal and contractor employees;

''(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part;

''(10) a summary of foreign oil storage agreements and their implementation status;

''(11) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary or appropriate to implement this part.'';

(18) in section 166 (42 U.S.C. 6246) by striking ''for fiscal year 1997.'';

(19) in section 167 (42 U.S.C. 6247)—

(A) in subsection (b)—

(i) by striking ''and the drawdown'' and inserting ''for test sales of petroleum products from the Reserve, and for the drawdown, sale,'';

(ii) by striking paragraph (1); and

(iii) in paragraph (2), by striking ''after fiscal year 1982''; and

(B) by striking subsection (e);

(20) in section 171 (42 U.S.C. 6249)—

(A) by amending subsection (b)(2)(B) to read as follows:

''(B) the Secretary notifies each House of the Congress of the determination and identifies in the notification the location, type, and ownership of storage and related facilities proposed to be included, or the volume, type, and ownership of petroleum products proposed to be stored, in the Reserve, and an estimate of the proposed benefits.'';

(B) in subsection (b)(3), by striking ''distribution of'' and inserting ''sale of petroleum products from'';

(21) in section 172 (42 U.S.C. 6249a), by striking subsections (a) and (b);

(22) by striking section 173 (42 U.S.C. 6249b) and its heading; and

(23) in section 181 (42 U.S.C. 6251), by striking ''March 31, 2000'' each time it appears and inserting ''September 30, 2003''.

SEC. 104. AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) by striking part A (42 U.S.C. 6261 through 6264) and its heading;

(2) by adding at the end of section 256(h), ''There are authorized to be appropriated for fiscal years 2000 through 2003, such sums as may be necessary.''.

(3) by striking part C (42 U.S.C. 6281 through 6282) and its heading; and

(4) in section 281 (42 U.S.C. 6285), by striking ''March 31, 2000'' each time it appears and inserting ''September 30, 2003''.

SEC. 105. CLERICAL AMENDMENTS.

The Table of contents for the Energy Policy and Conservation Act is amended—

(1) by striking the items relating to sections 102, 106, 153, 155, 156, 157, 158, and 164;

(2) by amending the item relating to section 159 to read as follows: ''Development, Operation, and Maintenance of the Reserve.'';

(3) by amending the item relating to section 161 to read as follows: ''Drawdown and Sale of Petroleum Products''; and

(4) by amending the item relating to section 165 to read as follows: ''Annual Report''.

TITLE II—HEATING OIL RESERVE

SEC. 201. NORTHEAST HOME HEATING OIL RESERVE.

(a) Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

''PART D—NORTHEAST HOME HEATING OIL RESERVE

''ESTABLISHMENT

''SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

''(b) For the purposes of this part—

''(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey;

''(2) the term 'petroleum distillate' includes heating oil and diesel fuel; and

''(3) the term 'Reserve' means the Northeast Home Heating Oil Reserve established under this part.

''AUTHORITY

''SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

''(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

''(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

''(3) acquire by purchase, exchange (including exchange of petroleum products from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

''(4) store petroleum distillate in facilities not owned by the United States; and

''(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, including to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

''CONDITIONS FOR RELEASE; PLAN

''SEC. 183. (a) FINDING.—The Secretary may sell products from the Reserve only upon a finding by the President that there is a severe energy supply interruption. Such a finding may be made only if he determines that—

''(1) a dislocation in the heating oil market has resulted from such interruption; or

''(2) a circumstance, other than that described in paragraph (1), exists that constitutes a regional supply shortage of significant scope and duration and that action taken under this section would assist directly and significantly in reducing the adverse impact of such shortage.

''(b) DEFINITION.—For purposes of this section a 'dislocation in the heating oil market' shall be deemed to occur only when—

''(1) The price differential between crude oil, as reflected in an industry daily publication such as 'Platt's Oilgram Price Report' or 'Oil Daily' and No. 2 heating oil, as reported in the Energy Information Administration's retail price data for the Northeast, increases by more tan 60 percent over its five year rolling average for the months of mid-October through March, and continues for 7 consecutive days; and

''(2) The price differential continues to increase during the most recent week for which price information is available.

''(c) CONTINUING EVALUATION.—The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

''(d) RELEASE OF PETROLEUM DISTILLATE.—After consultation with the heating oil industry, the Secretary shall determine procedures governing the release of petroleum distillate from the Reserve. The procedures shall provide that—

''(1) the Secretary may—

''(A) sell petroleum distillate from the Reserve through a competitive process, or

''(B) enter into exchange agreements for the petroleum distillate that results in the Secretary receiving a greater volume of petroleum distillate as repayment than the volume provided to the acquirer;

''(2) in all such sales or exchanges, the Secretary shall receive revenue or its equivalent in petroleum distillate that provides the Department with fair market value. At no time may the oil be sold or exchanged resulting in a loss of revenue or value to the United States; and

''(3) the Secretary shall only sell or dispose of the oil in the Reserve to entities customarily engaged in the sale and distribution of petroleum distillate.

''(e) PLAN.—Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

''(1) the acquisition of storage and related facilities or storage services for the Reserve, including the potential use of storage facilities not currently in use;

''(2) the acquisition of petroleum distillate for storage in the Reserve;

''(3) the anticipated methods of disposition of petroleum distillate from the Reserve;

''(4) the estimated costs of establishment, maintenance, and operation of the Reserve;

''(5) efforts the Department will take to minimize any potential need for future drawdowns and ensure that distributors and importers are not discouraged from maintaining and increasing supplies to the Northeast; and

''(6) actions to ensure quality of the petroleum distillate in the Reserve.

''NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

''SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

''(b) the Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

''(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

''EXEMPTIONS

''SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 186. There are authorized to be appropriated for fiscal years 2001, 2002, and 2003 such sums as may be necessary to implement this part.''.

SEC. 202. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) HEATING OIL STUDY.—The Secretary shall conduct a study on—

(1) the use of energy futures and options contracts to provide cost-effective protection from sudden surges in the price of heating oil (including number two fuel oil, propane, and kerosene) for State and local government agencies, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (as defined in section 201); and

(2) how to most effectively inform organizations identified in paragraph (1) about the benefits and risks of using energy futures and options contracts.

(b) REPORT.—The Secretary shall transmit the study required in this section to the Committee on Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days

after the enactment of this section. The report shall contain a review of prior studies conducted on the subjects described in subsection (a).

TITLE III—MARGINAL WELL PURCHASES

SEC. 301. PURCHASE OF OIL FROM MARGINAL WELLS.

(a) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

''PURCHASE OF OIL FROM MARGINAL WELLS

''SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than $15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at $15.00 per barrel, adjusted for inflation.

''(b) DEFINITION OF MARGINAL WELL.—The term 'marginal well' has the same meaning as the definition of 'stripper well property' in section 613A(c)(6)(E) of the Internal Revenue Code (26 U.S.C. 613A(c)(6)(E)).''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

''Sec. 169. Purchase of oil from marginal wells.''.

TITLE IV—FEDERAL ENERGY MANAGEMENT

SEC. 401. FEMP.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii) is amended by striking ''$750,000'' and inserting ''$10,000,000''.

TITLE V—ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS

SEC. 501. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

''SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

''(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

''(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

''(2) gives equal consideration to the purposes of—

''(A) energy conservation;

''(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

''(C) the protection of recreational opportunities;

''(D) the preservation of other aspects of environmental quality;

''(E) the interests of Alaska Natives; and

''(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

''(3) requires, as a condition of a license for any project works—

''(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

''(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

''(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

''(b) DEFINITION OF 'QUALIFYING PROJECT WORKS'.—For purposes of this section, the term 'qualifying project works' means project works—

''(1) that are not part of a project licensed under this part or exempted from licensing under this part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

''(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

''(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

''(4) that are located entirely within the boundaries of the State of Alaska; and

''(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

''(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

''(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

''(1) the approval of the Secretary having jurisdiction over such lands; and

''(2) such conditions as the Secretary may prescribe.

''(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

''(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

''(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

''(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

''(i) DETERMINATION BY THE COMMISSION.—(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

''(2) The Commission's review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).

''(3) If the Commission fails to issue a final order in accordance with paragraph (2) the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).''.

TITLE VI—WEATHERIZATION, SUMMER FILL, HYDROELECTRIC LICENSING PROCEDURES, AND INVENTORY OF OIL AND GAS RESERVES

SEC. 601. CHANGES IN WEATHERIZATION PROGRAM TO PROTECT LOW-INCOME PERSONS.

(a) The matter under the heading ''ENERGY CONSERVATION (INCLUDING TRANSFER OF FUNDS)'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–180), is amended by striking ''grants:'' and all that follows and inserting ''grants.''.

(b) Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking ''(A)'';

(B) striking ''approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan'' and inserting ''establish''; and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking ''paragraphs (3) and (4)'' and inserting ''paragraph (3)'',

(B) striking ''$1,600'' and inserting ''$2,500'',

(C) striking ''and'' at the end of subparagraph (C),

(D) striking the period and inserting '', and'' in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph:

''(E) the cost of making heating and cooling modifications, including replacement'';

(4) in subsection (c)(3) by—

(A) striking ''1991, the $1,600 per dwelling unit limitation'' and inserting ''2000, the $2,500 per dwelling unit average'',

(B) striking ''limitation'' and inserting ''average'' each time it appears, and

(C) inserting ''the'' after ''beginning of'' in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 602. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

''SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) BUDGET CONTRACT.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

''(2) FIXED-PRICE CONTRACT.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

''(3) PRICE CAP CONTRACT.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of

the propane, kerosene, or heating oil may exceed a maximum amount stated in the contract.

''(b) ASSISTANCE.—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

''(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

''(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

''(c) PREFERENCE.—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $25,000,000 for fiscal year 2001; and

''(2) such sums as are necessary for each fiscal year thereafter.

''(e) INAPPLICABILITY OF EXPIRATION PROVISION.—Section 281 does not apply to this section.''.

(b) The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

''Sec. 273. Summer fill and fuel budgeting programs.''.

SEC. 603. EXPEDITED FERC HYDROELECTRIC LICENSING PROCEDURES.

The Federal Energy Regulatory Commission shall, in consultation with other appropriate agencies, immediately undertake a comprehensive review of policies, procedures and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license. The Commission shall report its findings within six months of the date of enactment of this section to the Congress, including any recommendations for legislative changes.

SEC. 604. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, shall conduct an inventory of all onshore Federal lands. The inventory shall identify—

(1) the United States Geological Survey reserve estimates of the oil and gas resources underlying these lands; and

(2) the extent and nature of any restrictions or impediments to the development of such resources.

(b) REGULAR UPDATE.—Once completed, the USGS reserve estimates and the surface availability data as provided in subsection (a)(2) shall be regularly updated and made publically available.

(c) INVENTORY.—The inventory shall be provided to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate within two years after the date of enactment of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 605. ANNUAL HOME HEATING READINESS REPORTS.

(a) IN GENERAL.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

''SEC. 108. ANNUAL HOME HEATING READINESS REPORTS.

''(a) IN GENERAL.—On or before September 1 of each year, the Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the natural gas, heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

''(b) CONTENTS.—The Home Heating Readiness Report shall include—

''(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane and thousand cubic feet of natural gas for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

''(2) an evaluation of—

''(A) global and regional crude oil and refined product supplies;

''(B) the adequacy and utilization of refinery capacity;

''(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

''(D) weather conditions;

''(E) the refined product transportation system;

''(F) market inefficiencies; and

''(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

''(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of natural gas, heating oil and propane; and

''(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

''(c) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

''Sec. 107. Major fuel burning stationary source.
''Sec. 108. Annual home heating readiness reports.'';

and

(2) in section 107 (42 U.S.C. 6215), by striking ''SEC. 107. (a) No Governor'' and inserting the following:

''SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

''(a) No Governor''.

TITLE VII—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 2000

SEC. 701. SHORT TITLE.

This title may be cited as the ''National Oilheat Research Alliance Act of 2000''.

SEC. 702. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 703. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term ''Alliance'' means a national oilheat research alliance established under section 704.

(2) CONSUMER EDUCATION.—The term ''consumer education'' means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term ''exchange'' means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term ''industry trade association'' means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term ''No. 1 distillate'' means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term ''No. 2 dyed distillate'' means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term ''oilheat'' means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term ''oilheat industry'' means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term ''oilheat industry'' does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term ''public member'' means a member of the Alliance described in section 705(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term ''qualified industry organization'' means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term ''qualified State association'' means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term ''retail marketer'' means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term ''wholesale distributor'' means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

(15) STATE.—The term ''State'' means the several States, except the State of Alaska.

SEC. 704. REFERENDA.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 707.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 25 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by persons representing more than one-half of the total volume of oilheat voted in the retail marketer class or more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class.

(3) TERMINATION BY A STATE.—A State may elect to terminate participation by notifying the Alliance that 50 percent of the oilheat volume in the State has voted in a referendum to withdraw.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 705, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 705. MEMBERSHIP.

(a) SELECTION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—

(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(D) 5 additional representatives of retail marketers.

(E) 21 representatives of wholesale distributors.

(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

(e) TERMS.—

(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 706. FUNCTIONS.

(a) IN GENERAL.—

(1) PROGRAMS, PROJECTS; CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

(i) to enhance consumer and employee safety and training;

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 707.

(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) ACTIVITIES.—

(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payment of attorney's fees for making and perfecting a patent application.

(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) ADMINISTRATION.—

(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this title.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

(d) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 707) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) REIMBURSEMENT OF THE SECRETARY.—

(A) IN GENERAL.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) LIMITATION.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

(e) BUDGET.—

(1) PUBLICATION OF PROPOSED BUDGET.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) RECOMMENDATIONS BY THE SECRETARY.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) IMPLEMENTATION.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) RECORDS; AUDITS.—

(1) RECORDS.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) AUDITS.—

(A) IN GENERAL.—The records of the Alliance (including fee assessment reports and applications for refunds under section 707(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) AVAILABILITY OF AUDIT REPORTS.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) POLICIES AND PROCEDURES.—

(i) IN GENERAL.—The Alliance shall establish policies and procedures for auditing compliance with this title.

(ii) CONFORMITY WITH GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—

(1) PUBLIC NOTICE.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 707. ASSESSMENTS.

(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) COLLECTION RULES.—

(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) RESPONSIBILITY FOR PAYMENT.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) NO OWNERSHIP INTEREST.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) FAILURE TO RECEIVE PAYMENT.—

(A) REFUND.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this title.

(7) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) SALE FOR USE OTHER THAN AS OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) INVESTMENT OF FUNDS.—Pending disbursement under a program, project or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) STATE, LOCAL, AND REGIONAL PROGRAMS.—

(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—

(A) IN GENERAL.—

(i) BASE AMOUNT.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) ADDITIONAL AMOUNT.—

(I) IN GENERAL.—A qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) REQUEST REQUIREMENTS.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this title in using the requested funds; and

(dd) be made publicly available.

(III) DIRECT BENEFIT.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

(IV) MONITORING; TERMS, CONDITIONS, AND REPORTING REQUIREMENTS.—The Alliance shall—

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

SEC. 708. MARKET SURVEY AND CONSUMER PROTECTION.

(a) PRICE ANALYSIS.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) AUTHORITY TO RESTRICT ACTIVITIES.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. 709. COMPLIANCE.

(a) IN GENERAL.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 707.

(b) COSTS.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 710. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 707 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

SEC. 711. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 712. VIOLATIONS.

(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 707, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product.

(b) COMPLAINTS.—

(1) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

(1) IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

(1) IN GENERAL.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) RELIEF.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) ATTORNEY'S FEES.—

(1) MERITORIOUS CASE.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 713. SUNSET.

This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2884.

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

There was no objection.

Mr. GREENWOOD. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 2884, a bill to reauthorize portions of the Energy Policy and Conservation Act (EPCA) through September 30, 2003.

EPCA authorizes the Strategic Petroleum Reserve and U.S. participation in the International Energy Agency. These programs are a crucial component of our energy security and are our first line of defense in a real energy emergency.

The U.S. is now well over 50 percent dependent upon foreign oil. Americans have been reminded again and again this year why energy security is so important. Reauthorizing these programs is an important piece of business we must accomplish before we adjourn this year.

H.R. 2884 also contains other important provisions which will enhance our energy security and reduce the vulnerability of the Northeast, where I come from, to heating oil shortages.

In addition to reauthorizing the Reserve, it creates a Home Heating Oil Reserve in the Northeast and establishes a trigger for when it can be drawn down.

The bill also requires annual home heating readiness reports and encourages education on the benefits of filling heating oil tanks in the summer. H.R. 2884 also contains provisions that will help reduce our dependence on foreign oil. It allows for the Reserve to be filled with domestic oil when oil prices are low. It requires the U.S. Geological Survey to conduct an inventory of oil and gas reserves on Federal lands.

The bill also makes important changes to the Federal Energy Management Program, making it easier for Federal managers to enter into energy savings performance contracts.

H.R. 2884 also updates the low-income weatherization program. In addition, H.R. 2884 contains provisions allowing small hydroelectric projects in Alaska to be licensed faster.

Finally, H.R. 2884 includes a provision that is of particular interest to me because it is based on legislation I introduced in the 105th Congress and the beginning of this Congress, H.R. 380. This bill establishes the National Oilheat Research Alliance Act, allowing for the creation of an organization to do research on increasing heating oil's efficiency.

Mr. Speaker, I ask that all Members of the House join with me in support of this legislation.

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

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

Mr. Speaker, this is a very, very important piece of legislation. The bill that we are considering today in fact authorizes several very important discrete provisions which are collectively going to really give tremendous amount of protection to the American people.

First of all, this legislation reauthorizes the Strategic Petroleum Reserve. It reauthorizes it all the way to September 30, 2003. The authorization for the Strategic Petroleum Reserve expired back in March of this year, and we have been operating without that specific authorization.

Now, why is the Strategic Petroleum Reserve important? Well, as we saw only a few weeks ago, when the President of the United States announced that he was going to deploy the Strategic Petroleum Reserve, engage in a swap of about 30 million barrels of oil, the price of crude oil dropped from $38 a barrel to down to $32 a barrel.

Now, that shows up in tremendous benefits for consumers all across the country, not only in home heating oil, but also in gasoline long term. In fact, analysts predicted that if the Strategic Petroleum Reserve had not been deployed, in other words, if the President had not made it clear that he was going to pare down the OPEC nations by deploying the weapon that we have in our country, this 570 million-barrel Strategic Petroleum Reserve, then the price of a barrel of crude oil would have gone up to $42 to $44 a barrel.

So, without question, this is a critical weapon to be used on behalf of American consumers all across the country and it has been successful.

In fact, without question, in the absence of that Strategic Petroleum Reserve, we would have been held hostage over the last month to the whims of OPEC nations. But because we have it, Saudi Arabia and others have now said quite clearly that they will increase production as a way of ensuring that the extra oil is in the marketplace because they understand that if we do deploy the Strategic Petroleum Reserve then their oil becomes that much less valuable.

Secondly, there is a provision built into the bill which creates a regional Home Heating Oil Reserve. Now, this is the language which originated in the House language which I authored earlier this year. It is language which will for the first time legally authorize the construction of a Home Heating Oil Reserve. I am very glad that we have been able to reach a workable consensus with the Senate that will allow this to be put in place on a permanent basis.

Now, let me tell my colleagues briefly why this is so important to families in the Northeast. Last winter was one of the mildest winters in the history of the Northeast, but despite that we saw dramatic price bites in home heating

oil prices during a very brief cold snap in the end of January and the beginning of February. So that makes it very, very difficult if it is a mild winter for an ordinary family up in the Northeast to be able to project what their home heating oil bills might be during a more difficult winter.

This year we are on the verge of another crisis. The National Weather Service predicts a colder winter than last year, a return to the Northeastern winters that make Texas an attractive place to be during the winter.

On top of that, stocks of home heating oil in New England are more than 70 percent below last year's levels, and that adds up to high prices for consumers throughout the Northeast. In fact, in Massachusetts, winter heating bills will be $900 for an average customer in the Northeast. That is $140 more than last year. The families in the Northeast should not have to choose between heating and eating.

To help address those supply shortfalls and price spikes, the Secretary established a 2 million-barrel Home Heating Oil Reserve in the Northeast under the existing EPCA provisions. The issue, however, traces its roots all the way back to 1990 when Congressman Carlos Moorhead from California and Norman Lent from New York and I authored an amendment to EPCA which created on an interim basis a federally sponsored regional Home Heating Oil Reserve.

Today we put this reserve on a permanent basis. Specifically, we first authorized the establishment of a Northeast Home Heating Oil Reserve of up to 2 million barrels. Two, we authorized the Secretary of Energy to purchase, contract for, or lease storage facilities for the Reserve. Three, we established conditions under which a release from the Reserve would be triggered. Four, we required the Secretary to submit a report to the President and Congress describing DOE's plans for setting up the Reserve and acquiring petroleum distillate for the Reserve. Five, we establish an account in the Treasury into which funds appropriated to fund the Reserve would be deposited, which could then be withdrawn from the account by DOE to operate the Reserve. And six, we authorize appropriations for the operation of the Reserve through 2003.

So it is a great provision.

Finally, the third EPCA-related provision involves the classic Austin-Boston piece of legislation that the gentleman from Texas (Mr. BARTON) included as an amendment along with my home heating oil language in the House version of the bill.

This provision says that when the price of stripper well goes below $15 a barrel, the Department of Energy has the authority to purchase this oil to fill the Strategic Petroleum Reserve. This helps to keep the price of stripper well oil high enough so that there is an incentive for that industry to continue to make the proper investment in maintaining these wells as viable sources of energy for our country.

Finally, the bill would also include several extraneous matters: changes to the Federal Energy Management Program, changes to the weatherization grants program, establishing a heating oil research checkoff program, and giving the Federal Energy Regulatory Commission the authority to delegate regulatory authority over small hydroelectric projects to the State of Alaska.

Of these additional provisions, only the last one is controversial. Senator MURKOWSKI has added the Alaska hydroelectric provisions to the bill that the administration and the environmental community have concerns about. It exempts hydropower projects of five megawatts or less from FERC hydropower licensing requirements, including environmental mitigation conditions imposed on licenses.

I believe it is unfortunate that this unrelated provision should be included in a bill dealing with a potential crisis that could affect families in the Northeast and across our entire country.

However, the bill generally deals with the Strategic Petroleum Reserve and the regional Home Heating Oil Reserve. Both of these provisions are critical to the long-term economic and national security interests of our country.

I urge a very strong yes vote from every Member of this body.

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

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

1230

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MARKEY) for yielding me this time.

Mr. Speaker, I, of course, am pleased to support H.R. 2884, which has been pointed out to be an Energy Policy and Conservation Act and gives the Department of Energy some authority to continue operating the Strategic Petroleum Reserve that we call SPR. Given current tensions in the Middle East, it is not surprising to me that Congress feels that they must enact legislation to give the President authority to draw down and deploy the SPR. This bill authorizes some other provisions that the gentleman from Massachusetts (Mr. MARKEY) has pointed out that are very good.

Actually, the gentleman from Massachusetts (Mr. MARKEY) has problems in the North and the East with heating oil, and I certainly subscribe to those. He and I have tried to work together to come up with a solution to where we would be fair with those that produced energy and fair with those who desperately need it in the North and East. We are still working on that, but this bill authorizes a northeast heating oil reserve and permits DOE to fill SPR with stripper wells in Texas and in other areas when the prices fall below $15 a barrel.

That is the amendment of the gentleman from Texas (Mr. BARTON) that I certainly support. That helps those that produce it and also helps those that need it. Similar provisions were included in the bill previously as reported by the Committee on Commerce and it is a good thing that the Senate bill retained these beneficial amendments to the current law.

The bill also includes and addresses several other energy issues. It will improve energy conservation in Federal buildings; aid in the development of small hydroelectric projects in Alaska; update and improve the weatherization program and establish a heating oil checkoff program for consumer education and safety. It is a good bill, and this bill helps. The President's order to use some of the SPR, maybe if it was only for 6 or 8 days even helped the spirit of Americans who were faced with $2 gas and gas that could go on up from there, but really it is my feeling that the real answer lies on the North Slope and other shut-in areas in the lower 48 States and the ocean floor where they tell us we cannot drill; where if we could drill we might solve this and those gasoline prices might go to the left and drop back down below a dollar. Energy is national asset. Ten States produce it. My State is one of them. The other 40 use it. It is hard to get good energy legislation.

So how important is energy in the every day activities of this Congress? Energy is very important. It is a national asset. Countries have fought for energy. Our kids would have to fight for energy if we do not address it ourselves. Hitler went east into the Ploesti oil fields for energy. Japan went south into Malaysia for energy. We sent 400,000 kids to the desert over there for energy. So energy is important, and I do not believe that it hurts to get it off of the ocean floor. I myself do not think that an offshore rig looks nearly as bad to people as a troop ship loaded with American boys and girls going off to some far away country to fight for energy.

Mr. Speaker, it is a good bill, and I support it.

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

The gentleman from Texas (Mr. HALL) has spent so much time explaining to me the value of stripper wells that at least for the purpose of discussing that issue I become a member of the Texas delegation because of the excellent educational work that he has done on me over the last 20 years and the gentleman from Texas (Mr. BARTON), whose amendment it was, that ultimately was included in that legislation.

In turn, Mr. Speaker, the gentleman from Maine (Mr. BALDACCI), by the way, formerly a part of Massachusetts, has been the most articulate advocate for the creation of a regional home heating oil reserve.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I do not know where to begin. I am afraid to begin anywhere at this point, but I want to thank the gentleman from Massachusetts (Mr. MARKEY) for yielding me this time. It is not that we have not enjoyed the relationship we had with Massachusetts in the past but we found being off on our own we have been able to grow and we do appreciate that.

He has done a great job and has been a real leader on this issue and someone who I have been able to lean on and gain information and background and expertise from as we are dealing with these energy issues, and his experience has been very helpful. To be able to have him as a neighbor in Massachusetts to work on these issues has been very beneficial to the State of Maine, and we thank him for that.

I also want to thank the membership on the other side of the aisle for being able to come together to at least put together the beginning of a comprehensive energy policy, which I think balances the interests of both what is needed in the Northeast and at the same time to recognize the difficulties that have been happening in the South in terms of when oil was below $15 a barrel or was $10 a barrel and oil wells were being capped in the lower 48 and oil workers were being laid off.

I think we are beginning to establish that relationship and understanding what has taken place here nationally so we are not just responding at one time and not at another. I compliment the people who have been able to work together, as I have been working on this legislation and other efforts to bring this to this floor. In the State of Maine, people are looking at facing higher heating bills that are increasing about $75 a month more than they did last year, and it is not even November yet and it has already snowed twice in Maine. That does not bode well for people scraping by to heat their homes and to be able to feed their families.

We dealt with this in this House 6 months ago, in the Senate less than 6 days ago; and it is about time that we have been able to pass this step up and finish the work to get this bill reauthorized so that we could put this on a permanent basis and not have to confront it on an annual basis or on a temporary basis. The framework in this bill, with its weatherization improvements and flexibilities, in eliminating the State share, in terms of its program and being able to help out and establish a northeast heating oil reserve so we can have an insurance policy against this happening again, whereas the gentleman from Massachusetts (Mr. MARKEY) was talking about we were so dangerously low that had we had a northeaster followed by the cold weather that we got that first week we would have actually run out of oil, to be able to have this insurance policy, be able to have the two million barrels there of refined home heating oil to be able to respond in an emergency will be a great sense of relief and insurance policy to the people in the northeast.

The steps taken by this administration in the release of the Strategic Petroleum Reserve, when oil was getting dangerously close to $40 a barrel, when the President announced that he was authorizing the release of the SPR, it immediately had an impact where it brought that price down to $31 a barrel. And now with this going out and the contracts being bidded on, we are looking at oil around $31, $32 a barrel and a much more reasonable situation at this particular point; and we are hopeful for further diminishment of that to a much more reasonable level where people can afford it better, but it has had an impact.

For Congress to finally give the President the legal authority to be able to release from the Strategic Petroleum Reserve in order to protect our country's economy and our national security, I think we are also to be commended in a very bipartisan way. So I want to thank all of those Members for working together to fashion this legislation. I look at this as a beginning of our energy policy and look forward to the Members working together to build on this energy policy for the future.

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

Mr. Speaker, I would complete the debate by thanking the majority for their patient consideration of this legislation. It is very important that it pass this year; and I want to compliment them for reaching this conclusion, which I think is ultimately going to benefit our country greatly in protecting us against the per se antitrust violations which the OPEC nations engage in but because we have no legal authority to do anything about it. Only by the establishment and ultimate deployment of a Strategic Petroleum Reserve or a regional home heating oil reserve are we able to protect the American consumers.

The gentleman from Maine (Mr. BALDACCI), the gentleman from Texas (Mr. HALL), all the members who worked on it, especially the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BLILEY), deserve all the credit in the world for the successful conclusion.

Mrs. MALONEY of New York. Mr. Speaker, I support this legislation which will reauthorize the Strategic Petroleum Reserve and will finally authorize the desperately needed Northeast Home Heating Oil Reserve. I do not need to remind my colleagues how important the Strategic Petroleum Reserve and the new Northeast Home Heating Oil Reserve are to the people in this Nation, and especially to my constituents and others in the northeast. Last month's swap of oil from the Strategic Reserve has kept gas and heating oil rates down even as turmoil in the Middle East has prompted market uncertainty. Consumers have benefited from this swap and they will likely continue to do so.

The need for this legislation is clear. What is not so clear is why we are considering this bill, which passed the House in April, during the last week of this session. Apparently, some of our colleagues in the other body thought it would be a good idea to attach an amendment to this legislation that would have created a huge loophole for the oil industry to avoid paying the appropriate amount of royalties for oil taken from Federal lands. The rider would have authorized and expanded the controversial Royalty-in-Kind Program which would give the oil companies the ability to pay their royalties in kind, not in cash as they do now. It would have encouraged the Interior Department to take substantially more royalties in kind. That means that the Federal Government would suddenly find itself in the oil business. The Interior Department would be forced to transport, market, and sell massive quantities of oil and natural gas.

Mr. Speaker, I honestly thought that state-run industry had been discredited after the fall of the Soviet Union. Now, it seems some of our friends on the other side of the aisle want to give it a try. I should also point out that in 1998, the GAO specifically said that royalty in kind was unlikely to be profitable for the taxpayers. Now, after running the pilot programs for less than 2 years, the Interior Department admits they still do not have a revenue analysis of the program. We have no data available to determine if this program is breaking even. I would like to enter into the RECORD a letter I sent to Interior Secretary Babbitt on this issue which further describes the many problems with the Royalty-in-Kind Program and urges him to resist efforts to expand this program.

So—why was this issue even on the table? I will tell you why—because the oil industry, which has already seen skyrocketing profits, decided to try and shortchange the Federal Government yet again. I am frankly astonished that anyone would consider attaching a giveaway to the oil industry in the midst of a bill designed to help consumers deal with rising oil prices.

Mr. Speaker, this year we have seen consumers and businesses continue to absorb higher energy prices. At the same time, industry profits have continued to soar and OPEC nations have failed to adequately increase supplies. Even if heating oil prices remain stagnant, the outlook for the winter is grim. Now is the time to focus on long-term energy strategies that will help consumers and businesses, not pad the pockets of wealthy oil companies. I urge my colleagues to support this legislation and other sensible energy strategies and to avoid many of the oil-industry giveaways that are being circulated as false solutions to our Nation's energy problems.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2000.

Hon. BRUCE BABBITT,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY BABBITT: It has recently come to my attention that Senator Murkowski, without any committee consideration, will offer an amendment to drastically expand the Royalty-in-Kind program. As a Member who has worked for years to make sure that taxpayers receive the fair amount of oil royalty payments, I am extremely concerned that this proposed amendment could

seriously affect the ability of the Federal government to collect the appropriate amount of royalties from oil taken from Federal lands.

Specifically, I am concerned that this amendment would replace the existing standard for ''fair market value'' of oil sold from Federal lands with one that is vaguely worded and potentially designed to benefit the oil industry's legal challenges to the recently enacted oil valuation rule. Earlier this year, after years of industry resistance, your Department was finally able to implement a new oil and gas valuation rule to ensure that the Federal government is properly reimbursed for oil taken from Federal lands. The new rule requires oil companies to value oil based on market-based spot pricing (i.e., fair market value) instead of so-called ''posted prices'' which companies determine on their own. As a result of these changes, the Federal government will finally end an industry scam that was costing taxpayers more than $66 million each year. Language to fundamentally redefine the ''fair market value'' of oil in statute could effectively undermine the new valuation regulations. This is completely unacceptable. This issue is too important to be rushed through Congress in the waning hours of this session.

In addition, I am extremely concerned that Congress is on the verge of fully authorizing a program which has never been considered in committee and which the General Accounting Office (GAO) expressed concern about as recently as August 1998. The GAO is currently reexamining the Royalty-in-Kind program to see if any progress has been made. I strongly urge you to oppose this legislation until we have the opportunity to hear from the GAO and the appropriate committees on this critically important issue.

Instead of this unnecessary amendment, I ask that you urge the Senate to recede to the House on the FY 2001 Interior Appropriations bill and allow the Royalty-in-Kind pilot program to deduct transportation processing costs for one year. In that way, we can learn more about the viability of the concept and also allow Congress the time to more carefully and collegially consider this proposal.

I look forward to hearing your views on this legislation and hope you will join me in publicly opposing it. Thanks in advance for your consideration.

Sincerely,

CAROLYN B. MALONEY,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 2000.

Hon. BRUCE BABBITT,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY BABBITT: I write to express my continued opposition to a recently proposed amendment sponsored by Senator Murkowski concerning the Royalty-in-Kind program which I am increasingly convinced will fundamentally affect the ability of the Federal Government to collect the appropriate amount of royalties from oil taken from Federal lands.

I recently contacted Walter Rosenbusch, Director of the Minerals Management Service, to voice my concern that the language authorizing the Royalty-in-Kind program could potentially undermine the new regulations governing royalties taken in value. Mr. Rosenbusch informed me that they were assured by the Interior Department Solicitor's office that the language would not harm the new regulations. I requested a copy of the Solicitor's opinion. Mr. Rosenbusch informed me that they had not done a written analysis of the language and so a written opinion was not available. I requested a written version immediately. We received the memo two days later (attached).

I am extremely disturbed that the memo was not contemplated until after my request, ten days after the language was made public and weeks since it had been in Interior's possession. Given the highly controversial nature and complexity of the oil valuation rules and the fact that the regulations add $66 million to the Treasury each year, I believe this proposed legislation warrants more thorough consideration. The fact that oil industry representatives were intimately involved in the drafting of the amendment further increases my suspicion and alarm about this language.

Alarmed about the lack of concern and analysis from your solicitor's office, I have asked an outside attorney and expert on the oil industry litigation to examine the proposed language to determine the potential damage this legislation could do to current oil valuation rules. I have attached a copy of this memorandum which elucidates numerous problems with this amendment and clearly explains that ''the failure of the amendment to preclude the Secretary from conducting in-kind sales when his own regulations would mandate a higher price clearly undermines those regulations.'' The memo goes on to explain that ''the introduction of a second definition of 'fair market value' could be interpreted as an acknowledgment that leasing activities are subject to a standard of something less than a price that a willing buyer would pay to a willing seller, with opposing economic interests in an open and competitive market. This interpretation threatens not only Interior's regulations but also litigation over past royalties.'' I believe these specific concerns and the others listed in the memorandum clearly show the numerous flaws with this bill and why it demands the Administration's opposition.

Finally, I am alarmed to discover that we are considering an expansion of the RIK program without the benefit of a complete revenue analysis. Moreover, the language being considered fails to include common-sense performance measures to ensure that the program RIK program is revenue positive.

For all of these reasons, I remain opposed to this legislation and I ask that you urge the Senate to recede to the House on the FY 2001 Interior Appropriations bill and allow the Royalty-in-Kind pilot program to deduct transportation and processing costs for one year. I am certain that when you have the opportunity to closely examine the potential problems created by this ill-conceived amendment you will join me in asking the Senate to postpone the passage of this expansive and complicated legislation until we are able to resolve some of these concerns.

Sincerely,

CAROLYN B. MALONEY,
Member of Congress.

Mrs. McCARTHY of New York. Mr. Speaker, I rise in strong support of the Senate Amendments to (H.R. 2884), the Energy Policy and Conservation Act.

Energy consumers on Long Island and throughout this Northeast have been waiting for this important legislation. With home heating oil prices moving upward in New York state, it is imperative that the Congress acts now.

This legislation authorizes the establishment of a two million-barrel regional Home Heating Oil Reserve in the Northeast. It specifies that oil can only be released from the Reserve if the President finds there is a severe energy supply interruption and permits the release of the oil on specific market conditions. These safeguards make sense.

The legislation also expands the weatherization program to help homeowners make their residences more energy efficient.

The Energy Information Administration is currently projecting home heating oil price increases of 19 cents per gallon over the average levels paid last year.

Mr. Speaker, last winter's energy crisis demonstrated the Congress and the President must do more to stabilize energy price spikes. This legislation is a positive step in that direction.

I urge my colleagues to support the Senate Amendments to H.R. 2884.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2884, which amends the Energy Policy and Conservation Act through FY 2003. H.R. 2884 reauthorizes the authority of the Department of Energy to lease oil or buy for, operate, and draw down from the Strategic Petroleum Reserve (SPR) through 2003. The SPR was authorized in 1975 to protect our Nation against the recurrence of the Arab oil embargo of 1973–74, which nearly crippled our Nation. When the U.S. Congress initially authorized the SPR in the Energy Policy and Conservation Act, our intent was to create a large reserve of crude oil that would prevent future disruptions in supply, and would deter the use of oil as a weapon.

Mr. Speaker, our country is under siege on two fronts, one from OPEC where just a few weeks ago the prices of crude oil rose to Gulf War record levels of nearly $40 per barrel, and on the other front, as a result of this Administration's failure to enact a strategic, short and long term energy policy. Despite OPEC's promise to increase oil production to levels that would stabilize the price of crude oil, the price continued to shoot up. As the price of oil was climbing and our constituents were paying upwards of $2 for a gallon of gas, this Congress, in bipartisan support, called on the President to release oil from the Strategic Petroleum Reserve. The prices continued to rise, and finally, after this Congress through heatings and a great deal of pressure, the President did authorize the release of oil from the SPR. On the speculation alone, that oil would be released from the SPR, prices of crude oil began to drop.

Mr. Speaker, this legislation contains narrow trigger language for the President limiting the usage of the SPR and the newly created heating oil reserve. The trigger language mandates that the Department of Energy will have to certify that any draw-down from the reserve will not impair the national security of the United States. What H.R. 2884 does for the people of the Northeast is to create a permanent home heating oil reserve, a necessary measure for which I have been a strong advocate, because it will ensure that my constituents will not have to suffer as a result of any supply shortages of significant scope and duration; and if the price differential between heating oil and crude oil increases sixty percent plus over its five-year rolling average.

Moreover, H.R. 2884 requires the Secretary of the Interior with input from the Secretaries of Agriculture and Energy to begin a national inventory of natural gas and oil reserves on federal lands, and to set forth any restrictions to the development of these resources. H.R. 2884 also directs the Department of Energy to strengthen its winterization program, along with mandating that the Federal Energy Regulatory Commission conduct a complete review

of its policies, practices, and procedures to ascertain how to reduce the time and costs associated with the licensing of hydroelectric projects.

Mr. Speaker, it is our responsibility to take whatever measures we can to ensure that our constituents will not suffer as a result of any breakdown in the supply of, or shortages of heating oil. The American people deserve no less than that. And that is why I support this measure.

Mr. WAXMAN. Mr. Speaker, I am supporting H.R. 2884 because it contains provisions of vital interest to the American people, such as reauthorizing the Strategic Petroleum Reserve. However, I am concerned about the inclusion in this legislation of the National Oilheat Research Alliance Act of 2000.

This legislation essentially creates a new tax in order to increase the power of the Washington D.C.-based trade association, the National Association for Oilheat Research and Education. This legislation authorizes this trade association to hold a referendum on the establishment of the National Oilheat Research Alliance. Voting rights are based on volume of sales, and the Alliance is established upon an approval of the industry representing two-thirds of sales by volume. This has the effect of giving the biggest interests in the oilheat industry the most voting power.

Once the Alliance is established, an ''assessment,'' which is essentially a tax, is levied on the sale of fuel oil. The Congressional Budget Office (CBO) has estimated that this would amount to $16–$17 million annually. The legislation authorizes the Alliance to bring suits in Federal court to ensure all distributors and retailers comply with the assessments. The use of these funds would be directed by industry towards programs (1) to enhance consumer and employee safety and training, (2) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment, and (3) for consumer education.

The legislation contains explicit language stating that funds cannot be used for advertising, promotions, or consumer surveys in support of advertising or promotions. However, there is no precise line between advertising and consumer education. For example, television and radio spots educating consumers about the benefits of oilheat might not appear to violate the prohibition on advertising.

Under this legislation, the National Association for Oilheat Research and Education is designated by name as the sole organization who designates at least 56 of the 61 members to the Alliance. The Alliance would determine the use of all of the $16–$17 million in assessments. By levying a tax on fuel oil sales which is enforceable in Federal courts, the oilheat industry is assured that all sectors of the industry—from small retail marketers to large wholesale distributors—will contribute to their national efforts—whatever they decide them to be. It is a virtual certainty that these costs will be passed onto consumers.

The National Oilheat Research Alliance Act of 2000 is an anti-consumer mandate that consolidates power in an entity controlled by the biggest interests and will favor their concerns over those of consumers and small businesses. It levies a new tax on consumers for which they will receive little or no benefit and give those funds to a trade association controlled D.C.-based entity to do with as they see fit. This is an inappropriate use of congressional authority. I hope we can correct this mistake in the future.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 2884, titled the Extend Energy Conservation Programs Under the Energy Policy and Conservation Act. The 1975 Energy Policy and Conservation Act (EPCA) was one of several measures enacted during the 1970s to deal with chronic U.S. energy supply disruptions and shortages. Among other things, the law authorized the creation of the Strategic Petroleum Reserve (SPR) to be available to reduce the impact of oil import disruptions. The reserve includes 575 million barrels of crude oil stored in five salt caverns in Louisiana and Texas. EPCA also authorized U.S. participation in an international agreement to coordinate the responses of oil consuming nations to oil supply disruptions in order to minimize their global impact. EPCA's authorization expired on March 31, 2000.

The measures includes provisions that permit the Energy Department to purchase oil from certain marginal wells if the price of oil falls below $15 per barrel. (Marginal wells are generally defined as those producing fewer than 15 barrels per day. The provisions are intended to ensure that marginal wells are not closed down during periods of extraordinarily low oil prices.)

The bill authorizes, President Clinton's request for the, establishment of a two million-barrel regional home-heating-oil reserve in the Northeast. It specifies that oil could be released from the reserve only if the president finds that there is a severe energy supply interruption, and specifies certain other conditions under which oil may be released from the reserve. I would hope that the conditions for release of oil in the future from the national reserve will not just be based on hindsight because often conditions that created a past crisis are not repeated.

The measure also includes the following other provisions that were not included in the bill as passed by the House in April. This bill would also expand the existing federal weatherization program of the Energy Department. In addition permits the state of Alaska, rather than the federal government, to regulate certain small (under five megawatts) hydroelectric power projects in Alaska. Further this bill establishes an oil-heat research program to be funded by assessments of two-tenths of one cent per gallon on distillate heating oil.

I would encourage my colleagues to vote in support of this conservation effort although it is being addressed seven months after the original legislation expired.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2884.

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

A motion to reconsider was laid on the table.

CONSIDERING MEMBER AS PRIMARY SPONSOR OF H.R. 1239

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the primary sponsor of H.R. 1239, a bill originally introduced by Representative Bruce Vento of Minnesota, for the purpose of adding cosponsors and requesting reprintings under clause 7 of rule XII.

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

There was no objection.

MORGAN STATION

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5143) to designate the facility of the United States Postal Service located at 3160 Irvin Cobb Drive in Paducah, Kentucky, as the ''Morgan Station''.

The Clerk read as follows:

H.R. 5143

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

SECTION 1. MORGAN STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3160 Irvin Cobb Drive, in Paducah, Kentucky, shall be known and designated as the ''Morgan Station''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Morgan Station''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5143.

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

There was no objection.

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

Mr. Speaker, we have before us H.R. 5143 designating the facility of the United States Postal Service located at 3160 Irvin Cobb Drive in Paducah, Kentucky, as the Morgan Station. H.R. 5143 was introduced by our colleague, the gentleman from Kentucky (Mr. WHITFIELD), on September 7, 2000 and is supported by all Members of the House delegation from the State of Kentucky.

Fred Morgan, after whom the facility will be named, grew up in the Littleville community of Paducah's south side in Kentucky. Mr. Morgan served in the General Assembly of Kentucky for most of his 30-year span in public service. He devoted his time to improving education and helping the

poor and downtrodden. Mr. Morgan never hesitated risking his own political career if he believed the issue was important to the well-being of the State. Mr. Morgan passed away in December of 1999.

Mr. Speaker, I urge our colleagues to support H.R. 5143 honoring Mr. Morgan, who is deserving of this honor of having a Postal Service named after him, for his contributions to his community and to his State.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague in the House in consideration of these three postal bills. Of course, in the first one we honor the famous Kentucky State House Democratic majority leader, a former Member of Congress and a dedicated letter carrier. H.R. 5143, which would name a postal facility in Paducah, Kentucky, as the Morgan Station, was introduced by the gentleman from Kentucky (Mr. WHITFIELD) on September 7, 2000.

Fred Morgan, Sr., was born in 1915 in the Littleville section of Paducah, Kentucky. After election to the Kentucky House of Representatives, Mr. Morgan was elected to the powerful position of House Democratic majority leader. He served four decades in the General Assembly. He was a champion of the poor and downtrodden and worked hard to improve education in Kentucky. In the Kentucky House of Representatives, he was known as the ''silver fox who led Morgan's Raiders.''

Mr. Morgan died in 1999. I am sure that all of the people of Kentucky are indeed proud of his tremendous record, and I know that all of those individuals who are postal mail carriers are proud of the fact that a member of their ranks rose to such a lofty position and did such an outstanding job. So I would urge swift passage of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5143.

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

A motion to reconsider was laid on the table.

TIM LEE CARTER POST OFFICE BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (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''.

The Clerk read as follows:

H.R. 5144

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

SECTION 1. TIM LEE CARTER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 203 West Paige Street, in Tompkinsville, Kentucky, shall be known and designated as the ''Tim Lee Carter Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5144.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, H.R. 5144, introduced by our colleague the gentleman from Kentucky (Mr. WHITFIELD), designates 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. All Members of the Kentucky State delegation have supported this legislation.

Representative Tim Carter was born in Tompkinsville in 1910. He graduated from Western Kentucky University in 1934 and earned a medical degree from the University of Tennessee. He spent 3½ years as a combat medic in World War II, was elected to the Congress and gained national attention as the first Republican Congressman to seek U.S. withdrawal from Vietnam. However, he never wavered in his support for the troops fighting in that theater.

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Though he was known as a defender of President Nixon during the impeachment hearing of 1974, he was also allied with President Johnson's Great Society programs to improve our Nation's poorest districts, to improve schools, to improve water systems, libraries, airports, roads and recreation, and supported the taxes to pay for those programs.

During much of his 16 years in the House, he was the only practicing physician to serve in the House. He said that the passage of a law that provided preventive medical care for poor children was his most important legislative achievement. He was an early advocate of national insurance for catastrophic illness.

When he retired from Congress, Dr. Carter returned to the practice of medicine and his farm on the Cumberland River. The Honorable Dr. Carter died in 1987.

Mr. Speaker, I urge passage of this bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join in urging passage of H.R. 5144, which was introduced by the gentleman from Kentucky (Mr. WHITFIELD) on September 7, 2000, which would name a postal facility in Tompkinsville, Kentucky, as the Tim Lee Carter Post Office building.

Tim Lee Carter was born in Tompkinsville, Kentucky, in 1910. He graduated from Western University and earned a medical degree from the University of Tennessee.

He was elected to represent the 5th Congressional District in 1965 and served until 1980. Of course, he gained national attention as the first Republican Congressman to seek the U.S. withdrawal from Vietnam.

In Kentucky, Mr. Carter was known for efforts to improve his district and was actively involved in many various activities, not only in the immediate community where he lived, but throughout the State of Kentucky, and proved himself an effective public servant.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5144.

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

A motion to reconsider was laid on the table.

MARJORY WILLIAMS SCRIVENS POST OFFICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5068) to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the ''Marjory Williams Scrivens Post Office''.

The Clerk read as follows:

H.R. 5068

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

SECTION 1. MARJORY WILLIAMS SCRIVENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, shall be known and designated as the ''Marjory Williams Scrivens Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Marjory Williams Scrivens Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5068.

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

There was no objection.

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

Mr. Speaker, our colleague, the gentlewoman from Florida (Mrs. MEEK), has introduced this piece of legislation. This legislation designates the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the Marjory Williams Scrivens Post Office. All members of the Florida delegation to the House have cosponsored this legislation, as required by the rules of our subcommittee.

Marjory Williams Scrivens started working for the United States Postal Service in 1970, and in 1972 she was one of the first women to deliver mail in the Miami-Dade County area in Florida. Sadly, she succumbed to bone cancer a year ago.

Mr. Speaker, I urge passage of this legislation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5068, which was introduced by my friend and colleague, the gentlewoman from Florida (Mrs. MEEK), on July 27, 2000, would name a postal facility in Miami, Florida, as the Marjory Williams Scrivens Post Office building. Ms. Scrivens began her postal career in 1970 as the first woman carrier working from the South Miami branch. She delivered along her Coral Gables route for more than 20 years.

Ms. Scrivens is remembered for helping to take the ''man'' out of postman and having mail carriers referred to as ''letter carriers.'' So, in addition to carrying the mail, we also owe Ms. Scrivens a debt of gratitude for moving us to another level in our thinking about gender and about the work that people do.

She loved her job and worked long hours serving postal customers on her route. Sadly, Ms. Scrivens passed on November 15, 1999.

In addition to the comments that I have made, and that I know that the gentlewoman from Florida (Mrs. MEEK) had hoped to be here, but could not make it, there is a letter from the South Florida Letter Carriers, which I will include for the RECORD.

SOUTH FLORIDA LETTER CARRIERS,
BRANCH 1071, NATIONAL ASSOCIATION OF LETTER CARRIERS,
Miami, FL, July 10, 2000.

Hon. CARRIE MEEK,
Member of Congress,
Miami, FL.

DEAR CONGRESSWOMAN MEEK: It has come to my attention there is an effort being made to rename the South Miami Post Office at 5927 SW 70th Street in memory of deceased Letter Carrier Marjory Williams Scrivens.

This letter is to advise you NALC Branch 1071 endorses and supports this effort.

Marjory was a personal friend who served for more than two decades as a letter carrier in South Florida.

The Miami News reported on September 8, 1972 that she was the only female carrier working out of the South Miami Office and one of only four female carriers in the Country.

Ms. Scrivens' postal employment was instrumental in correcting identification of those who carry the mail from postman or mailman to letter carrier.

Marjory Scrivens loved her job. She worked hard and long to get on with the Postal Service and worked long hours serving postal patrons on her route.

I can think of no greater honor than to have the South Miami Post Office renamed the ''Marjory Williams Scrivens Branch''.

Sincerely,
WILLIAM E. BURROUGHS, Jr.,
President.

Mr. Speaker, I want to thank the gentlewoman from Florida (Mrs. MEEK) for honoring such a lady letter carrier, and I certainly want to thank the gentleman from Ohio (Mr. LATOURETTE) for the opportunity to share this time with him.

Mrs. MEEK of Florida. Mr. Speaker, I am pleased that the House is considering my bill H.R. 5068 to name the Post Office in South Miami, Florida, after the late Marjory Williams Scrivens. I think that this recognition is well deserved and long overdue.

Mrs. Scrivens was one of this nation's first female letter carriers. She was a very popular trail blazer, who during her 22 years of exemplary service to the postal service was very instrumental in correcting the identification of those who carry the mail from postman to mailman to letter carrier.

Her colleagues fondly remember her as one who was very proud of her job. ''We would always point to Marjory as a good example of a job well done,'' said a former supervisor.

Mrs. Scrivens was motivated for public service, she wanted a challenge and kept dropping by the federal building to check on government jobs. ''When I saw clerk-carrier listed, I took the test and passed,'' she said.

She was not afraid of boldly taking on assignments that not many women had done before. It did not bother her that she was a pioneer, and charting unexplored territory. What mattered most to Marjory was providing her friends and neighbors on her postal router with high-quality service and a warm smile.

So today, it is fitting that we honor Marjory Williams Scrivens not only because of who she was, but for all that she did.

I'm pleased that the entire Florida delegation has co-sponsored this bill. It has widespread bi-partisan support for all across our state. This effort has received widespread community support including endorsements from the South Florida Letter Carriers Association, the Mt. Olive Missionary Baptist Church, Miami Times newspaper, and over 1,000 signatures on more than 63 pages.

Mr. Speaker, Marjory Williams Scrivens was not only a trail blazing letter carrier, but a dedicated public servant who served her community and the people of this country well.

I am pleased to support the naming of the U.S. Post Office at 5927 SW 70th Street, in South Miami, Florida, the Marjory William Scrivens Post Office.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5068.

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

A motion to reconsider was laid on the table.

ITALIAN-AMERICAN HERITAGE MONTH

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 347) expressing the sense of the House of Representatives in support of ''Italian-American Heritage Month'' and recognizing the contributions of Italian Americans to the United States.

The Clerk read as follows:

H. RES. 347

Whereas Italians, like Amerigo Vespucci and Christopher Columbus, were some of the first explorers to discover the American continents and illustrate the geography;

Whereas Italians and Italian Americans have made great contributions to America's society economically, culturally, and politically;

Whereas Italian Americans have won prestigious prizes, such as the Nobel Prize, the Pritzker Award for architecture, and the Fields Medal for mathematics;

Whereas Italians and Italian Americans invented pianos, violins, calendars, radios, telescopes, compasses, microscopes, thermometers, eye glasses, steam engines, typewriters, and batteries;

Whereas Italian Americans have toiled and labored while helping to build our Nation's infrastructure, including railroads, tunnels, highways, and subways;

Whereas a great many Americans have enjoyed the entertainment provided by Italian Americans, such as Hall of Fame baseball player Joe DiMaggio, singer and songwriter Frank Sinatra, world-renowned composer Henry Mancini, and Oscar-winning actor Robert DeNiro;

Whereas great Italian American political figures, such as Fiorella La Guardia (who was both Mayor of, then Congressman from, New York City), Anthony Celebrezze (who, in the Kennedy administration, was the first Italian American Cabinet member), and Antonin Scalia (who, in 1982, became the first Italian American Supreme Court Justice), have enriched the political process and brought national pride to our country;

Whereas over 5.4 million Italians immigrated to the United States between 1820 and 1991, which today has resulted in over 26 million Americans of Italian descent in the United States, making them the fifth largest ethnic group; and

Whereas the Massachusetts Legislature has designated the month of October as ''Italian-American Heritage Month'' in Massachusetts: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideas of ''Italian-American Heritage Month'' and recognizes the significant contributions that Italian Americans have made to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 347.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider House Resolution 347. It is an important piece of legislation that has been introduced by my colleague, the gentleman from Massachusetts (Mr. CAPUANO).

This resolution expresses the sense of the House of Representatives in support of Italian-American Heritage Month and recognizes the contributions of Italian-Americans to the United States.

Mr. Speaker, over 5.4 million Italians immigrated to the United States between 1820 and 1991. Today, over 26 million Americans are of Italian decent in the United States, the fifth largest ethnic group within the United States.

Some of the very first explorers to discover America were Italians, including Amerigo Vespucci and Christopher Columbus. Since then, Italians and Italian Americans have continued to make lasting contributions to our great country. For example, Italian Americans have won the Nobel Prize, the Pritzker Award for architecture, and the Fields Medal for mathematics. Italians and Italian Americans invented pianos, violins, radios and steam engines.

America has been fortunate to enjoy the music of Frank Sinatra and composer Henry Mancini, the baseball heroics of Hall of Fame baseball legend Joe DiMaggio, and the acting of Oscar winner Robert DeNiro.

We honor Italian American political figures in history, such as Fiorella La Guardia, Mayor and then Congressman from New York City; Anthony Celebrezze, who served in the cabinet of the Kennedy administration and was the first Italian-American cabinet member; and today we are fortunate to have the first Italian-American Supreme Court Justice, Antonin Scalia.

Mr. Speaker, the Massachusetts legislature has designated October as ''Italian American Heritage Month.'' I urge all Members to support the goals and ideals of this designation and to honor the contribution of Italian Americans as they have made them to the United States.

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

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

Mr. Speaker, I want to thank those people that have allowed this resolution to come to the floor of the House. It is relatively simple and straightforward.

October, as we all know, is a month that we celebrate Christopher Columbus Day, and it is a month that many Italian Americans across this country have utilized to remember their own heritage and their own background.

I think it is particularly appropriate for this resolution to be before us on the same day as H.R. 2442, which recalls the plight of many Italian Americans during World War II. They were interned at the behest of this government, which was an amazing thing, considering that it happened at the same time that probably one of the largest ethnic groups in the world helping the Americans were Italian Americans fighting in World War II, and that included my father as an Italian American, the son of Italian Americans.

This resolution simply states what many people already know, and some things I think people do not know. The gentleman from Ohio (Mr. LATOURETTE) went through much of it.

But some of the things that people do not know is what Italian Americans and Italians have invented that help them every day, not the least of which is pianos, violins, the calendars that we all use every day were invented by Italians, radios down on Cape Cod in Massachusetts, telescopes, compasses, microscopes, thermometers, eyeglasses, steam engines, typewriters and batteries, all discovered by Italians or Italian Americans.

I rise today simply to congratulate all of the people that have come to these shores, including Italians and Italian Americans, and all of their heritage, the 26 million people in America today who claim some Italian heritage, the fifth largest ethnic group, as was pointed out by the gentleman from Ohio (Mr. LATOURETTE).

I also rise today to remind them that if they want to see some of the work that has been done by Italian Americans, all they have to do is simply step outside this Chamber and take a look up. Much of the art work done in this Capitol was done by Mr. Brumidi, also an Italian American.

Mr. Speaker, again, I thank my colleagues on the other side for allowing this to come up, and I join in asking for the passage of this resolution.

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

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

Mr. Speaker, I want to urge all Members to support Italian-American Heritage Month as designated by the Massachusetts Legislature. Our country is richer and stronger, thanks to the many contributions that Italian Americans have made to the United States.

Mr. Speaker, I encourage all Members to support this resolution. I want to congratulate my colleague and friend, the gentleman from Massachusetts (Mr. CAPUANO), for bringing this measure to our attention. I urge its passage.

Mr. CAPUANO. Mr. Speaker, I rise today to recognize and celebrate a distinct and important group in this country—Italian Americans. I introduced H. Res. 347 because I felt that America should stand up and recognize the invaluable contributions bequeathed upon our society by countless Italian Americans throughout this nation's history.

Last October, the Massachusetts State Legislature passed a law observing the month of October as Italian-American Heritage Month. This law recognizes the unique impression bestowed on our country's rich national heritage by Italian Americans. My resolution, H. Res. 347, not only supports the goals and ideas of Italian-American Heritage Month nationwide, but also recognizes the significant contributions Italian Americans have made to our great nation.

Italian Americans have made significant contributions economically, culturally and politically to our society. Amerigo Vespucci and Christopher Columbus were some of the first explorers to discover the American continents and illustrate the geography. Italian Americans have won prestigious prizes, such as the Nobel Prize, the Pritzker Award for architecture, and the Fields Medal for mathematics.

Over the past 200 years, 5.4 million Italians have immigrated to the United States. Today more than 26 million Americans are of Italian descent, 72 thousand alone reside in the eighth district of Massachusetts. As this country's fifth largest ethnic group, Italian Americans have brought to our communities a tireless work ethnic, a strong sense of family cohesion, and an artistically rich culture. This unique and profound impact of Italian culture has become an integral part of the American way of life. In fact, many Italian Americans have gone on to become prominent in our nation's academic, industrial, entertainment, and political fields.

Nearly every American has experienced the unique contributions of Italian Americans. Famous Italian Americans like Hall of Fame baseball player Joe DiMaggio, world-renowned composer Henry Mancini, singer and songwriter Frank Sinatra, and Oscar winner Robert DeNiro have provided all Americans with many forms of entertainment. Millions of Americans have experienced the brilliance of Constantine Brumidi, an Italian immigrant, who was the artistic prodigy behind the elaborate paintings in the United States Capitol. Other Italian Americans have enriched our political process, including political figures such as Fiorella La Guardia, both mayor and Congressman from New York City, Anthony

Celebrezze, who served during John F. Kennedy's Administration and was the first Italian American Cabinet Member, and Antonin Scalia, who is the first Italian American appointed to the Supreme Court.

I invite every Member to join me in celebrating the tremendous impact Italian Americans have made to our nation and our national identity.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, H. Res. 347.

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

A motion to reconsider was laid on the table.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1752) to reauthorize and amend the Coastal Barrier Resources Act.

The Clerk read as follows:

S. 1752

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 ''Coastal Barrier Resources Reauthorization Act of 2000''.

SEC. 2. GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503), as otherwise amended by this Act, is further amended by adding at the end the following:

''(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

''(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

''(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

''(B) there is existing infrastructure consisting of—

''(i) a road, with a reinforced road bed, to each lot or building site in the area;

''(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

''(iii) electric service for each lot or building site in the area; and

''(iv) a fresh water supply for each lot or building site in the area.

''(2) STRUCTURE DEFINED.—In paragraph (1), the term 'structure' means a walled and roofed building, other than a gas or liquid storage tank, that—

''(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

''(B) covers an area of at least 200 square feet.

''(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).''.

SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by inserting after subsection (c) the following:

''(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

''(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

''(2) the parcel is an undeveloped coastal barrier.''.

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1)—

(I) by striking ''one hundred and eighty'' and inserting ''180''; and

(II) in subparagraph (B), by striking ''shall''; and

(ii) in paragraph (2), by striking ''subsection (d)(1)(B)'' and inserting ''paragraph (1)(B)''; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is amended—

(A) in subsection (b)(2), by striking ''subsection (d) of this section'' and inserting ''section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e))''; and

(B) by striking subsection (f).

(c) ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by inserting after subsection (e) (as added by subsection (b)(1)) the following:

''(f) MAPS.—The Secretary shall—

''(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

''(2) provide a copy of the map to—

''(A) the State and unit of local government in which the property is located;

''(B) the Committees; and

''(C) the Federal Emergency Management Agency; and

''(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.''.

(d) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking ''which shall consist of'' and all that follows and inserting the following: ''which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as those maps may be modified, revised, or corrected under—

''(1) subsection (f)(3);

''(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591); or

''(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.''.

SEC. 4. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(2) (16 U.S.C. 3502(2)), by striking ''refers to the Committee on Merchant Marine and Fisheries'' and inserting ''means the Committee on Resources'';

(2) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking ''Effective October 1, 1983, such'' and inserting ''Such''; and

(3) by repealing section 10 (16 U.S.C. 3509).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is repealed.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10, moved to appear after section 9, and amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary to carry out this Act $2,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 6. DIGITAL MAPPING PILOT PROJECT.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the Director of the Federal Emergency Management Agency, shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(d)).

(2) NUMBER OF UNITS.—The pilot project shall consist of the creation of digital maps for no more than 75 units and no fewer than 50 units of the John H. Chafee Coastal Barrier Resources System (referred to in this section as the ''System''), 1/3 of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)).

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use digital spatial data in the possession of State, local, and Federal agencies including digital orthophotos, and shoreline, elevation, and bathymetric data.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses data referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) ADDITIONAL DATA.—If the Secretary determines that data necessary to carry out the pilot project under this section do not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data required to carry out this section.

(4) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (April 13, 1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by Office of Management and Budget Circular A–16.

(c) DIGITAL MAPS NOT CONTROLLING.—Any determination as to whether a location is inside or outside the System shall be made

without regard to the digital maps created under this section.

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(2) CONTENTS.—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000 for each of fiscal years 2002 through 2004.

SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

(b) REQUIRED ELEMENTS.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts resulting from the avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, coastal barriers protect coastal communities and important aquatic fish and wildlife habitat from the full force of wind, wave and tidal energy. They are prone to shift and move as a result of storm, tides and currents. Despite their vulnerability, these areas are attractive locations to live and are popular vacation destinations.

Congress approved the Coastal Barriers Act in 1982 to protect these areas by establishing a system of barrier units that are not eligible for Federal development assistance, most importantly, Federal flood insurance.

S. 1752 would reauthorize the Coastal Barrier Resource System for 5 years. It requires the Secretary of Interior to undertake a pilot project to create digital maps of the system compatible with geographic information systems, and allows private landowners to voluntarily include property in the system.

The bill is similar to H.R. 1431, which passed the House by more than 300 votes in September of 1999. Unlike H.R. 1441, this bill does not contain any provisions that amend the boundaries of individual coastal barrier resource units or otherwise protected areas.

S. 1752 extends and improves the authorization for the Coastal Barrier Resources Act. It encourages the protection of coastal habitat and coastal communities at no cost to the Federal Government. I strongly urge passage of this important environmental legislation.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume. I also rise in support of S. 1752, the Coastal Barrier Resources Reauthorization Act. The amendments agreed to in conference with the other body improve upon similar legislation passed by the House last year. Of note, this legislation will finally codify the guidelines for determining undeveloped coastal barriers. This action is long overdue and should help clarify future determinations made by the Fish and Wildlife Service.

I am also pleased with the provisions in this legislation that would authorize the voluntary donation of private undeveloped coastal barriers as additions to the Coastal Barrier Resources System. I also believe the digital mapping pilot program authorized by this bill is a very important innovation and first step towards modernizing all coastal barrier maps and improving their accuracy. The Fish and Wildlife Service should be encouraged to expedite the completion of this pilot program.

This legislation is noncontroversial. The Coastal Barrier Resources Act has been effective at protecting both coastal resources and the taxpayer, and I urge all Members to support this bill.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1752.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PALMETTO BEND CONVEYANCE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1474) providing for conveyance of the Palmetto Bend project to the State of Texas.

The Clerk read as follows:

S. 1474

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 ''Palmetto Bend Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PROJECT.—the term ''Project'' means the Palmetto Bend Reclamation Project in the State of Texas authorized under Public Law 90–562 (82 Stat. 999).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Texas, acting through the Texas Water Development Board or the Lavaca-Navidad River Authority or both.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, and subject to the conditions set forth in sections 4 and 5, convey to the State all right, title and interest (excluding the mineral estate) in and to the Project held by the United States.

(b) REPORT.—If the conveyance under Section 3 has not been completed within 1 year and 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of the conveyance;

(2) any obstacles to completion of the conveyance; and

(3) the anticipated date for completion of the conveyance.

SEC. 4. PAYMENT.

(a) IN GENERAL.—As a condition of the conveyance, the State shall pay the Secretary the adjusted net present value of current repayment obligations on the Project, calculated 30 days prior to closing using a discount rate equal to the average interest rate on 30-year United States Treasury notes during the proceeding calendar month, which following application of the State's August 1, 1999 payment, was, as of October 1999, calculated to be $45,082,675 using a discount rate of 6.070 percent. The State shall also pay interest on the adjusted net present value of current repayment obligations from the date of the State's most recent annual payment until closing at the interest rate for constant maturity United States Treasury notes of an equivalent term.

(b) OBLIGATION EXTINGUISHED.—Upon payment by the State under subsection (a), the obligation of the State and the Bureau of Reclamation under the Bureau of Reclamation Contract No. 14–06–500–1880, as amended shall be extinguished. After completion of conveyance provided for in Section 3, the

State shall assume full responsibility for all aspects of operation, maintenance and replacement of the Project.

(c) ADDITIONAL COSTS.—The State shall bear the cost of all boundary surveys, title searches, appraisals, and other transaction costs for the conveyance.

(d) RECLAMATION FUND.—All funds paid by the State to the Secretary under this section shall be credited to the Reclamation Fund in the Treasury of the United States.

SEC. 5. FUTURE MANAGEMENT.

(a) IN GENERAL.—As a condition of the conveyance under section 3, the State shall agree that the lands, water, and facilities of the Project shall continue to be managed and operated for the purposes for which the Project was originally authorized; that is, to provide a dependable municipal and industrial water supply, to conserve and develop fish and wildlife resources, and to enhance recreational opportunities. In future management of the Project, the State shall, consistent with other project purposes and the provision of dependable municipal and industrial water supply:

(1) provide full public access to the Project's lands, subject to reasonable restrictions for purposes of Project security, public safety, and natural resource protection;

(2) not sell or otherwise dispose of the lands conveyed under Section 3;

(3) prohibit private or exclusive uses of lands conveyed under Section 3;

(4) maintain and manage the Project's fish and wildlife resource and habitat for the benefit and enhancement of those resources;

(5) maintain and manage the Project's existing recreational facilities and assets, including open space, for the benefit of the general public;

(6) not charge the public recreational use fees that are more than is customary and reasonable.

(b) FISH, WILDLIFE, AND RECREATION MANAGEMENT.—As a condition of conveyance under Section 3, management decisions and actions affecting the public aspects of the Project (namely, fish, wildlife, and recreation resources) shall be conducted according to a management agreement between all recipients of title to the Project and the Texas Parks and Wildlife Department that has been approved by the Secretary and shall extend for the useful life of the Project.

(c) EXISTING OBLIGATIONS.—The United States shall assign to the State and the State shall accept all surface use obligations of the United States associated with the Project existing on the date of the conveyance including contracts, easements, and any permits or license agreements.

SEC. 6. MANAGEMENT OF MINERAL ESTATE.

All mineral interests in the Project retained by the United States shall be managed consistent with Federal Law and in a manner that will not interfere with the purposes for which the Project was authorized.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Effective on the date of conveyance of the Project, the United States shall be liable for damages of any kind arising out of any act, omission, or occurrence relating to the Project, except for damages caused by acts of negligence committed prior to the date of conveyance by—

(1) the United States; or

(2) an employee, agent, or contractor of the United States.

(b) NO INCREASE IN LIABILITY.—Nothing in this Act increases the liability of the United States beyond that provided for in the Federal Tort Claims Act, (28 U.S.C. 2671 et seq.).

SEC. 8. FUTURE BENEFITS.

(a) DEAUTHORIZATION.—Effective on the date of conveyance of the Project, the Project conveyed under this Act shall be deauthorized.

(b) NO RECLAMATION BENEFITS.—After deauthorization of the Project under subsection (a), the State shall not be entitled to receive any benefits for the Project under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, for the last 6 years, the Subcommittee on Water and Power has pursued legislation to shrink the size and scope of the Federal Government through the defederalization of Bureau of Reclamation assets.

S. 1474 continues the defederalization process by directing the Secretary of Interior to convey as soon as practicable after the date of enactment to the State of Texas, acting through the Texas Water Development Board of the Lavaca-Navidad River, the Palmetto Bend Reclamation Project.

Mr. Speaker, I urge my colleagues to vote aye on this legislation.

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

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

Mr. Speaker, the purpose of this bill is to provide for the conveyance of the Palmetto Bend Project to the State of Texas. This legislation includes a list of six specific management measures the State of Texas must undertake as a condition of the conveyance. Specific conditions relating to fish, wildlife, and recreation management and existing obligations are detailed in the bill. These provisions in S. 1474 provide an important statutory foundation to assure protection of the public aspects of this project.

We have no objections to the enactment of S. 1474.

Mr. PAUL. Mr. Speaker, Lake Texana (The Palmetto Bend Project), is located in my congressional district near Edna in the Texas Gulf Coast area about midway between Corpus Christi and Houston. Lake Texana supplies roughly 75,000 acre/feet per year of municipal and industrial water to a large multicounty area of Texas. The Lake Texana water is directly responsible for creating over 3,000 jobs in the cities of Edna and Victoria, Texas and water sales from the project make it financially self-sufficient.

S. 1474 merely facilitates the early payment of the project's construction costs (discounted, of course, by the amount of interest no longer due as a consequence of early payment) and transfers title of the Palmetto Bend Project to the Texas state authorities. Both the Lavaca Navidad River Authority and Texas Water Development Board concur that an early buy-out and title transfer is extremely beneficial to the economic and operational well-being of the project as well as the Lake Texana water users. The Texas Legislature and Governor George W. Bush have both formally supported the early payment and title transfer.

This bill will save Lake Texana water users as much as $1 million per year as well as provide an immediate infusion of millions of dollars to the national treasury. Additionally, all liability associated with this water project are, under my legislation, assumed by the state of Texas thus further relieving the financial burden of the federal government.

Texas has already demonstrated sound management of this resource. Recreational use of the lake has been well-provided under Texas state management to include provision of a marina, pavilion, playground, and boating docks, all funded without federal money. A woodland bird sanctuary and wildlife viewing area will also be established upon transfer with the assistance of the Texas Parks and Wildlife Department and several environmental organizations.

My thanks go to members and staff of both the Resources committee and the subcommittee on Energy and Water for their continued assistance with this bill as well as Senator HUTCHISON and her staff for working with me to move our bill in the Senate.

Mr. Speaker, I respectfully request my colleague's support for S. 1474 as passed by the Senate.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1474.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

RECOGNIZING LIBERTY MEMORIAL IN KANSAS CITY, MISSOURI, AS NATIONAL WORLD WAR I SYMBOL

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 114) recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I.

The Clerk read as follows:

S. CON. RES. 114

Whereas over 4 million Americans served in World War I, however, there is no nationally recognized symbol honoring the service of such Americans;

Whereas in 1919, citizens of Kansas City expressed an outpouring of support, raising over $2,000,000 in 2 weeks, which was a fundraising accomplishment unparalleled by any

other city in the United States irrespective of population;

Whereas on November 1, 1921, the monument site was dedicated marking the only time in history that the 5 Allied military leaders (Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain) were together at one place;

Whereas during a solemn ceremony on Armistice Day in 1924, President Calvin Coolidge marked the beginning of a 3-year construction project by the laying of the cornerstone of the Liberty Memorial;

Whereas the 217-foot Memorial Tower topped with 4 stone ''Guardian Spirits'' representing courage, honor, patriotism, and sacrifice, rises above the observation deck, making the Liberty Memorial a noble tribute to all who served;

Whereas during a rededication of the Liberty Memorial in 1961, former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed;

Whereas the Liberty Memorial is the only public museum in the United States specifically dedicated to the history of World War I; and

Whereas the Liberty Memorial is internationally known as a major center of World War I remembrance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Liberty Memorial in Kansas City, Missouri, is recognized as a national World War I symbol, honoring those who defended liberty and our country through service in World War I.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, Senate Concurrent Resolution 114 recognizes the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I. The Liberty Memorial, established in 1924 by President Calvin Coolidge, is the only public museum specifically dedicated to those who served in World War I.

Mr. Speaker, I urge my colleagues to support S. Con. Res. 114.

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

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

Mr. Speaker, this concurrent resolution would recognize the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I.

Begun in 1919 and completed in 1927, the Liberty Memorial is a magnificent monument and serves as the only public museum in America dedicated to the First World War.

The Memorial has hosted many distinguished visitors. The dedication ceremony for the site marks the only time in history all 5 allied military commanders from World War I were ever in the same place. President Calvin Coolidge laid the cornerstone for the site in 1924; and the Memorial was rededicated by Presidents Truman and Eisenhower in 1961.

World War I was obviously one of the turning points in American and world history. Formal recognition of this memorial as a symbol of the sacrifice and dedication of the more than 4 million Americans who served in that great war is appropriate. We urge our colleagues to approve this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 114.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

REVIEW OF COSTS OF HIGH ALTITUDE RECOVERIES IN DENALI NATIONAL PARK, ALASKA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 698) to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

The Clerk read as follows:

S. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no later than nine months after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. The report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, S. 698 requires the Secretary of Interior to examine the suitability and feasibility of recovering the costs of high altitude rescues within the Denali National Park and requiring proof of medical insurance for climbing permits.

Every year over a thousand climbers attempt Mt. McKinley in Denali National Park. Climbing the continent's highest peak is extremely dangerous and has involved deaths and daring search and rescue missions.

As a result, Denali accounts for nearly a third of the total costs of rescue activities in the entire park system. In 1998, over $220,000 was spent on one dangerous rescue mission involving six climbers who ignored the Park Service's advice against climbing that mountain.

Given the exceptional costs and risks, many taxpayers believe there should be a way to reimburse the Park Service for rescues.

Basically, the report required under S. 698 will look at a type of insurance policy for the taxpayer against the risk incurred in an inherently dangerous activity. Under S. 698, no permitting requirements will be imposed unless a future Congress decides, based on the findings of the Secretary, that it is appropriate.

This is not a controversial bill, and I urge its passage.

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

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

Mr. Speaker, I rise in support of S. 698, a bill to direct the Secretary of the Interior to do a study related to high altitude rescues of climbers on Mt. McKinley within the Denali National Park in Alaska.

This Senate bill has not had a hearing nor a markup in the Committee on Resources. But since it only requires a report on the subject matter, I am not aware of any major controversy or opposition to the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 698.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's

prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1438) to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

The Clerk read as follows:

S. 1438

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 Law Enforcement Museum Act''.

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term ''Memorial Fund'' means the National Law Enforcement Officers Memorial Fund, Inc.

(2) MUSEUM.—The term ''Museum'' means the National Law Enforcement Museum established under section 4(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) CONSTRUCTION.—

(1) IN GENERAL.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—

(A) the National Law Enforcement Officers Memorial on the north;

(B) the United States Court of Appeals for the Armed Forces on the west;

(C) Court Building C on the east; and

(D) Old City Hall on the south.

(2) UNDERGROUND FACILITY.—The Memorial Fund shall be permitted to construct part of the Museum underground below E Street, NW.

(3) CONSULTATION.—The Museum Fund shall consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) DESIGN REQUIREMENTS.—The Museum shall be designed so that—

(A) there is available for underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall—

(i) an area extending to a line that is at least 57 feet, 6 inches, north of the northernmost facade of Old City Hall and parallel to that facade; plus

(ii) an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that facade;

(B) the underground portion of the Museum has a footprint of not less than 23,665 square feet;

(C) above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall running east to west parallel to Old City Hall;

(D) the aboveground portion of the Museum consists of 2 entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion; and

(E) no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall.

(4) PARKING.—The courts of the District of Columbia and the United States Court of Appeals for the Armed Forces may construct an underground parking structure in the southwest quadrant of United States Reservation #7.

(c) OPERATION AND USE.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) FUNDING VERIFICATION.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to begin construction of the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, first of all, I would like to thank my esteemed colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, for his hard work on this important piece of legislation. Recognition should also go to the gentleman from Colorado (Mr. HEFLEY) for his efforts on a companion House bill. Both of these men are to be congratulated for constructing a commendable piece of legislation which honors our law enforcement officers.

Specifically, S. 1438 would establish a National Law Enforcement Museum adjacent to the National Law Enforcement Officers Memorial in the District of Columbia. This museum would be the most comprehensive law enforcement museum and research facility in the world. The museum assists the public's understanding of the law enforcement profession, as well as increases public awareness and appreciation for the great personal risks law enforcement officers encounter on the job. All funds to construct the museum would come from private donations and would be the responsibility of the National Law Enforcement Memorial Fund, Incorporated.

This is a good piece of legislation that will help honor our Nation's deserving law enforcement officers.

Mr. Speaker, I urge my colleagues to support S. 1438.

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

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

Mr. Speaker, I rise in support of S. 1438. Our Nation's law enforcement officers are truly deserving of a memorial. The National Law Enforcement Officers Memorial is a powerful and poignant reminder of the importance of the service provided by the men and women who serve in law enforcement and the risks that such a career can entail.

This legislation would authorize a private entity to construct and operate a museum adjacent to the existing memorial.

The site for this museum is currently controlled by the District of Columbia and is bounded on all sides by other Federal buildings. As a result, construction of this facility will be complicated, and we have all been concerned that the language in this legislation fails to deal with these complications adequately. However, we do support this museum in concept, and it appears this legislation is the best product we can achieve at this time.

Mr. Speaker, we look forward to working with our colleagues to make this museum a reality and urge adoption of S. 1438.

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of the companion House legislation, I rise in support of S. 1438, to authorize the National Law Enforcement Officers Memorial Fund to establish the National Law Enforcement Museum on Federal land in Washington, D.C.

This bill would build on the foundation laid by Public Law 98–534, which authorized the National Law Enforcement Officers Memorial. That memorial was dedicated in 1991. The memorial was built on Federal property in the District of Columbia by the National Law Enforcement Officers Memorial Fund (Memorial Fund), a non-profit organization. The site is highlighted by the names of more than 15,000 Federal, State, and local law enforcement officers who have died in the line of duty.

The Memorial Fund desires to build a facility to serve as the most comprehensive law enforcement museum and research facility anywhere in the world, and which would be the premiere source of information on issues related to law enforcement history and safety. The museum is intended to complement the existing National Law Enforcement Officers Memorial, and is proposed to be located directly across the street.

Just as the existing memorial reminds us all of the bravery and dedication of our nation's law-enforcement officers, the museum would help to improve public understanding and support for the law enforcement profession. In addition, its research component would serve as a tool for policy makers and law enforcement

trainers in their efforts to make the profession safer and more effective.

S. 1438 authorizes the Memorial Fund to construct the Museum on Federal property that was transferred to the District of Columbia in 1970 for municipal purposes. The property is located on E Street between 4th and 5th Streets, NW, and is currently used as a parking lot for the District of Columbia Courts. All funds used in the construction of the Museum will come from private donations.

S. 1438 was introduced by Colorado's senior Senator, Senator CAMPBELL, and the House companion bill was introduced by Representative HEFLEY. The Resources Committee has approved the House bill. I urge the House to send the Senate bill to the President for signing into law.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1438.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

AUTHORIZING RELOCATION OF HOME OF ALEXANDER HAMILTON

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5478) to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

The Clerk read as follows:

H.R. 5478

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

SECTION 1. RELOCATION AND PRESERVATION OF THE HAMILTON GRANGE IN NEW YORK CITY.

Section 2 of Public Law 87–438, as amended by Public Law 100–701; 102 Stat. 4640; 16 U.S.C. 431 note) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary of the Interior''; and

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

''(b) RELOCATION OF HAMILTON GRANGE.—The Secretary is authorized to acquire by donation from the City of New York, New York, a parcel of land or suitable interests in such land, not to exceed one acre, to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to relocate the Hamilton Grange to such land. The acquired land or interests in land shall be in close proximity to the original location of Hamilton Grange and shall be added to and administered as part of the memorial.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 5478 authorizes the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton. The home is commonly known as the Hamilton Grange.

The bill would also authorize the relocation of the Hamilton Grange to the land acquired. Located in New York City, the Hamilton Grange was dedicated in 1962. The home, at its current location, is bordered by high-rise buildings and is not a suitable location. The City of New York has agreed to donate approximately one acre of land in a small park directly across the street so that the Hamilton home can be moved to a more suitable location.

This bill will protect an important part of early American historical resources, and I urge my colleagues to support H.R. 5478.

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

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

Mr. Speaker, I am pleased to join my colleague, the gentleman from Utah (Chairman HANSEN), in supporting H.R. 5478.

This bill would authorize the National Park Service to move the Hamilton Grange National Memorial from its current location to a nearby city park. The legislation authorizes the Park Service to accept up to one acre of the park as a donation from the City of New York.

Commissioned in the late 1700s and completed in 1802, the Hamilton Grange served as Alexander Hamilton's home until his death. The Grange, named after Hamilton's ancestral home in Scotland, is the only home he ever owned.

Unfortunately, the Park Service was forced to close the Grange due to its deteriorating condition. The site was recently reopened on a limited basis after desperately needed repairs. However, in order for the home to be fully appreciated as it appeared in Hamilton's day, it must be moved from its present location to the nearby park. Such a move is included in the General Management Plan for the site and the City of New York, the National Park Service, local community boards, churches, civic associations, preservationists and other relevant governmental agencies have all expressed their support for this plan.

We, in the Virgin Islands, are proud that we are able to honor Alexander Hamilton in this way, who grew up in my island of St. Croix.

Mr. Speaker, I commend the distinguished gentleman from New York (Mr. RANGEL) for this bill, and I urge our colleagues to approve H.R. 5478.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5478.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

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CALIFORNIA TRAIL INTERPRETIVE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate 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 settling of the western portion of the United States, as amended.

The Clerk read as follows:

S. 2749

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

TITLE I—CALIFORNIA TRAIL INTERPRETIVE CENTER

SEC. 101. SHORT TITLE.

This title may be cited as the ''California Trail Interpretive Act''.

SEC. 102. 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 title 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. 103. DEFINITIONS.

In this title:

(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 104(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. 104. 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 title; 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 title, 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. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $12,000,000.

TITLE II—CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Education Land Grant Act''.

SEC. 202. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this title shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE III—GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA STUDY AREA AND THE CROSSROADS OF THE WEST HISTORIC DISTRICT

SEC. 301. AUTHORIZATION OF STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) GOLDEN SPIKE RAIL STUDY.—The term ''Golden Spike Rail Study'' means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site'', National Park Service, 1993.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STUDY AREA.—The term ''Study Area'' means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) IN GENERAL.—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) CONSULTATION.—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) BOUNDARIES OF STUDY AREA.—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

(e) REPORT.—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. 302. CROSSROADS OF THE WEST HISTORIC DISTRICT.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) DEFINITIONS.—For the purposes of this section:

(1) DISTRICT.—The term ''District'' means the Crossroads of the West Historic District established by subsection (c).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) HISTORIC INFRASTRUCTURE.—The term ''historic infrastructure'' means the District's historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) CROSSROADS OF THE WEST HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) BOUNDARIES.—The boundaries of the District shall be the boundaries depicted on the map entitled ''Crossroads of the West Historic District'', numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) DEVELOPMENT PLAN.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) NON-FEDERAL CONTRIBUTIONS.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) PROVISIONS.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(I) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(II) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $1,000,000 for any fiscal year and not more than $5,000,000 total.

Amend the title so as to read: ''A bill 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, and for other purposes.''.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, S. 2749 would provide for the establishment of an interpretive center in Elko, Nevada. The center would be dedicated to interpreting the history of the development and use of the California Trail in the settling of the West.

This bill also contains a provision that would help small Western communities that lack a suitable land base to afford school facilities because they are hemmed in by nontaxable government lands. This bill would enable these communities, under certain conditions, to purchase parcels of land for school facilities from the Forest Service at a nominal cost. This will allow many of the cash-strapped communities to build more adequate education facilities for their children.

Another provision in this bill authorizes a study assessing the feasibility of establishing the Golden Spike/Crossroads of the West National Heritage Area. It would also establish a Historic District in Ogden, Utah, to preserve and interpret historic features relating to the convergence of the Intercontinental Railway. Preserving the heritage of our Nation's railroads and their influential role in our history is very important for the American people.

Mr. Speaker, I strongly urge my colleagues to support S. 2749, with an amendment.

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

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

Mr. Speaker, S. 2749 is a Senate-passed measure, introduced by Senator HARRY REID, that authorizes the Secretary of the Interior, acting through the Director of the Bureau of Land Management, to plan, construct, and operate a visitor center along the California National Historic Trail near the city of Elko, Nevada.

The administration supports S. 2749. In addition, there is significant local interest and support for the interpretive center as well. It is our understanding that non-Federal funds totaling $6 million have already been committed to the project.

Mr. Speaker, the majority has also added two extraneous bills to S. 2749. The first is language from H.R. 150 regarding making land available for public schools. The second is the House-passed version of H.R. 2932 dealing with the Golden Spike/Crossroads of the West.

Mr. Speaker, we support this bill, and we urge its passage.

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

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), who also authored companion legislation to this legislation.

Mr. GIBBONS. Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN), my friend and colleague, the distinguished chairman of the Subcommittee on Parks and Public Land; and I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, as well as the gentleman from California (Mr. GEORGE MILLER), the ranking member, for allowing this bill to come to the floor today.

The 19th century westward emigration on the California National Historic Trail, which occurred from 1840 until the completion of the Transcontinental Railroad in 1869, was an important cultural and historical era in the settlement of the West. This influx of settlers contributed to the development of lands in the western

United States by Americans and immigrants and to the prevention of colonization of the West Coast by Russia and the British Empire. More than 300,000 settlers traveled the California Trail and many documented their amazing experiences in detailed journals. In Nevada, Elko County alone contains over 435 miles of National Historic Trails.

Mr. Speaker, recognition and interpretation of the pioneer experience on the Trail is appropriate in light of Americans' strong interest in understanding our national and cultural heritage.

This act authorizes the planning, construction, and operation of a visitor center. The cooperative parties include the State of Nevada, the Advisory Board for the National Historic California Emigrant Trails Interpretive Center, Elko County and the City of Elko, and the Bureau of Land Management, just to name a few.

This interpretive center will be located near the city of Elko in the northeastern part of Nevada. The location is the junction of the California Trail and the Hastings Cutoff.

Mr. Speaker, the ill-fated Reed-Donner party spent an additional 31 days meandering over the so-called Hastings Cutoff route; precious time wasted that kept them from crossing the Sierra Nevada before the deadly winter of 1846 struck, taking most of their lives.

This act will recognize the California Trail, including the Hastings Cutoff, for its national historical and cultural significance through the construction of an interpretive facility devoted to the vital role of pioneer trails in the West in the development of the United States. I would ask the House to support this bill and pass Senate bill 2749.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2749, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5375) to establish the Erie Canalway National Heritage Corridor in the State of New York, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5375

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

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Erie Canalway National Heritage Corridor Act''.

(b) DEFINITIONS.—For the purposes of this Act, the following definitions shall apply:

(1) ERIE CANALWAY.—The term ''Erie Canalway'' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga and Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.

(2) CANALWAY PLAN.—The term ''Canalway Plan'' means the comprehensive preservation and management plan for the Corridor required under section 6.

(3) COMMISSION.—The term ''Commission'' means the Erie Canalway National Heritage Corridor Commission established under section 4.

(4) CORRIDOR.—The term ''Corridor'' means the Erie Canalway National Heritage Corridor established under section 3.

(5) GOVERNOR.—The term ''Governor'' means the Governor of the State of New York.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The year 2000 marks the 175th Anniversary of New York State's creation and stewardship of the Erie Canalway for commerce, transportation, and recreational purposes, establishing the network which made New York the ''Empire State'' and the Nation's premier commercial and financial center.

(2) The canals and adjacent areas that comprise the Erie Canalway are a nationally significant resource of historic and recreational value, which merit Federal recognition and assistance.

(3) The Erie Canalway was instrumental in the establishment of strong political and cultural ties between New England, upstate New York, and the old Northwest and facilitated the movement of ideas and people ensuring that social reforms like the abolition of slavery and the women's rights movement spread across upstate New York to the rest of the country.

(4) The construction of the Erie Canalway was considered a supreme engineering feat and most American canals were modeled after New York State's canal.

(5) At the time of construction, the Erie Canalway was the largest public works project ever undertaken by a State, resulting in the creation of critical transportation and commercial routes to transport passengers and goods.

(6) The Erie Canalway played a key role in turning New York City into a major port and New York State into the preeminent center for commerce, industry, and finance in North America and provided a permanent commercial link between the Port of New York and the cities of eastern Canada, a cornerstone of the peaceful relationship between the two countries.

(7) The Erie Canalway proved the depth and force of American ingenuity, solidified a national identity, and found an enduring place in American legend, song, and art.

(8) There is national interest in the preservation and interpretation of the Erie Canalway's important historical, natural, cultural, and scenic resources.

(9) Partnerships among Federal, State, and local governments and their regional entities, nonprofit organizations, and the private sector offer the most effective opportunities for the preservation and interpretation of the Erie Canalway.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To designate the Erie Canalway National Heritage Corridor.

(2) To provide for and assist in the identification, preservation, promotion, maintenance and interpretation of the historical, natural, cultural, scenic, and recreational resources of the Erie Canalway in ways that reflect its national significance for the benefit of current and future generations.

(3) To promote and provide access to the Erie Canalway's historical, natural, cultural, scenic, and recreational resources.

(4) To provide a framework to assist the State of New York, its units of local government, and the communities within the Erie Canalway in the development of integrated cultural, historical, recreational, economic, and community development programs in order to enhance and interpret the unique and nationally significant resources of the Erie Canalway.

(5) To authorize Federal financial and technical assistance to the Commission to serve these purposes for the benefit of the people of the State of New York and the Nation.

SEC. 3. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—To carry out the purposes of this Act, there is established the Erie Canalway National Heritage Corridor in the State of New York.

(b) BOUNDARIES.—The boundaries of the Corridor shall include those lands generally depicted on the map entitled ''Erie Canalway National Heritage Area'' numbered ERIE/80,000 and dated October 2000. This map shall be on file and available for public inspection in the appropriate office of the National Park Service, the office of the Commission, and the office of the New York State Canal Corporation in Albany, New York.

(c) OWNERSHIP AND OPERATION OF THE NEW YORK STATE CANAL SYSTEM.—Nothing in this Act shall be construed to alter the ownership, operation, or management of the New York State Canal System.

SEC. 4. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is established the Erie Canalway National Heritage Corridor Commission. The purposes of the Commission are as follows:

(1) To work with Federal, State, and local authorities to develop and implement the Canalway Plan.

(2) To foster the integration of canal-related historical, cultural, recreational, scenic, economic, and community development initiatives within the Corridor.

(b) MEMBERSHIP.—The Commission shall be composed of 27 members as follows:

(1) The Secretary, as an ex-officio member, or the Secretary's designee.

(2) 7 members or designees, each of whom represents 1 of the following or their successors:

(A) The New York State Secretary of State.

(B) The Commissioners of the following:

(i) The New York State Department of Environmental Conservation.

(ii) The New York State Office of Parks, Recreation and Historic Preservation.

(iii) The New York State Department of Agriculture and Markets.

(iv) The New York State Department of Transportation.

(C) The Chairperson of the New York State Canal Corporation.

(D) The Chairperson of the Empire State Development Corporation.

(3) The remaining 19 members who reside within the Corridor and are geographically dispersed throughout the Corridor shall be from local governments and the private sector with knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resource management, conservation, recreation, and education or museum services. These members will be appointed by the Governor no later than 6 months after the date of enactment of this Act as follows:

(A) One member from each of the United States Congressional districts which are part of the Corridor. The appointment for each district shall be based on recommendations from the member of the United States House of Representatives for that district. Each person appointed to the Commission under this subparagraph shall be a resident of the district from which they shall be recommended.

(B) 2 members based on recommendations from each United States Senator from New York State.

(C) The remainder of the 19 members shall be residents of any county in which the Corridor is located. One such member shall be a member of the Canal Recreationway Commission other than an ex-officio member.

(c) APPOINTMENTS AND VACANCIES.—Except for original appointment, members of the Commission, other than ex-officio members, shall be appointed for terms of 3 years. Of the original appointments, 6 shall be for a term of 1 year, 6 shall be for a term of 2 years, and 7 shall be for a term of 3 years. Any member of the Commission appointed for a definite term may serve after expiration of the term until the successor of the member is appointed. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. –

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. Members of the Commission, other than employees of the State and Canal Corporation, while away from their homes or regular places of business to perform services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed under section 5703 of title 5, United States Code.

(e) ELECTION OF OFFICERS.—The Commission shall elect the chairperson and the vice chairperson on an annual basis. The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(f) QUORUM AND VOTING.—14 members of the Commission shall constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission; however, any member voting by proxy shall not be considered present for purposes of establishing a quorum. For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(g) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or 14 of its members. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers throughout the Corridor. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(h) POWERS OF THE COMMISSION.—To the extent that Federal funds are appropriated under section 10(a), the Commission is authorized to do the following:

(1) Procure temporary and intermittent services and administrative facilities at rates determined to be reasonable by the Commission to carry out the responsibilities of the Commission.

(2) Request and accept the services of personnel detailed from the State of New York or any political subdivision, and to reimburse the State or political subdivision for such services.

(3) Request and accept the services of any Federal agency personnel, and to reimburse the Federal agency for such services.

(4) Appoint and fix the compensation of staff to carry out its duties.

(5) Enter into cooperative agreements with Federal agencies, the State of New York, with any political subdivision of the State, or any person for the purposes of carrying out the duties of the Commission.

(6) Make grants to assist in the preparation and implementation of the Canalway Plan.

(7) Seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services, received from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(8) Assist others in developing educational, informational, and interpretive programs and facilities and other such activities that may promote the implementation of the Canalway Plan.

(9) Hold hearings, sit, and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

(10) Use the United States mails in the same manner as other departments or agencies of the United States.

(11) Request and receive from the Administrator of General Services, on a reimbursable basis, such administrative support services as the Commission may request.

(12) Establish such advisory groups as the Commission deems necessary.

(i) ACQUISITION OF PROPERTY.—Except as provided for leasing administrative facilities under subsection (h)(1), the Commission may not acquire any real property or interest in real property.

(j) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the date of the enactment of this Act.

SEC. 5. DUTIES OF THE COMMISSION.

(a) PREPARATION OF CANALWAY PLAN.—Not later than 3 years after the Commission receives Federal funding under section 10(a), the Commission shall prepare and submit a comprehensive preservation and management Canalway Plan for the Corridor to the Secretary and the Governor for review and approval. In addition to the requirements outlined for the Canalway Plan in section 6, the Canalway Plan shall incorporate and integrate existing Federal, State, and local plans to the extent appropriate regarding historic preservation, conservation, education and interpretation, community development, and tourism-related economic development for the Corridor that are consistent with the purposes of this Act. The Commission shall solicit public comment on the development of the Canalway Plan.

(b) IMPLEMENTATION OF CANALWAY PLAN.—After the Commission receives Federal funding under section 10(a), and after review and upon approval of the Canalway Plan by the Secretary and the Governor, the Commission shall—

(1) undertake actions to implement the Canalway Plan so as to assist the people of the State of New York in enhancing and interpreting the historical, cultural, educational, natural, scenic, and recreational potential of the Corridor identified in the Canalway Plan; and

(2) support public and private efforts in conservation and preservation of the Canalway's cultural and natural resources and economic revitalization consistent with the goals of the Canalway Plan.

(c) PRIORITY ACTIONS.—Priority actions which may be carried out by the Commission under subsection (b) include the following:

(1) Assisting in the appropriate preservation treatment of the remaining elements of the original Erie Canal.

(2) Assisting the National Park Service, the State, local governments, or nonprofit organizations in designing, establishing, and maintaining visitor centers, museums, and other interpretive exhibits in the Corridor.

(3) Assisting in the public awareness and appreciation for the historic, cultural, natural, scenic, and recreational resources and sites in the Corridor.

(4) Assisting the State of New York, local governments, and nonprofit organizations in the preservation and restoration of any historic building, site, or district in the Corridor.

(5) Encouraging, by appropriate means, enhanced economic development in the Corridor consistent with the goals of the Canalway Plan and the purposes of this Act.

(6) Ensuring that clear, consistent signs identifying access points and sites of interest are put in place in the Corridor.

(d) ANNUAL REPORTS AND AUDITS.—For any year in which Federal funds have been received under this Act, the Commission shall submit an annual report and shall make available an audit of all relevant records to the Governor and the Secretary identifying its expenses, any income, the entities to which any grants or technical assistance were made during the year for which the report was made, and contributions by other parties toward achieving Corridor purposes.

SEC. 6. CANALWAY PLAN.

(a) CANALWAY PLAN REQUIREMENTS.—The Canalway Plan shall—

(1) include a review of existing plans for the Corridor, including the Canal Recreationway Plan and Canal Revitalization Program, and incorporate those plans, to the extent feasible, to ensure consistency with local, regional, and State planning efforts;

(2) provide a strategy for and conduct a thematic inventory, survey, and evaluation of historic properties that should be conserved, restored, developed, or maintained because of their natural, cultural, or historic significance within the Corridor in accordance with the regulations for the National Register of Historic Places;

(3) identify public and private sector preservation goals and strategies for the Corridor;

(4) include a comprehensive interpretive plan that identifies, develops, supports, and enhances interpretation and education programs within the Corridor that may include—

(A) research related to the construction and history of the canals and the cultural heritage of the canal workers, their families, those that traveled along the canals, the associated farming activities, the landscape, and the communities;

(B) documentation of and methods to support the perpetuation of music, art, poetry, literature, and folkways associated with the canals; and

(C) educational and interpretive programs related to the Erie Canalway developed in

cooperation with State and local governments, educational institutions, and nonprofit institutions;

(5) include a strategy to further the recreational development of the Corridor that will enable users to uniquely experience the canal system;

(6) include programs designed to adequately protect, interpret, and promote the Corridor's significant historical, cultural, recreational, educational, scenic, and natural resources;

(7) include an inventory of canal-related natural, cultural, and historic sites and resources located in the area;

(8) recommend Federal, State, and local strategies and policies to support economic development, especially tourism-related development and recreation, consistent with the purposes of the Corridor;

(9) develop criteria and priorities for financial preservation assistance;

(10) identify and foster strong cooperative relationships between the National Park Service, the New York State Canal Corporation, other Federal and State agencies, and nongovernmental organizations;

(11) recommend specific areas for development of interpretive, educational, and technical assistance centers associated with the Corridor; and

(12) contain a program for implementation of the Canalway Plan by all necessary parties.

(b) APPROVAL OF THE CANALWAY PLAN.—The Secretary and the Governor shall approve or disapprove the Canalway Plan not later than 90 days after receiving the Canalway Plan.

(c) CRITERIA.—The Secretary may not approve the plan unless the Secretary finds that the plan, if implemented, would adequately protect the significant historical, cultural, natural, and recreational resources of the Corridor and, consistent with such protection, provide adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor. In determining whether or not to approve the Canalway Plan, the Secretary shall consider whether—

(1) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the Canalway Plan; and

(2) the Secretary has received adequate assurances from the Governor and appropriate State officials that the recommended implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the Canalway Plan and such program will ensure effective implementation of State and local aspects of the Canalway Plan.

(d) DISAPPROVAL OF CANALWAY PLAN.—If the Secretary or the Governor does not approve the Canalway Plan, the Secretary or the Governor shall advise the Commission in writing within 90 days the reasons therefor and shall indicate any recommendations for revisions. Following completion of any necessary revisions of the Canalway Plan, the Secretary and the Governor shall have 90 days to either approve or disapprove the revised Canalway Plan.

(e) AMENDMENTS TO CANALWAY PLAN.—The Secretary and the Governor shall review substantial amendments to the Canalway Plan. Funds appropriated pursuant to this Act may not be expended to implement changes made by such amendments until the Secretary and the Governor approve the amendments.

SEC. 7. DUTIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is authorized to assist the Commission in the preparation of the Canalway Plan with a focus on the comprehensive interpretive plan as required under section 6(a)(4).

(b) TECHNICAL ASSISTANCE.—Pursuant to an approved Canalway Plan, the Secretary is authorized to enter into cooperative agreements with, provide technical assistance to, and award grants to the Commission to provide for the preservation and interpretation of the natural, cultural, historical, recreational, and scenic resources of the Corridor, if requested by the Commission.

(c) EARLY ACTIONS.—Prior to approval of the Canalway Plan, with the approval of the Commission, the Secretary may provide technical, planning, and financial assistance for early actions that are important to the purposes of this Act and that protect and preserve resources and to undertake an educational and interpretive program of the story and history of the Erie Canalway.

(d) CANALWAY PLAN IMPLEMENTATION.—Upon approval of the Canalway Plan, the Secretary is authorized to implement those activities that the Canalway Plan has identified as the responsibility of the Secretary or agent of the Secretary to undertake in the implementation of the Canalway Plan.

(e) DETAIL.—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties with regard to the preparation and approval of the Canalway Plan. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(f) REPORT.—Not later than 2 years after the approval of the Canalway Plan, the Secretary shall submit to Congress a report recommending whether the educational and interpretive sites identified by the Commission meet the criteria for designation as a unit of the National Park System as required by Public Law 105–391 (112 Stat. 3501; 16 U.S.C. 1a–5 note).

SEC. 8. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting any activity directly affecting the Corridor, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities, may—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the Canalway Plan unless the Federal entity, after consultation with the Secretary and the Commission, determines there is no practicable alternative.

SEC. 9. SAVINGS PROVISIONS.

(a) AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) ZONING OR LAND USE.—Nothing in this Act shall be construed to grant powers of zoning or land use to the Commission.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY.—Nothing in this Act shall be construed to affect, or to authorize the Commission to interfere with—

(1) the rights of any person with respect to private property;

(2) any local zoning ordinance or land use plan of the State of New York or political subdivision thereof; or

(3) any State or local canal-related development plans, including but not limited to the Canal Recreationway Plan and the Canal Revitalization Program.

(d) FISH AND WILDLIFE.—The designation of the Corridor shall not diminish the authority of the State of New York to manage fish and wildlife, including the regulation of fishing and hunting within the Corridor.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) CORRIDOR.—

(A) IN GENERAL.—There is authorized to be appropriated for the Corridor not more than $1,000,000 for any fiscal year, to remain available until expended. Not more than a total of $10,000,000 may be appropriated for the Corridor under this Act.

(B) MATCHING REQUIREMENT.—Federal funding provided under this paragraph may not exceed 50 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(2) COMMISSION.—In addition to the sums authorized under paragraph (1) and subsection (b), there is authorized to be appropriated to the Commission not more than $250,000 annually to carry out the duties of the Commission.

(b) OTHER FUNDING.—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary such sums as are necessary for the Secretary to undertake interim actions the Secretary is authorized to undertake and that are necessary for the Secretary to implement the responsibilities of the Department of the Interior outlined in the Canalway Plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 5375, introduced by the gentleman from New York (Mr. WALSH), establishes the Erie Canalway National Heritage Corridor in the State of New York. The Erie Canal, first established 175 years ago, created critical transportation of commercial routes and led to the development and settling of New York.

Mr. Speaker, H.R. 5375 would also create the Erie Canalway Corridor Commission as the management entity for the canalway, the membership of which would be comprised of Federal, State and local agencies and governments. The commission is responsible for developing and implementing a management plan which will provide for an inventory and evaluation of the historic properties within the corridor and also provide educational and interpretive programs for the public to enjoy the canalway's resources.

Establishment of the corridor will not affect any other governmental authority nor grant powers of zoning or land use to the Commission. Furthermore, ownership, management, and maintenance of the New York State Canal System will not be altered by establishing the corridor.

Mr. Speaker, this is a good piece of legislation; and I urge my colleagues to support H.R. 5375.

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

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

Mr. Speaker, H.R. 5375 would designate the 524 mile Erie Canalway National Heritage Corridor in New York. We oppose this bill for substantive and procedural reasons.

Mr. Speaker, H.R. 5375 was introduced less than 3 weeks ago. It has had no hearings or markups in either the House or the Senate. Yesterday, the Department of the Interior sent up a letter expressing their serious concerns with H.R. 5375 as currently written, and I will include the letter in the RECORD.

Three serious problems were pointed out, Mr. Speaker: first, the bill calls for a commission with members appointed by the governor that would have full Federal commission status in terms of funding, roles, and responsibilities. This is not how we designate management entities for heritage areas. Further, it is a violation of the appointments clause of the Constitution which requires Federal officials to be appointed by a Federal officer.

Second, the bill has the National Park Service involved in designing, establishing, and operating visitor centers, museums, and interpretive exhibits. This is not an appropriate role for the agency. We have not provided such authority for any other heritage area. The National Park Service has neither the funds nor the manpower when the needs of the national parks are so great.

Third, the bill contains open-ended funding authority for the Secretary, which opens the door for a future significant infusion of Federal funds. The bill's sponsor was warned of these problems, even before the bill was introduced, but chose to go forward without correcting these serious matters.

Mr. Speaker, for this reason, we oppose this bill and urge a ''no'' vote.

UNITED STATES DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY,

Washington, DC, October 23, 2000.

Hon. JAMES V. HANSEN,

Chairman, Subcommittee on National Parks and Public Lands, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in reference to H.R. 5375, the ''Erie Canalway National Heritage Corridor Act'', introduced by Representative James Walsh on October 3, 2000. It has come to our attention that the Committee on Resources will bring this bill to the House floor today. The Department of the Interior has some serious concerns with the bill as introduced and revised. There have not been any congressional hearings on this bill at which the Department would have had the opportunity to testify and offer amendments. If the bill were amended to address our concerns, the Department would be able to support this legislation.

Under a 1995 Congressional directive, the National Park Service undertook a special resource study on the 524-mile long Erie Canalway in New York State. The study found that the Erie Canalway was nationally significant and deserved Federal recognition. In the December 1999 transmittal letter to this Committee accompanying the special resource study, the National Park Service recommended that the management entity be a commission appointed by the Secretary of the Interior based upon state and local recommendations. If requested by the commission, the National Park Service could offer planning and technical assistance.

The Department has serious concerns with H.R. 5375, as written, in three different areas. First, the bill calls for a commission with members appointed by the Governor that would still retain full Federal commission status in terms of funding, roles, and responsibilities. For example, in Section 4, the commission would have access to administrative services from the General Services Administration and the United States mails in the same manner as a Federal commission. This apparently would be in violation of the Appointments Clause of the Constitution, which requires Federal officials to be appointed by a Federal officer. The Department also is concerned with the precedent this hybrid model would set for future commissions.

Second, the National Park Service does not have funds in its budget to construct visitor centers, museums or interpretive exhibits in heritage areas. Section 5(c)(2) could be interpreted to direct the National Park Service to construct and staff these centers, which is not an appropriate role for the agency in a non-park service unit. Section 7 states that prior to a Canalway Plan being approved, the Secretary may provide financial assistance to undertake educational and interpretive programs. The Department believes that National Park Service role should be limited to providing planning and technical assistance in the development of the Canalway Plan. The Plan would determine any additional role for the National Park Service in the heritage corridor and would be subject to the approval of the Secretary.

Third, the open-ended funding authority in Section 10(b) that does not contain a ceiling on total funds authorized for this heritage area could be used to fund unlimited early action items from Section 7(c) including educational and interpretive centers and the provision of park rangers to provide services. Such decisions are premature pending completion of the Canalway Plan. Funding authorized by this section should be limited to technical and planning assistance only.

Attached is a list of proposed amendments to H.R. 5375. If these amendments were adopted, the Department could support passage of the bill.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to the Congress.

Sincerely,

STEPHEN C. SAUNDERS,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Enclosure.

SUGGESTED AMENDMENTS TO H.R. 5375, ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

H.R. 5375 calls for a hybrid commission with members appointed by the Governor, but with full federal commission authorities, funding and roles. The 1998 Special Resource Study and accompanying letter on the Erie Canalway recommended that the management entity be a federal commission with the members appointed by the Secretary of the Interior based upon state and local recommendations. This is the National Park Service preferred alternative.

If H.R. 5375 is rewritten to include a commission with members appointed by the Secretary (i.e. a federal commission) then we offer the following amendments to the bill. Note: We are referencing the revised bill from October 13, 2000.

On p. 5, line 15, strike ''entitled ''Boundaries of Canalway Communities'' numbered ERCA and dated .'' and insert ''entitled ''ERIE CANALWAY NATIONAL HERITAGE AREA'' numbered ERIE/80,000 and dated OCTOBER 2000.''

On p. 5, line 22, strike ''Nothing in this Act shall be construed to alter the ownership, operations, or management of the New York State Canal System,'' and insert ''The New York Canal System shall continue to be owned, operated, and managed by the State of New York.''

On p. 6, line 17, strike ''7 members, each of whom represents 1'' and insert ''7 members, appointed by the Secretary after consideration of recommendations submitted by the Governor and other appropriate officials, with knowledge and experience''.

On p. 7, line 17, strike ''Governor no later than 6 months after the date of enactment of this Act'' and insert ''Secretary''.

On p. 13, line 24, strike ''the National Park Service,''.

On p. 17, line 16, strike ''and the Governor''.

On p. 18, line 16, strike ''or the Governor''.

On p. 18, line 17, strike ''or the Governor''.

On p. 18, line 21, strike ''and the Governor''.

On p. 18, line 25, strike ''and the Governor''.

On p. 19, line 3, strike ''and the Governor approve'' and insert ''approves''.

On p. 19, line 8, strike ''Plan with a focus on the comprehensive interpretive plan as required under section 6(a)(4).'' and insert ''Plan.''.

On p. 19, line 19, strike ''technical, planning, and financial'' and insert ''technical and planning''.

On p. 19, line 21, strike ''resources and to undertake an educational and interpretive program of the story and history of the Erie Canalway.'' and insert ''resources.''.

On p. 20, line 14, strike subsection (f).

On p. 22, line 19, strike ''year, to remain available until expended.'' and insert ''year.''.

On p. 23, line 5, strike subsection 10(a)(2) and renumber the rest of the subsection accordingly.

On p. 23, line 13, strike ''for the Secretary'' until the end of the subsection and insert ''for planning and technical assistance.''.

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

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New York (Mr. WALSH), the author of this legislation.

Mr. WALSH. Mr. Speaker, I thank the distinguished chairman for yielding time and for his strong support and encouragement and advice throughout this process. I would also like to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, for his help in bringing this bill forward, and also the gentleman from California (Mr. GEORGE MILLER), the ranking member, who has been very helpful.

Mr. Speaker, I rise today in strong support of H.R. 5375, a bill that will establish the Erie Canalway as a National Heritage Corridor. This bill is the culmination of years of hard work and dedication by the National Park Service and the State of New York, and dedication by Senators MOYNIHAN and SCHUMER, as well as virtually the entire upstate New York delegation has

indicated their strong support for this measure. In fact, Senator MOYNIHAN has indicated he envisions this bill as part of his congressional legacy. This will probably be the last bill that Senator MOYNIHAN will have his name associated with as it passes the Senate, and he would like very much to have this bill signed into law before he leaves office. Furthermore, there is broad-based local enthusiasm and interest throughout the State for a Federal designation of the Erie Canalway system and local participation in the development of an Erie Canalway plan is a critical component of this legislation.

In 1995, at the request of Senator MOYNIHAN and myself, Congress directed the National Park Service to determine whether the Erie Canalway system merited Federal designation as a National Heritage Corridor. In 1998, the National Park Service study concluded that the Erie Canalway is an outstanding resource of great significance to the Nation and that it clearly merited Federal designation as a National Heritage Corridor. In response to this overwhelming support for some type of Federal designation for the Erie Canalway system, I worked closely with the National Park Service and the State of New York throughout the 106th Congress to craft legislation that balances the State's need to preserve its outstanding ongoing management activities of the canal with the creation of a Federal management framework that assists the State and local communities throughout the canalway in their development of integrated cultural, historical, recreational, economic, and community development activities.

Mr. Speaker, H.R. 5375 was introduced on October 3 this year after several months of detailed negotiations with the National Park Service and the State of New York. The bill would designate the canal as a heritage corridor and would establish a 27-member commission that would be empowered to develop a comprehensive preservation and management canalway plan for the corridor within 3 years.

Critical to the success of this commission is the fact that there will be broad-based local participation and involvement in the commission as each Member of Congress who represents the corridor will be able to appoint a local representative to the commission. This commission will develop a plan that enhances the historical, cultural, educational, natural, scenic, and recreational potential of the corridor in a way that complements the ongoing significant State role in preserving and protecting the Erie Canalway system.

Mr. Speaker, the State of New York built this canal. It is what helped us to populate the western reaches of our State, indeed, the western reaches of the then-settled United States. The State still maintains the canal at an expense of approximately $60 million per year; and they have done a very, very excellent job of keeping it in operating order. Therefore, the governor needs to have the appointment authority, and I think most reasonable people would agree.

What I envision coming out of this bill is a joint Federal-State cooperative effort where the National Park Service would provide necessary technical and financial assistance for education, interpretation, historic preservation, planning and recreational trail development and open space conservation, while the State of New York would maintain its ongoing operational management and maintenance of the Erie Canalway system. The system was the preeminent transportation corridor for the latter part of the 18th through the 20th century. Its role in American history is well documented. Therefore, I believe Federal designation is essential to preserve and maintain and interpret the canalway system in ways to reflect its importance and significance.

Mr. Speaker, this bill has broad-based bipartisan support, and I urge my colleagues to adopt this measure so that we can continue to protect the canalway system for future generations.

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

Mr. LAFALCE. Mr. Speaker, I thank the gentlewoman for yielding me this time. It is an honor to be here today in support of this bill that I have had the pleasure of cosponsoring, along with the gentleman from New York (Mr. WALSH) and a number of others that we have worked closely with over the years. The Erie Canal has a great history. The Erie Canal has a great future. That great future, though, depends in large part on what we do to recognize the past, to herald it, and to build a corridor along the canal so that residents of New York State and residents of the world can come and not only see and observe, but enjoy the Erie Canal.

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A good many individuals of both the Democratic and Republican Party have attempted to enhance the Erie Canal Corridor over the years. Certainly Governor Pataki, but most especially, too, I think the Secretary of Housing and Urban Development, Andrew Cuomo. He took what was known as the Small Cities Development Block Grant program and tried to use it within the State of New York to embellish the corridor by coming up with the canal corridor initiative.

The Canal Corridor initiative was basically an idea to use these small cities' monies to leverage additional assistance from both the public and private sector, to leverage that assistance by utilizing for the first time on a Federal level the Small Cities program and the section 108 program, which will enable communities to draw down against future monies to work in concert for the first time in a very cooperative fashion with the Department of Agriculture and their rural development administration. That has worked extremely successfully.

In my congressional district, for example, whether one is in North Tonawanda or Lockport or Medina or Albion or Holley or Spencerport, one can see the results of the canal corridor initiative, and we have just started.

Passage of today's bill establishing an Erie Canalway National Heritage Corridor will be a great step forward in further embellishing that corridor and helping to serve as both an economic and recreational catalyst for that region of New York State.

So I urge everyone to support this very fine bill.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5375, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1752, S. 1474, S. Con. Res. 114, S. 698, S. 1438, H.R. 5478, S. 2749 and H.R. 5375.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 426

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 426.

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

There was no objection.

OLDER AMERICANS ACT AMENDMENTS OF 2000

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 782) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003, as amended.

The Clerk read as follows:

H.R. 782

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 ''Older Americans Act Amendments of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965
Sec. 101. Definitions.
TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987
Subtitle A—Amendments to Title II of the Older Americans Act of 1965
Sec. 201. Functions of assistant secretary.
Sec. 202. Federal agency consultation.
Sec. 203. Evaluation.
Sec. 204. Reports.
Sec. 205. authorization of appropriations.
Subtitle B—Amendments to the Older Americans Act Amendments of 1987
Sec. 211. White house conference.
TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965
Sec. 301. Purpose.
Sec. 302. Authorization of appropriations.
Sec. 303. Allotment; Federal share.
Sec. 304. Organization.
Sec. 305. Area plans.
Sec. 306. State plans.
Sec. 307. Planning, coordination, evaluation, and administration of State plans.
Sec. 308. Availability of disaster relief funds to tribal organizations.
Sec. 309. Nutrition services incentive program.
Sec. 310. Consumer contributions and waivers.
Sec. 311. Supportive services and senior centers.
Sec. 312. Nutrition services.
Sec. 313. Nutrition requirements.
Sec. 314. In-home services and additional assistance.
Sec. 315. Definition.
Sec. 316. National family caregiver support program.
TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS
Sec. 401. Projects and programs
TITLE V—AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965
Sec. 501. Amendment to title v of the older americans act of 1965.
TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965
Sec. 601. Eligibility.
Sec. 602. Applications.
Sec. 603. Authorization of appropriations.
Sec. 604. General provisions.
TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965
Sec. 701. Authorization of appropriations.
Sec. 702. Allotment.
Sec. 703. Additional State plan requirements.
Sec. 704. State long-term care ombudsman program.
Sec. 705. Prevention of elder abuse, neglect, and exploitation.
Sec. 706. Assistance programs.
Sec. 707. Native american programs.
TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS
Sec. 801. Technical and conforming amendments.

TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965

SEC. 101. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (3), by striking ''the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.'' and inserting ''and the Commonwealth of the Northern Mariana Islands.'';

(2) by striking paragraph (12) and inserting the following:

''(12) The term 'disease prevention and health promotion services' means—

''(A) health risk assessments;

''(B) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, and nutrition screening;

''(C) nutritional counseling and educational services for individuals and their primary caregivers;

''(D) health promotion programs, including but not limited to programs relating to prevention and reduction of effects of chronic disabling conditions (including osteoporosis and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

''(E) programs regarding physical fitness, group exercise, and music therapy, art therapy, and dance-movement therapy, including programs for multigenerational participation that are provided by—

''(i) an institution of higher education;

''(ii) a local educational agency, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

''(iii) a community-based organization;

''(F) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

''(G) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

''(H) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(I) medication management screening and education to prevent incorrect medication and adverse drug reactions;

''(J) information concerning diagnosis, prevention, treatment, and rehabilitation concerning age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, diabetes, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;

''(K) gerontological counseling; and

''(L) counseling regarding social services and followup health services based on any of the services described in subparagraphs (A) through (K).

The term shall not include services for which payment may be made under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).'';

(3) by striking paragraph (18) and redesignating paragraphs (19), (20), (21), and (22) as paragraphs (18), (19), (20), and (21);

(4) by striking paragraphs (19) and (20) (as redesignated) and inserting the following:

''(19) The term 'in-home services' includes—

''(A) services of homemakers and home health aides;

''(B) visiting and telephone reassurance;

''(C) chore maintenance;

''(D) in-home respite care for families, and adult day care as a respite service for families;

''(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under another program (other than a program carried out under this Act);

''(F) personal care services; and

''(G) other in-home services as defined—

''(i) by the State agency in the State plan submitted in accordance with section 307; and

''(ii) by the area agency on aging in the area plan submitted in accordance with section 306.

''(20) The term 'Native American' means—

''(A) an Indian as defined in paragraph (5); and

''(B) a Native Hawaiian, as defined in section 625.'';

(5) by striking paragraph (23) and redesignating paragraphs (24) through (35) as paragraphs (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), and (33);

(6) by striking paragraph (36) and redesignating the remaining paragraphs; and

(7) by adding at the end the following:

''(42) The term 'family violence' has the same meaning given the term in the Family Violence Prevention and Services Act (42 U.S.C. 10408).

''(43) The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).''.

TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987

Subtitle A—Amendments to Title II of the Older Americans Act of 1965

SEC. 201. FUNCTIONS OF ASSISTANT SECRETARY.

Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) by striking paragraph (9) and redesignating paragraphs (10), (11), and (12) as paragraphs (9), (10), and (11) respectively;

(B) by striking parargraphs (13) and (14) and redesignating the remaining paragraphs;

(C) in paragraph (15) (as redesignated), by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals'';

(D) in paragraph (18)(B) (as redesignated), by striking ''1990'' and inserting ''2000'';

(E) by striking paragraph (19) (as redesignated) and inserting the following:

''(19) conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships;'';

(F) by striking paragraph (21) (as redesignated) and inserting the following:

''(21) establish information and assistance services as priority services for older individuals, and develop and operate, either directly or through contracts, grants, or cooperative agreements, a National Eldercare Locator Service, providing information and assistance services through a nationwide toll-free number to identify community resources for older individuals;'';

(G) by striking paragraph (24) (as redesignated) and inserting the following:

''(24) establish and carry out pension counseling and information programs described in section 215;''; and

(H) by striking paragraph (27) and redesignating the remaining paragraphs;

(I) by adding a new paragraph (27):

''(27) improve the delivery of services to older individuals living in rural areas through—

''(A) synthesizing results of research on how best to meet the service needs of older individuals in rural areas;

''(B) developing a resource guide on best practices for States, area agencies on aging, and service providers;

''(C) providing training and technical assistance to States to implement these best practices of service delivery; and

''(D) submitting a report on the States' experiences in implementing these best practices and the effect these innovations are having on improving service delivery in rural areas to the relevant committees not later than 36 months after enactment.'';

(2) in subsection (d)(4), by striking ''1990'' and inserting ''2000''; and

(3) by adding at the end the following:

''(f)(1) The Assistant Secretary, in accordance with the process described in paragraph (2), and in collaboration with a representative group of State agencies, tribal organizations, area agencies on aging, and providers of services involved in the performance outcome measures shall develop and publish by December 31, 2001, a set of performance outcome measures for planning, managing, and evaluating activities performed and services provided under this Act. To the maximum extent possible, the Assistant Secretary shall use data currently collected (as of the date of development of the measures) by State agencies, area agencies on aging, and service providers through the National Aging Program Information System and other applicable sources of information in developing such measures.

''(2) The process for developing the performance outcome measures described in paragraph (1) shall include—

''(A) a review of such measures currently in use by State agencies and area agencies on aging (as of the date of the review);

''(B) development of a proposed set of such measures that provides information about the major activities performed and services provided under this Act;

''(C) pilot testing of the proposed set of such measures, including an identification of resource, infrastructure, and data collection issues at the State and local levels; and

''(D) evaluation of the pilot test and recommendations for modification of the proposed set of such measures.''.

SEC. 202. FEDERAL AGENCY CONSULTATION.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) is amended—

(1) in section 203(a)(3)(A), by inserting ''and older individuals residing in rural areas'' after ''low-income minority older individuals'';

(2) by striking section 204 and inserting the following:

''SEC. 204. GIFTS AND DONATIONS.

''(a) GIFTS AND DONATIONS.—The Assistant Secretary may accept, use, and dispose of, on behalf of the United States, gifts or donations (in cash or in kind, including voluntary and uncompensated services or property), which shall be available until expended for the purposes specified in subsection (b). Gifts of cash and proceeds of the sale of property shall be available in addition to amounts appropriated to carry out this Act.

''(b) USE OF GIFTS AND DONATIONS.—Gifts and donations accepted pursuant to subsection (a) may be used either directly, or for grants to or contracts with public or nonprofit private entities, for the following activities:

''(1) The design and implementation of demonstrations of innovative ideas and best practices in programs and services for older individuals.

''(2) The planning and conduct of conferences for the purpose of exchanging information, among concerned individuals and public and private entities and organizations, relating to programs and services provided under this Act and other programs and services for older individuals.

''(3) The development, publication, and dissemination of informational materials (in print, visual, electronic, or other media) relating to the programs and services provided under this Act and other matters of concern to older individuals.

''(c) ETHICS GUIDELINES.—The Assistant Secretary shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this section because the acceptance of the gift or donation would—

''(1) reflect unfavorably upon the ability of the Administration, the Department of Health and Human Services, or any employee of the Administration or Department, to carry out responsibilities or official duties under this Act in a fair and objective manner; or

''(2) compromise the integrity or the appearance of integrity of programs or services provided under this Act or of any official involved in those programs or services.'';

(3) in section 205, by striking subsections (c) and (d) and redesignating subsection (e) as subsection (c);

(4) by redesignating section 215 as section 216; and

(5) by inserting after section 214 the following:

''SEC. 215. PENSION COUNSELING AND INFORMATION PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) PENSION AND OTHER RETIREMENT BENEFITS.—The term 'pension and other retirement benefits' means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

''(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

''(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

''(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

''(D) employee pension benefit plans as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

''(2) PENSION COUNSELING AND INFORMATION PROGRAM.—The term 'pension counseling and information program' means a program described in subsection (b).

''(b) PROGRAM AUTHORIZED.—The Assistant Secretary shall award grants to eligible entities to establish and carry out pension counseling and information programs that create or continue a sufficient number of pension assistance and counseling programs to provide outreach, information, counseling, referral, and other assistance regarding pension and other retirement benefits, and rights related to such benefits, to individuals in the United States.

''(c) ELIGIBLE ENTITIES.—The Assistant Secretary shall award grants under this section to—

''(1) State agencies or area agencies on aging; and

''(2) nonprofit organizations with a proven record of providing—

''(A) services related to retirement of older individuals;

''(B) services to Native Americans; or

''(C) specific pension counseling.

''(d) CITIZEN ADVISORY PANEL.—The Assistant Secretary shall establish a citizen advisory panel to advise the Assistant Secretary regarding which entities should receive grant awards under this section. Such panel shall include representatives of business, labor, national senior advocates, and national pension rights advocates. The Assistant Secretary shall consult such panel prior to awarding grants under this section.

''(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including—

''(1) a plan to establish a pension counseling and information program that—

''(A) establishes or continues a State or area pension counseling and information program;

''(B) serves a specific geographic area;

''(C) provides counseling (including direct counseling and assistance to individuals who need information regarding pension and other retirement benefits) and information that may assist individuals in obtaining, or establishing rights to, and filing claims or complaints regarding, pension and other retirement benefits;

''(D) provides information on sources of pension and other retirement benefits;

''(E) establishes a system to make referrals for legal services and other advocacy programs;

''(F) establishes a system of referral to Federal, State, and local departments or agencies related to pension and other retirement benefits;

''(G) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

''(H) provides training programs for staff members, including volunteer staff members, of pension and other retirement benefits programs;

''(I) makes recommendations to the Administration, the Department of Labor and other Federal, State and local agencies concerning issues for older individuals related to pension and other retirement benefits; and

''(J) establishes or continues an outreach program to provide information, counseling, referral and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, older individuals residing in rural areas and low income retirees; and

''(2) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan described in paragraph (1).

''(f) CRITERIA.—The Assistant Secretary shall consider the following criteria in awarding grants under this section:

''(1) Evidence of a commitment by the entity to carry out a proposed pension counseling and information program.

''(2) The ability of the entity to perform effective outreach to affected populations, particularly populations that are identified in need of special outreach.

''(3) Reliable information that the population to be served by the entity has a demonstrable need for the services proposed to be provided under the program.

''(4) The ability of the entity to provide services under the program on a statewide or regional basis.

''(g) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Assistant Secretary shall award grants to eligible entities to establish training and technical assistance programs that shall provide information and technical assistance to the staffs of entities operating pension counseling and information programs described in subsection (b), and general assistance to such entities, including assistance in the design of program evaluation tools.

''(2) ELIGIBLE ENTITIES.—Entities that are eligible to receive a grant under this subsection include nonprofit private organizations with a record of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

''(h) PENSION ASSISTANCE HOTLINE AND INTRAGENCY COORDINATION.—

''(1) HOTLINE.—The Assistant Secretary shall enter into agreements with other Federal agencies to establish and administer a national telephone hotline that shall provide information regarding pension and other retirement benefits, and rights related to such benefits.

''(2) CONTENT.—Such hotline described in paragraph (1) shall provide information for individuals seeking outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

''(3) AGREEMENTS.—The Assistant Secretary may enter into agreements with the Secretary of Labor and the heads of other Federal agencies that regulate the provision of pension and other retirement benefits in order to carry out this subsection.

''(i) REPORT TO CONGRESS.—Not later than 30 months after the date of the enactment of this section, the Assistant Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that—

''(1) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

''(2) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

''(3) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

''(4) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers and other similar entities.

''(j) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 216 to carry out this section for a fiscal year, not more than $100,000 may be used by the Administration for administrative expenses.''.

SEC. 203. EVALUATION.

Section 206 of the Older Americans Act of 1965 (42 U.S.C. 3017) is amended—

(1) in subsection (a), by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals'' each place it appears;

(2) in subsection (c), by inserting '', older individuals residing in rural areas'' after ''minority individuals'';

(3) by striking subsection (g); and

(4) by redesignating subsection (h) as subsection (g).

SEC. 204. REPORTS.

Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended—

(1) in subsection (a)(4), by inserting ''older individuals residing in rural areas,'' after ''low-income minority individuals,''; and

(2) in subsection (c)(5) by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals'' each place it appears.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) (as redesignated by section 202) is amended—

(1) in subsection (a)—

(A) by striking ''(a) ADMINISTRATION.—'' and inserting ''(a) IN GENERAL.—'';

(B) by striking ''1992'' and all that follows through the period and inserting ''2001, 2002, 2003, 2004, and 2005''; and

(C) by inserting ''administration, salaries, and expenses of'' after ''appropriated for''; and

(2) by striking subsection (b) and inserting the following:

''(b) ELDERCARE LOCATOR SERVICE.—There are authorized to be appropriated to carry out section 202(a)(24) (relating to the National Eldercare Locator Service) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(c) PENSION COUNSELING AND INFORMATION PROGRAMS.—There are authorized to be appropriated to carry out section 215, such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.''.

Subtitle B—Amendments to the Older Americans Act Amendments of 1987

SEC. 211. WHITE HOUSE CONFERENCE.

Title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by striking section 201;

(2) by redesignating sections 202, 203, 204, 205, 206, and 207, as sections 201, 202, 203, 204, 205, and 206, respectively;

(3) in section 201 (as redesignated by paragraph (2))—

(A) by striking subsections (a), (b), and (c) and inserting the following:

''(a) AUTHORITY TO CALL CONFERENCE.—Not later than December 31, 2005, the President shall convene the White House Conference on Aging in order to fulfill the purpose set forth in subsection (c) and to make fundamental policy recommendations regarding programs that are important to older individuals and to the families and communities of such individuals.

''(b) PLANNING AND DIRECTION.—The Conference described in subsection (a) shall be planned and conducted under the direction of the Secretary, in cooperation with the Assistant Secretary for Aging, the Director of the National Institute on Aging, the Administrator of the Health Care Financing Administration, the Social Security Administrator, and the heads of such other Federal agencies serving older individuals as are appropriate. Planning and conducting the Conference includes the assignment of personnel.

''(c) PURPOSE.—The purpose of the Conference described in subsection (a) shall be to gather individuals representing the spectrum of thought and experience in the field of aging to—

''(1) evaluate the manner in which the objectives of this Act can be met by using the resources and talents of older individuals, of families and communities of such individuals, and of individuals from the public and private sectors;

''(2) evaluate the manner in which national policies that are related to economic security and health care are prepared so that such policies serve individuals born from 1946 to 1964 and later, as the individuals become older individuals, including an examination of the Social Security, medicare, and medicaid programs carried out under titles II, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.) in relation to providing services under this Act, and determine how well such policies respond to the needs of older individuals; and

''(3) develop not more than 50 recommendations to guide the President, Congress, and Federal agencies in serving older individuals.''; and

(B) in subsection (d)(2), by striking ''and individuals from low-income families.'' and inserting ''individuals from low-income families, representatives of Federal, State, and local governments, and individuals from rural areas. A majority of such delegates shall be age 55 or older.'';

(4) in section 202 (as redesignated by paragraph (2))—

(A) in subsection (a)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(B) in subsection (b)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4) respectively;

(iii) in paragraph (1) (as redesignated by clause (ii))—

(I) by striking ''subsection (a)(4)'' and inserting ''subsection (a)(3)''; and

(II) by striking ''regarding such agenda,'' and inserting ''regarding such agenda, and''; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking ''subsection (a)(6)'' and inserting ''subsection (a)(5)''; and

(C) in subsection (c), by adding at the end ''Gifts may be earmarked by the donor or the executive committee for a specific purpose.'';

(5) in section 203(a) (as redesignated by paragraph (2))—

(A) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 17 members to be selected, not later than 2 years prior to the date on which the Conference convenes, as follows:

''(A) PRESIDENTIAL APPOINTEES.—Nine members shall be selected by the President and shall include—

''(i) 3 members who are officers or employees of the United States; and

''(ii) 6 members with experience in the field of aging, including providers and consumers of aging services.

''(B) HOUSE APPOINTEES.—Two members shall be selected by the Speaker of the House of Representatives, after consultation with the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, and 2 members shall be selected by the Minority Leader of the House of Representatives, after consultation with such committees.

''(C) SENATE APPOINTEES.—Two members shall be selected by the Majority Leader of the Senate, after consultation with members of the Committee on Health, Education,

Labor, and Pensions and the Special Committee on Aging of the Senate, and 2 members shall be selected by the Minority Leader of the Senate, after consultation with members of such committees.'';

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''Committee'' and inserting ''Committee for the Secretary''; and

(ii) by striking subparagraphs (D) and (E) and inserting the following:

''(D) establish the number of delegates to be selected under section 201(d)(2);

''(E) establish an executive committee consisting of 3 to 5 members, with a majority of such members being age 55 or older, to work with Conference staff; and

''(F) establish other committees as needed that have a majority of members who are age 55 or older.''; and

(C) by striking paragraph (3) and inserting the following:

''(3) VOTING; CHAIRPERSON.—

''(A) VOTING.—The Policy Committee shall act by the vote of a majority of the members present. A quorum of Committee members shall not be required to conduct Committee business.

''(B) CHAIRPERSON.—The President shall select the chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.'';

(6) by striking section 204 (as redesignated by paragraph (2)) and inserting the following:

''SEC. 204. REPORT OF THE CONFERENCE.

''(a) PRELIMINARY REPORT.—Not later than 100 days after the date on which the Conference adjourns, the Policy Committee shall publish and deliver to the chief executive officers of the States a preliminary report on the Conference. Comments on the preliminary report of the Conference shall be accepted by the Policy Committee.

''(b) FINAL REPORT.—Not later than 6 months after the date on which the Conference adjourns, the Policy Committee shall publish and transmit to the President and to Congress recommendations resulting from the Conference and suggestions for any administrative action and legislation necessary to implement the recommendations contained within the report.''; and

(7) in section 206 (as redesignated by paragraph (2))—

(A) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) such sums as may be necessary for the first fiscal year in which the Policy Committee plans the Conference and for the following fiscal year; and

''(B) such sums as may be necessary for the fiscal year in which the Conference is held.''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''section 203(c)'' and inserting ''section 202(c)''; and

(ii) in paragraph (3), by striking ''December 31, 1995'' and inserting ''December 31, 2005''.

TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965

SEC. 301. PURPOSE.

Section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by adding at the end the following:

''(d)(1) Any funds received under an allotment as described in section 304(a), or funds contributed toward the non-Federal share under section 304(d), shall be used only for activities and services to benefit older individuals and other individuals as specifically provided for in this title.

''(2) No provision of this title shall be construed as prohibiting a State agency or area agency on aging from providing services by using funds from sources not described in paragraph (1).''.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C 3023) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(a)(1) There are authorized to be appropriated to carry out part B (relating to supportive services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.'';

(2) by striking subsection (b) and inserting the following:

''(b)(1) There are authorized to be appropriated to carry out subpart 1 of part C (relating to congregate nutrition services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) There are authorized to be appropriated to carry out subpart 2 of part C (relating to home delivered nutrition services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.''; and

(3) by striking subsections (d) through (g) and inserting the following:

''(d) There are authorized to be appropriated to carry out part D (relating to disease prevention and health promotion services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(e)(1) There are authorized to be appropriated to carry out part E (relating to family caregiver support) $125,000,000 for fiscal year 2001 if the aggregate amount appropriated under subsection (a)(1) (relating to part B, supportive services), paragraphs (1) (relating to subpart 1 of part C, congregate nutrition services) and (2) (relating to subpart 2 of part C, home delivered nutrition services) of subsection (b), and (d) (relating to part D, disease prevention and health promotion services) of this section for fiscal year 2001 is not less than the aggregate amount appropriated under subsection (a)(1), paragraphs (1) and (2) of subsection (b), and subsection (d) of section 303 of the Older Americans Act of 1965 for fiscal year 2000.

''(2) There are authorized to be appropriated to carry out part E (relating to family caregiver support) such sums as may be necessary for each of the 4 succeeding fiscal years.

''(3) Of the funds appropriated under paragraphs (1) and (2)—

''(A) 4 percent of such funds shall be reserved to carry out activities described in section 375; and

''(B) 1 percent of such funds shall be reserved to carry out activities described in section 376.''.

SEC. 303. ALLOTMENT; FEDERAL SHARE.

(a) IN GENERAL.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended by striking subsection (a) and inserting the following:

''(a)(1) From the sums appropriated under subsections (a) through (d) of section 303 for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States.

''(2) In determining the amounts allotted to States from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under paragraph (1) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (3).

''(3)(A) No State shall be allotted less than ½ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

''(B) Guam and the United States Virgin Islands shall each be allotted not less than ¼ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

''(C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than 1/16 of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of the exception contained in subparagraph (A) only, the term ''State'' does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(D) No State shall be allotted less than the total amount allotted to the State for fiscal year 2000 and no State shall receive a percentage increase above the fiscal year 2000 allotment that is less than 20 percent of the percentage increase above the fiscal year 2000 allotments for all of the States.

''(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.

''(5) State allotments for a fiscal year under this section shall be proportionally reduced to the extent that appropriations may be insufficient to provide the full allotments of the prior year.''.

(b) AVAILABILITY OF FUNDS FOR REALLOTMENT.—Section 304(b) of the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amended in the first sentence by striking ''part B or C'' and inserting ''part B or C, or subpart 1 of part E,''.

SEC. 304. ORGANIZATION.

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended by—

(1) in paragraph (1)(E), by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals'' each place it appears; and

(2) in paragraph (2)—

(A) in subparagraph (E) by striking '','' and inserting ''and older individuals residing in rural areas,'' after ''low-income minority individuals'';

(B) in subparagraph (G)(i) by inserting ''and older individuals residing in rural areas'' after ''low-income minority older individuals''; and

(C) in subparagraph (G)(ii) by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals''.

SEC. 305. AREA PLANS.

(a) IN GENERAL.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (1), by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals'' in each place it appears;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''section 307(a)(22)'' and inserting ''section 307(a)(2)'';

(B) in subparagraph (B), by striking ''services (homemaker'' and all that follows through ''maintenance, and'' and inserting ''services, including''; and

(C) in the matter following subparagraph (C), by striking ''and specify annually in such plan, as submitted or as amended,'' and inserting ''and assurances that the area agency on aging will report annually to the State agency'';

(3) in paragraph (3)(A), by striking ''paragraph (6)(E)(ii)'' and inserting ''paragraph (6)(C)'';

(4)(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4);

(5) in paragraph (4)(A)(i) (as redesignated) by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals'';

(6) in paragraph (4)(A)(ii) (as redesignated) by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals'' each place it appears;

(7) in paragraph (4)(B)(i) (as redesignated) by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals'' each place it appears;

(8) in paragraph (4)(C) (as redesignated) by inserting ''and older individuals residing in rural areas'' after ''low-income minority older individuals'';

(9) by inserting after paragraph (4) (as redesignated by paragraph (3)) the following:

''(5) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities, with agencies that develop or provide services for individuals with disabilities;'';

(10) in paragraph (6)—

(A) by striking subparagraphs (A), (B), (G), (I), (J), (K), (L), (O), (P), (Q), (R), and (S);

(B) by redesignating subparagraphs (C), (D), (E), (F), (H), (M), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively;

(C) in subparagraph (C) (as redesignated by subparagraph (B)), by striking ''or adults'' and inserting '', assistance to older individuals caring for relatives who are children'';

(D) in subparagraph (D) (as redesignated by subparagraph (B)), by inserting ''and older individuals residing in rural areas'' after ''minority individuals''; and

(E) in subparagraph (F) (as redesignated by subparagraph (B)), by adding ''and'' after the semicolon;

(11) by striking paragraphs (7) through (13) and inserting the following:

''(7) provide that the area agency on aging will facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including—

''(A) development of case management services as a component of the long-term care services, consistent with the requirements of paragraph (8);

''(B) involvement of long-term care providers in the coordination of such services; and

''(C) increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities;

''(8) provide that case management services provided under this title through the area agency on aging will—

''(A) not duplicate case management services provided through other Federal and State programs;

''(B) be coordinated with services described in subparagraph (A); and

''(C) be provided by a public agency or a nonprofit private agency that—

''(i) gives each older individual seeking services under this title a list of agencies that provide similar services within the jurisdiction of the area agency on aging;

''(ii) gives each individual described in clause (i) a statement specifying that the individual has a right to make an independent choice of service providers and documents receipt by such individual of such statement;

''(iii) has case managers acting as agents for the individuals receiving the services and not as promoters for the agency providing such services; or

''(iv) is located in a rural area and obtains a waiver of the requirements described in clauses (i) through (iii);

''(9) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2000 in carrying out such a program under this title;

''(10) provide a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

''(11) provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as 'older Native Americans'), including—

''(A) information concerning whether there is a significant population of older Native Americans in the planning and service area and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this title;

''(B) an assurance that the area agency on aging will, to the maximum extent practicable, coordinate the services the agency provides under this title with services provided under title VI; and

''(C) an assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans; and

''(12) provide that the area agency on aging will establish procedures for coordination of services with entities conducting other Federal or federally assisted programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b) within the planning and service area.'';

(12) by redesignating paragraph (14) as paragraph (13);

(13) by inserting after paragraph (13) (as redesignated by paragraph (7)) the following:

''(14) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title; and

''(15) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.''; and

(14) by striking paragraphs (17) through (20).

(b) WAIVERS.—Section 306(b) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)) is amended—

(1) in paragraph (1), by striking ''(1)'' and inserting before the period ''and had conducted a timely public hearing upon request''; and

(2) by striking paragraph (2).

SEC. 306. STATE PLANS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) by striking paragraphs (1) through (5) and inserting the following:

''(1) The plan shall—

''(A) require each area agency on aging designated under section 305(a)(2)(A) to develop and submit to the State agency for approval, in accordance with a uniform format developed by the State agency, an area plan meeting the requirements of section 306; and

''(B) be based on such area plans.

''(2) The plan shall provide that the State agency will—

''(A) evaluate, using uniform procedures described in section 202(a)(29), the need for supportive services (including legal assistance pursuant to 307(a)(11), information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;

''(B) develop a standardized process to determine the extent to which public or private programs and resources (including volunteers and programs and services of voluntary organizations) that have the capacity and actually meet such need; and

''(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended (in the absence of a waiver under sections 306(b) or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2).

''(3) The plan shall—

''(A) include (and may not be approved unless the Assistant Secretary approves) the statement and demonstration required by paragraphs (2) and (4) of section 305(d) (concerning intrastate distribution of funds); and

''(B) with respect to services for older individuals residing in rural areas—

''(i) provide assurances that the State agency will spend for each fiscal year, not less than the amount expended for such services for fiscal year 2000;

''(ii) identify, for each fiscal year to which the plan applies, the projected costs of providing such services (including the cost of providing access to such services); and

''(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.

''(4) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out in the State under this title and title VII, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or disabilities, with particular attention to low-income minority individuals and older individuals residing in rural areas.

''(5) The plan shall provide that the State agency will—

''(A) afford an opportunity for a hearing upon request, in accordance with published procedures, to any area agency on aging submitting a plan under this title, to any provider of (or applicant to provide) services;

''(B) issue guidelines applicable to grievance procedures required by section 306(a)(10); and

''(C) afford an opportunity for a public hearing, upon request, by any area agency on aging, by any provider of (or applicant to provide) services, or by any recipient of services under this title regarding any waiver request, including those under section 316.'';

(2) in paragraph (7), by striking subparagraph (C);

(3) by striking paragraphs (8) and (9) and inserting the following:

''(8)(A) The plan shall provide that no supportive services, nutrition services, or in-home services will be directly provided by the State agency or an area agency on aging in the State, unless, in the judgment of the State agency—

''(i) provision of such services by the State agency or the area agency on aging is necessary to assure an adequate supply of such services;

''(ii) such services are directly related to such State agency's or area agency on aging's administrative functions; or

''(iii) such services can be provided more economically, and with comparable quality, by such State agency or area agency on aging.

''(B) Regarding case management services, if the State agency or area agency on aging is already providing case management services (as of the date of submission of the plan) under a State program, the plan may specify that such agency is allowed to continue to provide case management services.

''(C) The plan may specify that an area agency on aging is allowed to directly provide information and assistance services and outreach.

''(9) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.'';

(4) by striking paragraph (10) and inserting the following:

''(10) The plan shall provide assurances that the special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.'';

(5) by striking paragraphs (11), (12), (13), and (14);

(6) by redesignating paragraphs (15) and (16) as paragraphs (11) and (12), respectively;

(7) by striking paragraph (17);

(8) by redesignating paragraph (18) as paragraph (13);

(9) by striking paragraph (19);

(10) by redesignating paragraph (20) as paragraph (14);

(11) by striking paragraphs (21) and (22);

(12) by redesignating paragraphs (23), (24), (25), and (26) as paragraphs (15), (16), (17), and (18), respectively;

(13) in paragraph (16) (as redesignated by paragraph (12)), by inserting ''and older individuals residing in rural areas'' after ''low-income minority individuals'' each place it appears;

(14) in paragraph (17) (as redesignated by paragraph (12)), by inserting ''to enhance services'' before ''and develop collaborative programs'';

(15) in paragraph (18) (as redesignated by paragraph (12)), by striking ''section 306(a)(6)(I)'' and inserting ''section 306(a)(7)'';

(16) by striking paragraphs (27), (28), (29), and (31);

(17) by redesignating paragraphs (30) and (32) as paragraphs (19) and (20), respectively;

(18) by striking paragraphs (33), (34), and (35) and inserting the following:

''(21) The plan shall—

''(A) provide an assurance that the State agency will coordinate programs under this title and programs under title VI, if applicable; and

''(B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities.'';

(19) by redesignating paragraph (36) as paragraph (22);

(20) by striking paragraphs (37), (38), (39), (40), and (43);

(21) by redesignating paragraphs (41), (42), and (44) as paragraphs (23), (24), and (25), respectively; and

(22) by adding at the end the following:

''(26) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.''.

SEC. 307. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking ''in its plan under section 307(a)(13) regarding Part C of this title,''; and

(ii) by striking ''30 percent'' and inserting ''40 percent'';

(B) in subparagraph (B)—

(i) by striking ''for fiscal year 1993, 1994, 1995, or 1996'' and inserting ''for any fiscal year''; and

(ii) by striking ''to satisfy such need—'' and all that follows and inserting ''to satisfy such need an additional 10 percent of the funds so received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b).''; and

(C) by adding at the end the following:

''(C) A State's request for a waiver under subparagraph (B) shall—

''(i) be not more than 1 page in length;

''(ii) include a request that the waiver be granted;

''(iii) specify the amount of the funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), over the permissible 40 percent referred to in subparagraph (A), that the State requires to satisfy the need for services under subpart 1 or 2 of part C; and

''(iv) not include a request for a waiver with respect to an amount if the transfer of the amount would jeopardize the appropriate provision of services under subpart 1 or 2 of part C.''; and

(2) by striking paragraph (5) and inserting the following:

''(5)(A)Notwithstanding any other provision of this title, of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for any fiscal year between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

''(B) At a minimum, the notification described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred.''.

SEC. 308. AVAILABILITY OF DISASTER RELIEF FUNDS TO TRIBAL ORGANIZATIONS.

Section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''(or to any tribal organization receiving a grant under title VI)'' after ''any State''; and

(ii) by inserting ''(or funds used by such tribal organization)'' before ''for the delivery of supportive services'';

(B) in paragraph (2), by inserting ''and such tribal organizations'' after ''States''; and

(C) in paragraph (3), by inserting ''or such tribal organization'' after ''State'' each place it appears; and

(2) in subsections (b)(1) and (c), by inserting ''and such tribal organizations'' after ''States''.

SEC. 309. NUTRITION SERVICES INCENTIVE PROGRAM.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in the section heading, by striking ''AVAILABILITY OF SURPLUS COMMODITIES'' and inserting ''NUTRITION SERVICES INCENTIVE PROGRAM'';

(2) by redesignating subsections (a), (b), (c), and (d) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting before subsection (c) (as redesignated by paragraph (2)) the following:

''(a) The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.

''(b)(1) The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency with a plan approved under this title for a fiscal year, and to each grantee with an application approved under title VI for such fiscal year, an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all States and by all title VI grantees under all such plans and applications approved for such preceding fiscal year.

''(2) For purposes of paragraph (1), in the case of a grantee that has an application approved under title VI for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI grantee for the preceding fiscal year shall be deemed to equal the number of meals that the Assistant Secretary estimates will be served by the title VI grantee in the fiscal year for which the application was approved.'';

(4) in subsection (c) (as redesignated by paragraph (2)), by striking paragraph (4);

(5) in subsection (d) (as redesignated by paragraph (2)), by striking ''Notwithstanding'' through ''election'' and inserting ''In any case in which a State elects to receive cash payments,'';

(6) in subsection (d) (as redesignated by paragraph (2)), by adding at the end the following:

''(4) Among the commodities delivered under subsection (c), the Secretary of Agriculture shall give special emphasis to high protein foods. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection.''; and

(7) by striking subsection (e) (as redesignated by paragraph (2)) and inserting the following:

''(e) There are authorized to be appropriated to carry out this section (other than subsection (c)(1)) such sums as may be necessary for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 310. CONSUMER CONTRIBUTIONS AND WAIVERS.

Part A of title III (42 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 315. CONSUMER CONTRIBUTIONS.

''(a) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a State is permitted to implement cost sharing for all services funded by this Act by recipients of the services.

''(2) EXCEPTION.—The State is not permitted to implement the cost sharing described in paragraph (1) for the following services:

''(A) Information and assistance, outreach, benefits counseling, or case management services.

''(B) Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.

''(C) Congregate and home delivered meals.

''(D) Any services delivered through tribal organizations.

''(3) PROHIBITIONS.—A State or tribal organization shall not permit the cost sharing described in paragraph (1) for any services delivered through tribal organizations. A State shall not permit cost sharing by a low-income older individual if the income of such individual is at or below the Federal poverty line. A State may exclude from cost sharing low-income individuals whose incomes are above the Federal poverty line. A State shall not consider any assets, savings, or other property owned by older individuals when defining low-income individuals who are exempt from cost sharing, when creating a sliding scale for the cost sharing, or when seeking contributions from any older individual.

''(4) PAYMENT RATES.—If a State permits the cost sharing described in paragraph (1), such State shall establish a sliding scale, based solely on individual income and the cost of delivering services.

''(5) REQUIREMENTS.—If a State permits the cost sharing described in paragraph (1), such State shall require each area agency on aging in the State to ensure that each service provider involved, and the area agency on aging, will—

''(A) protect the privacy and confidentiality of each older individual with respect to the declaration or nondeclaration of individual income and to any share of costs paid or unpaid by an individual;

''(B) establish appropriate procedures to safeguard and account for cost share payments;

''(C) use each collected cost share payment to expand the service for which such payment was given;

''(D) not consider assets, savings, or other property owned by an older individual in determining whether cost sharing is permitted;

''(E) not deny any service for which funds are received under this Act for an older individual due to the income of such individual or such individual's failure to make a cost sharing payment;

''(F) determine the eligibility of older individuals to cost share solely by a confidential declaration of income and with no requirement for verification; and

''(G) widely distribute State created written materials in languages reflecting the reading abilities of older individuals that describe the criteria for cost sharing, the State's sliding scale, and the mandate described under subparagraph (E).

''(6) WAIVER.—An area agency on aging may request a waiver to the State's cost sharing policies, and the State shall approve such a waiver if the area agency on aging can adequately demonstrate that—

''(A) a significant proportion of persons receiving services under this Act subject to cost sharing in the planning and service area have incomes below the threshold established in State policy; or

''(B) cost sharing would be an unreasonable administrative or financial burden upon the area agency on aging.

''(b) VOLUNTARY CONTRIBUTIONS.—

''(1) IN GENERAL.—Voluntary contributions shall be allowed and may be solicited for all services for which funds are received under this Act provided that the method of solicitation is noncoercive.

''(2) LOCAL DECISION.—The area agency on aging shall consult with the relevant service providers and older individuals in agency's planning and service area in a State to determine the best method for accepting voluntary contributions under this subsection.

''(3) PROHIBITED ACTS.—The area agency on aging and service providers shall not means test for any service for which contributions are accepted or deny services to any individual who does not contribute to the cost of the service.

''(4) REQUIRED ACTS.—The area agency on aging shall ensure that each service provider will—

''(A) provide each recipient with an opportunity to voluntarily contribute to the cost of the service;

''(B) clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary;

''(C) protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution;

''(D) establish appropriate procedures to safeguard and account for all contributions; and

''(E) use all collected contributions to expand the service for which the contributions were given.

''(c) PARTICIPATION.—

''(1) IN GENERAL.—The State and area agencies on aging, in conducting public hearings on State and area plans, shall solicit the views of older individuals, providers, and other stakeholders on implementation of cost-sharing in the service area or the State.

''(2) PLANS.—Prior to the implementation of cost sharing under subsection (a), each State and area agency on aging shall develop plans that are designed to ensure that the participation of low-income older individuals (with particular attention to low-income minority individuals and older individuals residing in rural areas) receiving services will not decrease with the implementation of the cost sharing under such subsection.

''(d) EVALUATION.—Not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2000, and annually thereafter, the Assistant Secretary shall conduct a comprehensive evaluation of practices for cost sharing to determine its impact on participation rates with particular attention to low-income and minority older individuals and older individuals residing in rural areas. If the Assistant Secretary finds that there is a disparate impact upon low-income or minority older individuals or older individuals residing in rural areas in any State or region within the State regarding the provision of services, the Assistant Secretary shall take corrective action to assure that such services are provided to all older individuals without regard to the cost sharing criteria.

''SEC. 316. WAIVERS.

''(a) IN GENERAL.—The Assistant Secretary may waive any of the provisions specified in subsection (b) with respect to a State, upon receiving an application by the State agency containing or accompanied by documentation sufficient to establish, to the satisfaction of the Assistant Secretary, that—

''(1) approval of the State legislature has been obtained or is not required with respect to the proposal for which waiver is sought;

''(2) the State agency has collaborated with the area agencies on aging in the State and other organizations that would be affected with respect to the proposal for which waiver is sought;

''(3) the proposal has been made available for public review and comment, including the opportunity for a public hearing upon request, within the State (and a summary of all of the comments received has been included in the application); and

''(4) the State agency has given adequate consideration to the probable positive and negative consequences of approval of the waiver application, and the probable benefits for older individuals can reasonably be expected to outweigh any negative consequences, or particular circumstances in the State otherwise justify the waiver.

''(b) REQUIREMENTS SUBJECT TO WAIVER.—The provisions of this title that may be waived under this section are—

''(1) any provision of sections 305, 306, and 307 requiring statewide uniformity of programs carried out under this title, to the extent necessary to permit demonstrations, in limited areas of a State, of innovative approaches to assist older individuals;

''(2) any area plan requirement described in section 306(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;

''(3) any State plan requirement described in section 307(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;

''(4) any restriction under paragraph (5) of section 308(b), on the amount that may be transferred between programs carried out under part B and part C; and

''(5) the requirement of section 309(c) that certain amounts of a State allotment be used for the provision of services, with respect to a State that reduces expenditures under the State plan of the State (but only to the extent that the non-Federal share of the expenditures is not reduced below any minimum specified in section 304(d) or any other provision of this title).

''(c) DURATION OF WAIVER.—The application by a State agency for a waiver under this section shall include a recommendation as to the duration of the waiver (not to exceed the duration of the State plan of the State). The Assistant Secretary, in granting such a waiver, shall specify the duration of the waiver, which may be the duration recommended by the State agency or such shorter time period as the Assistant Secretary finds to be appropriate.

''(d) REPORTS TO SECRETARY.—With respect to each waiver granted under this section, not later than 1 year after the expiration of such waiver, and at any time during the waiver period that the Assistant Secretary may require, the State agency shall prepare and submit to the Assistant Secretary a report evaluating the impact of the waiver on the operation and effectiveness of programs and services provided under this title.''.

SEC. 311. SUPPORTIVE SERVICES AND SENIOR CENTERS.

Section 321 of the Older Americans Act of 1965 (42 U.S.C. 3030d) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''or both'' and inserting ''and services provided by an area agency on aging, in conjunction with local transportation service providers, public transportation agencies, and other local government agencies, that result in increased provision of such transportation services for older individuals'';

(B) in paragraph (4), by striking ''or (D)'' and all that follows and inserting ''or (D) to assist older individuals in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development;'';

(C) in paragraph (5), by striking ''including'' and all that follows and inserting the following: ''including—

''(A) client assessment, case management services, and development and coordination of community services;

''(B) supportive activities to meet the special needs of caregivers, including caretakers who provide in-home services to frail older individuals; and

''(C) in-home services and other community services, including home health, homemaker, shopping, escort, reader, and letter writing services, to assist older individuals to live independently in a home environment;'';

(D) in paragraph (12), by inserting before the semicolon the following: '', and including the coordination of the services with programs administered by or receiving assistance from the Department of Labor, including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'';

(E) in paragraph (21), by striking ''or'';

(F) by inserting after paragraph (21) the following:

''(22) in-home services for frail older individuals, including individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and their families, including in-home services defined by a State agency in the State plan submitted under section 307, taking into consideration the age, economic need, and noneconomic and nonhealth factors contributing to the frail condition and need for services of the individuals described in this paragraph, and in-home services defined by an area agency on aging in the area plan submitted under section 306.'';

(G) by redesignating paragraph (22) as paragraph (23); and

(H) in paragraph (23) (as redesignated by subparagraph (G)), by inserting ''necessary for the general welfare of older individuals'' before the semicolon; and

(2) by adding at the end the following:

''(c) In carrying out the provisions of this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall coordinate services described in subsection (a) with other community agencies and voluntary organizations providing the same services. In coordinating the services, the area agency on aging shall make efforts to coordinate the services with agencies and organizations carrying out intergenerational programs or projects.

''(d) Funds made available under this part shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in subsection (a).''.

SEC. 312. NUTRITION SERVICES.

(a) REPEAL.—Subpart 3 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030g–11 et seq.) is repealed.

(b) REDESIGNATION.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by redesignating subpart 4 as subpart 3.

(c) PROGRAM AUTHORIZED.—Section 331(2) of the Older Americans Act of 1965 (42 U.S.C. 3030e(2)) is amended by inserting '', including adult day care facilities and multigenerational meal sites'' before the semi-colon.

SEC. 313. NUTRITION REQUIREMENTS.

Subpart 4 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030g-21) is amended by striking section 339 and inserting the following:

''SEC. 339. NUTRITION.

''A State that establishes and operates a nutrition project under this chapter shall—

''(1) solicit the advice of a dietitian or individual with comparable expertise in the planning of nutritional services, and

''(2) ensure that the project—

''(A) provides meals that—

''(i) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture,

''(ii) provide to each participating older individual—

''(I) a minimum of 33 ⅓ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, if the project provides 1 meal per day,

''(II) a minimum of 66⅔ percent of the allowances if the project provides 2 meals per day, and

''(III) 100 percent of the allowances if the project provides 3 meals per day, and

''(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants,

''(B) provides flexibility to local nutrition providers in designing meals that are appealing to program participants,

''(C) encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed,

''(D) where feasible, encourages arrangements with schools and other facilities serving meals to children in order to promote intergenerational meal programs,

''(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals' residences as feasible,

''(F) comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual,

''(G) ensures that meal providers carry out such project with the advice of dietitians (or individuals with comparable expertise), meal participants, and other individuals knowledgeable with regard to the needs of older individuals,

''(H) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals eligible under this chapter,

''(I) ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided, and

''(J) provide for nutrition screening and, where appropriate, for nutrition education and counseling.

SEC. 314. IN-HOME SERVICES AND ADDITIONAL ASSISTANCE.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

(1) by repealing parts D and E; and

(2) by redesignating part F as part D.

SEC. 315. DEFINITION.

Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is repealed.

SEC. 316. NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

(1) by repealing part G; and

(2) by inserting after part D (as redesignated by section 313(2)) the following:

''PART E—NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM

''SEC. 371. SHORT TITLE.

''This part may be cited as the 'National Family Caregiver Support Act'.

''Subpart 1—Caregiver Support Program

''SEC. 372. DEFINITIONS.

''In this subpart:

''(1) CHILD.—The term 'child' means an individual who is not more than 18 years of age.

''(2) FAMILY CAREGIVER.—The term 'family caregiver' means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual.

''(3) GRANDPARENT OR OLDER INDIVIDUAL WHO IS A RELATIVE CAREGIVER.—The term 'grandparent or older individual who is a relative caregiver' means a grandparent or stepgrandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older and—

''(A) lives with the child;

''(B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and

''(C) has a legal relationship to the child, as such legal custody or guardianship, or is raising the child informally.

''SEC. 373. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants to States with State plans approved under section 307, to pay for the Federal share of the cost of carrying out State programs, to enable area agencies on aging, or entities that such area agencies on aging contract with, to provide multifaceted systems of support services—

''(1) for family caregivers; and

''(2) for grandparents or older individuals who are relative caregivers.

''(b) SUPPORT SERVICES.—The services provided, in a State program under subsection (a), by an area agency on aging, or entity that such agency has contracted with, shall include—

''(1) information to caregivers about available services;

''(2) assistance to caregivers in gaining access to the services;

''(3) individual counseling, organization of support groups, and caregiver training to caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles;

''(4) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

''(5) supplemental services, on a limited basis, to complement the care provided by caregivers.

''(c) POPULATION SERVED; PRIORITY.—

''(1) POPULATION SERVED.—Services under a State program under this subpart shall be provided to family caregivers, and grandparents and older individuals who are relative caregivers, and who—

''(A) are described in paragraph (1) or (2) of subsection (a); and

''(B) with regard to the services specified in paragraphs (4) and (5) of subsection (b), in the case of a caregiver described in paragraph (1), is providing care to an older individual who meets the condition specified in subparagraph (A)(i) or (B) of section 102(28).

''(2) PRIORITY.—In providing services under this subpart, the State shall give priority for services to older individuals with greatest social and economic need, (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001)) (referred to in this subpart as 'developmental disabilities').

''(d) COORDINATION WITH SERVICE PROVIDERS.—In carrying out this subpart, each area agency on aging shall coordinate the activities of the agency, or entity that such

agency has contracted with, with the activities of other community agencies and voluntary organizations providing the types of services described in subsection (b).

''(e) QUALITY STANDARDS AND MECHANISMS AND ACCOUNTABILITY.—

''(1) QUALITY STANDARDS AND MECHANISMS.—The State shall establish standards and mechanisms designed to assure the quality of services provided with assistance made available under this subpart.

''(2) DATA AND RECORDS.—The State shall collect data and maintain records relating to the State program in a standardized format specified by the Assistant Secretary. The State shall furnish the records to the Assistant Secretary, at such time as the Assistant Secretary may require, in order to enable the Assistant Secretary to monitor State program administration and compliance, and to evaluate and compare the effectiveness of the State programs.

''(3) REPORTS.—The State shall prepare and submit to the Assistant Secretary reports on the data and records required under paragraph (2), including information on the services funded under this subpart, and standards and mechanisms by which the quality of the services shall be assured.

''(f) CAREGIVER ALLOTMENT.—

''(1) IN GENERAL.—

''(A) From sums appropriated under section 303(e) for fiscal years 2001 through 2005, the Assistant Secretary shall allot amounts among the States proportionately based on the population of individuals 70 years of age or older in the States.

''(B) In determining the amounts allotted to States from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under subparagraph (A) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (2).

''(C) The number of individuals 70 years of age or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census and other reliable demographic data satisfactory to the Assistant Secretary.

''(2) MINIMUM ALLOTMENT.—

''(A) The amounts allotted under paragraph (1) shall be reduced proportionately to the extent necessary to increase other allotments under such paragraph to achieve the amounts described in subparagraph (B).

''(B)(i) Each State shall be allotted ½ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

''(ii) Guam and the Virgin Islands of the United States shall each be allotted ¼ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

''(iii) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted 1/16 of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

''(C) For the purposes of subparagraph (B)(i), the term 'State' does not include Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

''(g) AVAILABILITY OF FUNDS.—

''(1) USE OF FUNDS FOR ADMINISTRATION OF AREA PLANS.—Amounts made available to a State to carry out the State program under this subpart may be used, in addition to amounts available in accordance with section 303(c)(1), for costs of administration of area plans.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Notwithstanding section 304(d)(1)(D), the Federal share of the cost of carrying out a State program under this subpart shall be 75 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost shall be provided from State and local sources.

''(C) LIMITATION.—A State may use not more than 10 percent of the total Federal and non-Federal share available to the State to provide support services to grandparents and older individuals who are relative caregivers.

''SEC. 374. MAINTENANCE OF EFFORT.

''Funds made available under this subpart shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in section 373.

''Subpart 2—National Innovation Programs

''SEC. 375. INNOVATION GRANT PROGRAM.

''(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants on a competitive basis to foster the development and testing of new approaches to sustaining the efforts of families and other informal caregivers of older individuals, and to serving particular groups of caregivers of older individuals, including low-income caregivers and geographically distant caregivers and linking family support programs with the State entity or agency that administers or funds programs for persons with mental retardation or related developmental disabilities and their families.

''(b) EVALUATION AND DISSEMINATION OF RESULTS.—The Assistant Secretary shall provide for evaluation of the effectiveness of programs and activities funded with grants made under this section, and for dissemination to States of descriptions and evaluations of such programs and activities, to enable States to incorporate successful approaches into their programs carried out under this part.

''(c) SUNSET PROVISION.—This section shall be effective for 3 fiscal years after the date of enactment of the Older Americans Act Amendments of 2000.

''SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—The Assistant Secretary shall, directly or by grant or contract, carry out activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals through program evaluation, training, technical assistance, and research.

''(b) SUNSET PROVISION.—This section shall be effective for 3 fiscal years after the date of enactment of the Older Americans Act Amendments of 2000.''.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 401. PROJECTS AND PROGRAMS

Title IV of the Older Americans Act of 1965 (42 U.S.C. 3030aa et seq.) is amended to read as follows:

''SEC. 401. PURPOSES.

''The purposes of this title are—

''(1) to expand the Nation's knowledge and understanding of the older population and the aging process;

''(2) to design, test, and promote the use of innovative ideas and best practices in programs and services for older individuals;

''(3) to help meet the needs for trained personnel in the field of aging; and

''(4) to increase awareness of citizens of all ages of the need to assume personal responsibility for their own longevity.

''PART A—GRANT PROGRAMS

''SEC. 411. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—For the purpose of carrying out this section, the Assistant Secretary may make grants to and enter into contracts with States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including tribal organizations, for—

''(1) education and training to develop an adequately trained workforce to work with and on behalf of older individuals;

''(2) applied social research and analysis to improve access to and delivery of services for older individuals;

''(3) evaluation of the performance of the programs, activities, and services provided under this section;

''(4) the development of methods and practices to improve the quality and effectiveness of the programs, services, and activities provided under this section;

''(5) the demonstration of new approaches to design, deliver, and coordinate programs and services for older individuals;

''(6) technical assistance in planning, developing, implementing, and improving the programs, services, and activities provided under this section;

''(7) coordination with the designated State agency described in section 101(a)(2)(A)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(2)(A)(i)) to provide services to older individuals who are blind as described in such Act;

''(8) the training of graduate level professionals specializing in the mental health needs of older individuals; and

''(9) any other activities that the Assistant Secretary determines will achieve the objectives of this section.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

''SEC. 412. CAREER PREPARATION FOR THE FIELD OF AGING.

''(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

''(b) DEFINITIONS.—For purposes of subsection (a):

''(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term 'Hispanic Center of Excellence in Applied Gerontology' means an institution of higher education with a program in applied gerontology that—

''(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

''(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

''(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

''(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

''(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

"SEC. 413. OLDER INDIVIDUALS' PROTECTION FROM VIOLENCE PROJECTS.

''(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants to States, area agencies on aging, nonprofit organizations, or tribal organizations to carry out the activities described in subsection (b).

''(b) ACTIVITIES.—A State, an area agency on aging, a nonprofit organization, or a tribal organization that receives a grant under subsection (a) shall use such grant to—

''(1) support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including family violence and sexual assault, against older individuals;

''(2) develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including family violence and sexual assault, against older individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers;

''(3) expand access to family violence and sexual assault programs (including shelters, rape crisis centers, and support groups), including mental health services, safety planning and legal advocacy for older individuals and encourage the use of senior housing, hotels, or other suitable facilities or services when appropriate as emergency short-term shelters for older individuals who are the victims of elder abuse, including family violence and sexual assault; or

''(4) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and other programs, such as impediments to provision of services in coordination with delivery of health care or services delivered under this Act.

''(c) PREFERENCE.—In awarding grants under subsection (a), the Assistant Secretary shall give preference to a State, an area agency on aging, a nonprofit organization, or a tribal organization that has the ability to carry out the activities described in this section and title VII of this Act.

''(d) COORDINATION.—The Assistant Secretary shall encourage each State, area agency on aging, nonprofit organization, and tribal organization that receives a grant under subsection (a) to coordinate activities provided under this section with activities provided by other area agencies on aging, tribal organizations, State adult protective service programs, private nonprofit organizations, and by other entities receiving funds under title VII of this Act.

"SEC. 414. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS.

''(a) AUTHORITY.—The Assistant Secretary, after consultation with the State agency of the State involved, shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects (including related home health care services, adult day health care, outreach, and transportation) through multipurpose senior centers that are located in rural areas and that provide nutrition services under section 331, to meet the health care needs of medically underserved older individuals residing in such areas.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Secretary may require, including—

''(1) information describing the nature and extent of the applicant's—

''(A) experience in providing medical services of the type to be provided in the project for which a grant is requested; and

''(B) coordination and cooperation with—

''(i) institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing such project; and

''(ii) critical access hospitals (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)) and rural health clinics (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)));

''(2) assurances that the applicant will carry out the project for which a grant is requested, through a multipurpose senior center located—

''(A)(i) in a rural area that has a population of less than 5,000; or

''(ii) in a county that has fewer than 7 individuals per square mile; and

''(B) in a State in which—

''(i) not less than 33⅓ of the population resides in rural areas; and

''(ii) not less than 5 percent of the population resides in counties with fewer than 7 individuals per square mile;

as defined by and determined in accordance with the most recent data available from the Bureau of the Census; and

''(3) assurances that the applicant will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

''(c) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (b).

"SEC. 415. COMPUTER TRAINING.

''(a) PROGRAM AUTHORIZED.—The Assistant Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information, may award grants or contracts to entities to provide computer training and enhanced Internet access for older individuals.

''(b) PRIORITY.—If the Assistant Secretary awards grants under subsection (a), the Assistant Secretary shall give priority to an entity that—

''(1) will provide services to older individuals living in rural areas;

''(2) has demonstrated expertise in providing computer training to older individuals; or

''(3) has demonstrated that it has a variety of training delivery methods, including facility-based, computer-based, and Internet-based training, that may facilitate a determination of the best method of training older individuals.

''(c) SPECIAL CONSIDERATION.—In awarding grants under this section, the Assistant Secretary shall give special consideration to applicants that have entered into a partnership with 1 or more private entities providing such applicants with donated information technologies including software, hardware, or training.

''(d) USE OF FUNDS.—An entity that receives a grant or contract under subsection (a) shall use funds received under such grant or contract to provide training for older individuals that—

''(1) relates to the use of computers and related equipment, in order to improve the self-employment and employment-related technology skills of older individuals, as well as their ability to use the Internet; and

''(2) is provided at senior centers, housing facilities for older individuals, elementary schools, secondary schools, and institutions of higher education.

"SEC. 416. TECHNICAL ASSISTANCE TO IMPROVE TRANSPORTATION FOR SENIORS.

''(a) IN GENERAL.—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

''(b) USE OF FUNDS.—A nonprofit organization receiving a grant or contract under subsection (a) shall use funds received under such grant or contract to provide technical assistance to assist local transit providers, area agencies on aging, senior centers and local senior support groups to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. Such technical assistance may include—

''(1) developing innovative approaches for improving access by older individuals to supportive services;

''(2) preparing and disseminating information on transportation options and resources for older individuals and organizations serving such individuals through establishing a toll-free telephone number;

''(3) developing models and best practices for comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

''(4) providing special services to link seniors to transportation services not provided under title III.

"SEC. 417. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

''(a) GRANTS AND CONTRACTS.—The Assistant Secretary may award grants and enter into contracts with eligible organizations to establish demonstration projects to provide older individuals with multigenerational activities.

''(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

''(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

''(2) to evaluate the project in accordance with subsection (f).

''(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to—

''(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

''(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas).

''(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

''(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

''(f) LOCAL EVALUATION AND REPORT.—

''(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the multigenerational activities assisted under the project to determine the effectiveness of the

multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact of such activities on older individuals involved in such project.

''(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

''(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

''(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

''(2) a description of the nature and operation of the projects;

''(3) the names and addresses of organizations that conducted the projects;

''(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects;

''(5) a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers; and

''(6) the rate of turnover of older individual employees and volunteers in the projects.

''(h) DEFINITION.—As used in this section, the term 'multigenerational activity' includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.

''SEC. 418. NATIVE AMERICAN PROGRAMS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Assistant Secretary shall make grants or enter into contracts with not fewer than 2 and not more than 4 eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as 'Resource Centers'). The Assistant Secretary shall make such grants or enter into such contracts for periods of not less than 3 years.

''(2) FUNCTIONS.—

''(A) IN GENERAL.—Each Resource Center that receives funds under this section shall—

''(i) gather information;

''(ii) perform research;

''(iii) provide for the dissemination of results of the research; and

''(iv) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

''(B) AREAS OF CONCERN.—In conducting the functions described in subparagraph (A), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

''(i) health problems;

''(ii) long-term care, including in-home care;

''(iii) elder abuse; and

''(iv) other problems and issues that the Assistant Secretary determines are of particular importance to Native Americans who are older individuals.

''(3) PREFERENCE.—In awarding grants and entering into contracts under paragraph (1), the Assistant Secretary shall give preference to institutions of higher education that have conducted research on, and assessments of, the characteristics and needs of Native Americans who are older individuals.

''(4) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Assistant Secretary shall consult with the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

''(5) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under paragraph (1), an entity shall be an institution of higher education with experience conducting research and assessment on the needs of older individuals.

''(6) REPORT TO CONGRESS.—The Assistant Secretary, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs, including the priority areas of concern, of Native Americans who are older individuals.

''(b) TRAINING GRANTS.—The Assistant Secretary shall make grants and enter into contracts to provide in-service training opportunities and courses of instruction on aging to Indian tribes through public or nonprofit Indian aging organizations and to provide annually a national meeting to train directors of programs under this title.

''SEC. 419. MULTIDISCIPLINARY CENTERS.

''(a) PROGRAM AUTHORIZED.—The Assistant Secretary may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services, minority populations, and older individuals residing in rural areas).

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—The centers described in subsection (a) shall conduct research and policy analysis and function as a technical resource for the Assistant Secretary, policymakers, service providers, and Congress.

''(2) MULTIDISCIPLINARY CENTERS.—The multidisciplinary centers of gerontology described in subsection (a) shall—

''(A) recruit and train personnel;

''(B) conduct basic and applied research toward the development of information related to aging;

''(C) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

''(D) help to develop training programs in the field of aging at schools of public health, education, social work, and psychology, and other appropriate schools within colleges and universities;

''(E) serve as a repository of information and knowledge on aging;

''(F) provide consultation and information to public and voluntary organizations, including State agencies and area agencies on aging, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act; and

''(G) if appropriate, provide information relating to assistive technology.

''(c) DATA.—

''(1) IN GENERAL.—Each center that receives a grant under subsection (a) shall provide data to the Assistant Secretary on the projects and activities carried out with funds received under such subsection.

''(2) INFORMATION INCLUDED.—Such data described in paragraph (1) shall include—

''(A) information on the number of personnel trained;

''(B) information on the number of older individuals served;

''(C) information on the number of schools assisted; and

''(D) other information that will facilitate achieving the objectives of this section.

''SEC. 420. DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS.

''(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants and enter into contracts, in order to—

''(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

''(A) case consultations;

''(B) training;

''(C) provision of substantive legal advice and assistance; and

''(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

''(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

''(b) ASSURANCES.—Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(11) are met.

''(c) ASSISTANCE.—To carry out subsection (a)(1), the Assistant Secretary shall make grants to or enter into contracts with national nonprofit organizations experienced in providing support and technical assistance on a nationwide basis to States, area agencies on aging, legal assistance providers, ombudsmen, elder abuse prevention programs, and other organizations interested in the legal rights of older individuals.

''SEC. 421. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS.

''(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall award grants to not fewer than 3 and not more than 10 States to conduct demonstrations and evaluate cooperative projects between the State long-term care ombudsman program, legal assistance agencies, and the State protection and advocacy systems for individuals with developmental disabilities and individuals with mental illness, established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

''(b) REPORT.—The Assistant Secretary shall prepare and submit to Congress a report containing the results of the evaluation required by subsection (a). Such report shall contain such recommendations as the Assistant Secretary determines to be appropriate.

''PART B—GENERAL PROVISIONS

''SEC. 431. PAYMENT OF GRANTS.

''(a) CONTRIBUTIONS.—To the extent the Assistant Secretary determines a contribution to be appropriate, the Assistant Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

''(b) PAYMENTS.—Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

''(c) CONSULTATION.—The Assistant Secretary shall make no grant or contract under this title in any State that has established or designated a State agency for purposes of title III unless the Assistant Secretary—

''(1) consults with the State agency prior to issuing the grant or contract; and

''(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

''SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.

''(a) IN GENERAL.—The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

''(b) REPORT.—

''(1) IN GENERAL.—Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

''(A) for which funds were provided under this title; and

''(B) that was completed in the fiscal year for which such report is prepared.

''(2) CONTENTS.—Such report shall contain—

''(A) the name or descriptive title of each project or program;

''(B) the name and address of the individual or governmental entity that conducted such project or program;

''(C) a specification of the period throughout which such project or program was conducted;

''(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

''(E) an abstract describing the nature and operation of such project or program; and

''(F) a bibliography identifying all published information relating to such project or program.

''(c) EVALUATIONS.—

''(1) IN GENERAL.—The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

''(2) RESULTS.—The Assistant Secretary shall—

''(A) make available to the public the results of each evaluation carried out under paragraph (1); and

''(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.''.

TITLE V—AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965

SEC. 501. AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965.

Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended to read as follows:

''TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

''SEC. 501. SHORT TITLE.

''This title may be cited as the 'Older American Community Service Employment Act'.

''SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

''(a)(1) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors, the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') is authorized to establish an older American community service employment program.

''(2) Amounts appropriated to carry out this title shall be used only to carry out the provisions contained in this title.

''(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements, subject to section 514, with State and national public and private nonprofit agencies and organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c) of this section, of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any organization or agency unless the Secretary determines that such project—

''(A) will provide employment only for eligible individuals except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

''(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

''(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals, including those who are Indians residing on an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));

''(C) will employ eligible individuals in service related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

''(D) will contribute to the general welfare of the community;

''(E) will provide employment for eligible individuals;

''(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

''(ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits); and

''(iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

''(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

''(H) will utilize methods of recruitment and selection (including participating in a one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) and listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

''(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

''(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service and other jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of—

''(i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof;

''(ii) the State or local minimum wage for the most nearly comparable covered employment; or

''(iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

''(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

''(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

''(M) will assure that, to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have the greatest economic need, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

''(N)(i) will prepare an assessment of the participants' skills and talents and their needs for services, except to the extent such project has, for the participant involved, recently prepared an assessment of such skills and talents, and such needs, pursuant to another employment or training program (such as a program under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.));

''(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment and service strategy provided for in clause (i); and

''(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;

''(O) will provide appropriate services for participants through the one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c));

''(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed;

''(Q) will provide to the Secretary the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998; and

''(R) will ensure that entities carrying out activities under the project, including State offices, local offices, subgrantees, subcontractors, or other affiliates of such organization or agency shall receive an amount of the administration cost allocation that is sufficient for the administrative activities under the project to be carried out by such State office, local office, subgrantee, subcontractor, or other affiliate.

''(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

''(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.

''(4)(A) An assessment and service strategy provided for an eligible individual under this title shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such individual qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)), in accordance with such Act.

''(B) An assessment and service strategy or individual employment plan provided for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) shall satisfy any condition for an assessment and service strategy for an eligible individual under this title.

''(c)(1) The Secretary is authorized to pay a share, but not to exceed 90 percent of the cost of any project which is the subject of an agreement entered into under subsection (b) of this section, except that the Secretary is authorized to pay all of the costs of any such project which is—

''(A) an emergency or disaster project; or

''(B) a project located in an economically depressed area;

as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

''(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

''(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for any fiscal year shall be available for paying the costs of administration for such project, except that—

''(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the grantee with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

''(B) whenever the grantee with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

''(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

''(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

''(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceeds 13.5 percent of the amount for such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.

''(4) The costs of administration are the costs, both personnel and non-personnel and both direct and indirect, associated with the following:

''(A) The costs of performing overall general administrative functions and providing for the coordination of functions, such as—

''(i) accounting, budgeting, financial, and cash management functions;

''(ii) procurement and purchasing functions;

''(iii) property management functions;

''(iv) personnel management functions;

''(v) payroll functions;

''(vi) coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;

''(vii) audit functions;

''(viii) general legal services functions; and

''(ix) developing systems and procedures, including information systems, required for these administrative functions.

''(B) The costs of performing oversight and monitoring responsibilities related to administrative functions.

''(C) The costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.

''(D) The travel costs incurred for official business in carrying out administrative activities or overall management.

''(E) The costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting, and payroll systems) including the purchase, systems development, and operating costs of such systems.

''(5) To the extent practicable, an entity that carries out a project under this title shall provide for the payment of the expenses described in paragraph (4) from non-Federal sources.

''(6)(A) Amounts made available for a project under this title that are not used to pay for the cost of administration shall be used to pay for the costs of programmatic activities, including—

''(i) enrollee wages and fringe benefits (including physical examinations);

''(ii) enrollee training, which may be provided prior to or subsequent to placement, including the payment of reasonable costs of instructors, classroom rental, training supplies, materials, equipment, and tuition, and which may be provided on the job, in a classroom setting, or pursuant to other appropriate arrangements;

''(iii) job placement assistance, including job development and job search assistance;

''(iv) enrollee supportive services to assist an enrollee to successfully participate in a project under this title, including the payment of reasonable costs of transportation, health care and medical services, special job-related or personal counseling, incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools), child and adult care, temporary shelter, and followup services; and

''(v) outreach, recruitment and selection, intake, orientation, and assessments.

''(B) Not less than 75 percent of the funds made available through a grant made under this title shall be used to pay wages and benefits for older individuals who are employed under projects carried out under this title.

''(d) Whenever a grantee conducts a project within a planning and service area in a State, such grantee shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging a description of such project to be conducted in the State, including the location of the project, 90 days prior to undertaking the project, for review and public comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

''(e)(1) The Secretary, in addition to any other authority contained in this title, shall conduct projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations, and private business concerns as may be necessary, to conduct the projects authorized by this subsection to assure that placement and training. The Secretary, from amounts reserved under section 506(a)(1) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

''(2) The Secretary shall issue, and amend from time to time, criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

''(A) will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion;

''(B) will emphasize projects involving second careers and job placement and give consideration to placement in growth industries in jobs reflecting new technological skills; and

''(C) require the coordination of projects carried out under such agreements, with the programs carried out under title I of the Workforce Investment Act of 1998.

''(f) The Secretary shall, on a regular basis, carry out evaluations of the activities authorized under this title, which may include but are not limited to projects described in subsection (e).

''SEC. 503. ADMINISTRATION.

''(a) STATE SENIOR EMPLOYMENT SERVICES COORDINATION PLAN.—

''(1) GOVERNOR SUBMITS PLAN.—The Governor of each State shall submit annually to the Secretary a State Senior Employment Services Coordination Plan, containing such provisions as the Secretary may require, consistent with the provisions of this title, including a description of the process used to ensure the participation of individuals described in paragraph (2).

''(2) RECOMMENDATIONS.—In developing the State plan prior to its submission to the Secretary, the Governor shall obtain the advice and recommendations of—

''(A) individuals representing the State and area agencies on aging in the State, and the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

''(B) individuals representing public and private nonprofit agencies and organizations

providing employment services, including each grantee operating a project under this title in the State; and

''(C) individuals representing social service organizations providing services to older individuals, grantees under title III of this Act, affected communities, underserved older individuals, community-based organizations serving the needs of older individuals, business organizations, and labor organizations.

''(3) COMMENTS.—Any State plan submitted by a Governor in accordance with paragraph (1) shall be accompanied by copies of public comments relating to the plan received pursuant to paragraph (4) and a summary thereof.

''(4) PLAN PROVISIONS.—The State Senior Employment Services Coordination Plan shall identify and address—

''(A) the relationship that the number of eligible individuals in each area bears to the total number of eligible individuals, respectively, in that State;

''(B) the relative distribution of individuals residing in rural and urban areas within the State;

''(C) the relative distribution of—

''(i) eligible individuals who are individuals with greatest economic need;

''(ii) eligible individuals who are minority individuals; and

''(iii) eligible individuals who are individuals with greatest social need;

''(D) consideration of the employment situations and the type of skills possessed by local eligible individuals;

''(E) the localities and populations for which community service projects of the type authorized by this title are most needed; and

''(F) plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998.

''(5) GOVERNOR'S RECOMMENDATIONS ON GRANT PROPOSALS.—Prior to the submission to the Secretary of any proposal for a grant under this title for any fiscal year, the Governor of each State in which projects are proposed to be conducted under such grant shall be afforded a reasonable opportunity to submit recommendations to the Secretary—

''(A) regarding the anticipated effect of each such proposal upon the overall distribution of enrollment positions under this title within the State (including such distribution among urban and rural areas), taking into account the total number of positions to be provided by all grantees within the State;

''(B) any recommendations for redistribution of positions to underserved areas as vacancies occur in previously encumbered positions in other areas; and

''(C) in the case of any increase in funding that may be available for use within the State under this title for any fiscal year, any recommendations for distribution of newly available positions in excess of those available during the preceding year to underserved areas.

''(6) DISRUPTIONS.—In developing plans and considering recommendations under this subsection, disruptions in the provision of community service employment opportunities for current enrollees shall be avoided, to the greatest possible extent.

''(7) DETERMINATION; REVIEW.—

''(A) DETERMINATION.—In order to effectively carry out the provisions of this title, each State shall make available for public comment its senior employment services coordination plan. The Secretary, in consultation with the Assistant Secretary, shall review the plan and public comments received on the plan, and make a written determination with findings and a decision regarding the plan.

''(B) REVIEW.—The Secretary may review on the Secretary's own initiative or at the request of any public or private agency or organization, or an agency of the State government, the distribution of projects and services under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of projects or services within a State, the Secretary shall give notice and opportunity for public comment.

''(8) EXEMPTION.—The grantees serving older American Indians under section 506(a)(3) will not be required to participate in the State planning processes described in this section but will collaborate with the Secretary to develop a plan for projects and services to older American Indians.

''(b)(1) The Secretary of Labor and the Assistant Secretary shall coordinate the programs under this title and the programs under other titles of this Act to increase job opportunities available to older individuals.

''(2) The Secretary shall coordinate the program assisted under this title with programs authorized under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998 (29 U.S.C. 701 et seq.)), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall coordinate the administration of this title with the administration of other titles of this Act by the Assistant Secretary to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services. Appropriations under this title shall not be used to carry out any program under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998), the Carl D. Perkins Vocational and Technical Education Act of 1998, the National and Community Service Act of 1990, or the Domestic Volunteer Service Act of 1973. The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence, or from carrying out section 512.

''(3) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.

''(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

''(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

''(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

''(f)(1) The Secretary shall monitor projects receiving financial assistance under this title to determine whether the grantees are complying with the provisions of and regulations issued under this title, including compliance with the statewide planning, consultation, and coordination provisions under this title.

''(2) Each grantee receiving funds under this title shall comply with the applicable uniform cost principles and appropriate administrative requirements for grants and contracts that are applicable to the type of entity receiving funds, as issued as circulars or rules of the Office of Management and Budget.

''(3) Each grantee described in paragraph (2) shall prepare and submit a report in such manner and containing such information as the Secretary may require regarding activities carried out under this title.

''(4) Each grantee described in paragraph (2) shall keep records that—

''(A) are sufficient to permit the preparation of reports required pursuant to this title;

''(B) are sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully; and

''(C) contain any other information that the Secretary determines to be appropriate.

''(g) The Secretary shall establish by regulation and implement a process to evaluate the performance of projects and services, pursuant to section 513, carried out under this title. The Secretary shall report to Congress and make available to the public the results of each such evaluation and use such evaluation to improve services delivered, or the operation of projects carried out under this title.

''SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.

''(a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

''(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

''SEC. 505. INTERAGENCY COOPERATION.

''(a) The Secretary shall consult with, and obtain the written views of, the Assistant Secretary for Aging in the Department of Health and Human Services prior to the establishment of rules or the establishment of general policy in the administration of this title.

''(b) The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

''(c)(1) The Secretary shall promote and coordinate carrying out projects under this

title jointly with programs, projects, or activities under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c) of such Act (29 U.S.C. 2864(c)), that provide training and employment opportunities to eligible individuals.

''(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with workforce investment activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Technical Education Act of 1998.

''SEC. 506. DISTRIBUTION OF ASSISTANCE.

''(a) RESERVATIONS.—

''(1) RESERVATION FOR PRIVATE EMPLOYMENT PROJECTS.—From sums appropriated under this title for each fiscal year, the Secretary shall first reserve not more than 1.5 percent of the total amount of such sums for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

''(2) RESERVATION FOR TERRITORIES.—From sums appropriated under this title for each fiscal year, the Secretary shall reserve 0.75 percent of the total amount of such sums, of which—

''(A) Guam, American Samoa, and the United States Virgin Islands shall each receive 30 percent; and

''(B) the Commonwealth of the Northern Mariana Islands shall receive 10 percent.

''(3) RESERVATION FOR ORGANIZATIONS.—The Secretary shall reserve such sums as may be necessary for national grants with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment to older Pacific Island and Asian Americans.

''(b) STATE ALLOTMENTS.—The allotment for each State shall be the sum of the amounts allotted for national grants in such State under subsection (d) and for the grant to such State under subsection (e).

''(c) DIVISION BETWEEN NATIONAL GRANTS AND GRANTS TO STATES.—From the sums appropriated to carry out this title for any fiscal year that remain after amounts are reserved under paragraphs (1), (2), and (3) of subsection (a), the Secretary shall divide the remainder between national grants and grants to States, as follows:

''(1) RESERVATION OF FUNDS FOR FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—The Secretary shall reserve the amounts necessary to maintain the fiscal year 2000 level of activities supported by public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, and the fiscal year 2000 level of activities supported by State grantees under this title, in proportion to their respective fiscal year 2000 levels of activities. In any fiscal year for which the appropriations are insufficient to provide the full amounts so required, then such amounts shall be reduced proportionally.

''(2) FUNDING IN EXCESS OF FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—

''(A) UP TO $35,000,000.—From the amounts remaining after the application of paragraph (1), the portion of such remaining amounts up to the sum of $35,000,000 shall be divided so that 75 percent shall be provided to State grantees and 25 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

''(B) OVER $35,000,000.—Any amounts remaining after the application of subparagraph (A) shall be divided so that 50 percent shall be provided to State grantees and 50 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

''(d) ALLOTMENTS FOR NATIONAL GRANTS.—From the sums provided for national grants under subsection (c), the Secretary shall allot for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State, an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

''(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

''(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

''(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State shall be proportional to their fiscal year 2000 level of activities; or

''(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

''(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

''(e) ALLOTMENTS FOR GRANTS TO STATES.—From the sums provided for grants to States under subsection (c), the Secretary shall allot for the State grantee in each State an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

''(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for State grantees in all of the States.

''(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

''(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for State grantees in each State shall be proportional to their fiscal year 2000 level of activities; or

''(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for State grantees in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for State grantees in all of the States.

''(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

''(f) ALLOTMENT PERCENTAGE.—For the purposes of subsections (d) and (e)—

''(1) the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 percent or less than 33 percent, and (B) the allotment percentage for the District of Columbia and the Commonwealth of Puerto Rico shall be 75 percent;

''(2) the number of persons aged 55 or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

''(3) for the purpose of determining the allotment percentage, the term 'United States' means the 50 States and the District of Columbia.

''(g) DEFINITIONS.—In this section:

''(1) COST PER AUTHORIZED POSITION.—The term 'cost per authorized position' means the sum of—

''(A) the hourly minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) (as amended), multiplied by the number of hours equal to the product of 21 hours and 52 weeks;

''(B) an amount equal to 11 percent of the amount specified under subparagraph (A), for the purpose of covering Federal payments for fringe benefits; and

''(C) an amount determined by the Secretary, for the purpose of covering Federal payments for the remainder of all other program and administrative costs.

''(2) FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—The term 'fiscal year 2000 level of activities' means—

''(A) with respect to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(e); and

''(B) with respect to State grantees, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(f).

''(3) GRANTS TO STATES.—The term 'grants to States' means grants under this title to the States from the Secretary.

''(4) LEVEL OF ACTIVITIES.—The term 'level of activities' means the number of authorized positions multiplied by the cost per authorized position.

''(5) NATIONAL GRANTS.—The term 'national grants' means grants to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

''(6) STATE.—The term 'State' does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

''SEC. 507. EQUITABLE DISTRIBUTION.

''(a) INTERSTATE ALLOCATION.—The Secretary, in awarding grants and contracts under section 506, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.

''(b) INTRASTATE ALLOCATION.—The amount allocated for projects within each State under section 506 shall be allocated among

areas within the State in an equitable manner, taking into consideration the State priorities set out in the State plan pursuant to section 503(a).

"SEC. 508. REPORT.

''In order to carry out the Secretary's responsibilities for reporting in section 503(g), the Secretary shall require the State agency for each State receiving funds under this title to prepare and submit a report at the beginning of each fiscal year on such State's compliance with section 507(b). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allocated to each such project under section 506.

"SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS.

''Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

"SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT ACTIVITIES.

''Eligible individuals under this title may be deemed by local workforce investment boards established under title I of the Workforce Investment Act of 1998 to satisfy the requirements for receiving services under such title that are applicable to adults.

"SEC. 511. TREATMENT OF ASSISTANCE.

''Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255A(h)(1)(A)).

"SEC. 512. COORDINATION WITH THE WORKFORCE INVESTMENT ACT OF 1998.

''(a) PARTNERS.—Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas, and shall carry out the responsibilities relating to such partners.

''(b) COORDINATION.—In local workforce investment areas where more than 1 grantee under this title provides services, the grantees shall coordinate their activities related to the one-stop delivery system, and grantees shall be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c)).

"SEC. 513. PERFORMANCE.

''(a) MEASURES.—

''(1) ESTABLISHMENT OF MEASURES.—The Secretary shall establish, in consultation with grantees, subgrantees±, and host agencies under this title, States, older individuals, area agencies on aging, and other organizations serving older individuals, performance measures for each grantee for projects and services carried out under this title.

''(2) CONTENT.—

''(A) COMPOSITION OF MEASURES.—The performance measures as established by the Secretary and described in paragraph (1) shall consist of indicators of performance and levels of performance applicable to each indicator. The measures shall be designed to promote continuous improvement in performance.

''(B) ADJUSTMENT.—The levels of performance described in subparagraph (A) applicable to a grantee shall be adjusted only with respect to the following factors:

''(i) High rates of unemployment, poverty, or welfare recipiency in the areas served by a grantee, relative to other areas of the State or Nation.

''(ii) Significant downturns in the areas served by the grantee or in the national economy.

''(iii) Significant numbers or proportions of enrollees with 1 or more barriers to employment served by a grantee relative to grantees serving other areas of the State or Nation.

''(C) PLACEMENT.—For all grantees, the Secretary shall establish a measure of performance of not less than 20 percent (adjusted in accordance with subparagraph (B)) for placement of enrollees into unsubsidized public or private employment as defined in subsection (c)(2).

''(3) PERFORMANCE EVALUATION OF PUBLIC OR PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.—The Secretary shall annually establish national performance measures for each public or private nonprofit agency or organization that is a grantee under this title, which shall be applicable to the grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the grantees with respect to such measures shall be evaluated in accordance with section 514(e)(1) regarding performance of the grantees on a national basis, and in accordance with section 514(e)(3) regarding the performance of the grantees in each State.

''(4) PERFORMANCE EVALUATION OF STATES.—The Secretary shall annually establish performance measures for each State that is a grantee under this title, which shall be applicable to the State grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the State grantees with respect to such measures shall be evaluated in accordance with section 514(f).

''(5) LIMITATION.—An agreement to be evaluated on the performance measures shall be a requirement for application for, and a condition of, all grants authorized by this title.

''(b) REQUIRED INDICATORS.—The indicators described in subsection (a) shall include—

''(1) the number of persons served, with particular consideration given to individuals with greatest economic need, greatest social need, or poor employment history or prospects, and individuals who are over the age of 60;

''(2) community services provided;

''(3) placement into and retention in unsubsidized public or private employment;

''(4) satisfaction of the enrollees, employers, and their host agencies with their experiences and the services provided; and

''(5) any additional indicators of performance that the Secretary determines to be appropriate to evaluate services and performance.

''(c) DEFINITIONS OF INDICATORS.—

''(1) IN GENERAL.—The Secretary, after consultation with national and State grantees, representatives of business and labor organizations, and providers of services, shall, by regulation, issue definitions of the indicators of performance described in subsection (b).

''(2) DEFINITIONS OF CERTAIN TERMS.—In this section:

''(A) PLACEMENT INTO PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.—The term 'placement into public or private unsubsidized employment' means full- or part-time paid employment in the public or private sector by an enrollee under this title for 30 days within a 90-day period without the use of funds under this title or any other Federal or State employment subsidy program, or the equivalent of such employment as measured by the earnings of an enrollee through the use of wage records or other appropriate methods.

''(B) RETENTION IN PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.—The term 'retention in public or private unsubsidized employment' means full- or part-time paid employment in the public or private sector by an enrollee under this title for 6 months after the starting date of placement into unsubsidized employment without the use of funds under this title or any other Federal or State employment subsidy program.

''(d) CORRECTIVE EFFORTS.—A State or other grantee that does not achieve the established levels of performance on the performance measures shall submit to the Secretary, for approval, a plan of correction as described in subsection (e) or (f) of section 514 to achieve the established levels of performance.

"SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO GRANT AWARDS.

''(a) PROGRAM AUTHORIZED.—In accordance with section 502(b), the Secretary shall award grants to eligible applicants to carry out projects under this title for a period of 1 year, except that, after the promulgation of regulations for this title and the establishment of the performance measures required by section 513(a), the Secretary shall award grants for a period of not to exceed 3 years.

''(b) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under subsection (a) in accordance with section 502(b)(1), and subsections (c) and (d).

''(c) CRITERIA.—The Secretary shall select the eligible applicants to receive grants under subsection (a) based on the following:

''(1) The applicant's ability to administer a program that serves the greatest number of eligible individuals, giving particular consideration to individuals with greatest economic need, greatest social need, poor employment history or prospects, and over the age of 60.

''(2) The applicant's ability to administer a program that provides employment for eligible individuals in the communities in which such individuals reside, or in nearby communities, that will contribute to the general welfare of the community.

''(3) The applicant's ability to administer a program that moves eligible individuals into unsubsidized employment.

''(4) The applicant's ability to move individuals with multiple barriers to employment into unsubsidized employment.

''(5) The applicant's ability to coordinate with other organizations at the State and local level.

''(6) The applicant's plan for fiscal management of the program to be administered with funds received under this section.

''(7) Any additional criteria that the Secretary deems appropriate in order to minimize disruption for current enrollees.

''(d) RESPONSIBILITY TESTS.—

''(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant's overall responsibility to administer Federal funds.

''(2) REVIEW.—As part of the review described in paragraph (1), the Secretary may consider any information, including the organization's history with regard to the management of other grants.

''(3) FAILURE TO SATISFY TEST.—The failure to satisfy any 1 responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A) and (B) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

''(4) TEST.—The responsibility tests include review of the following factors:

''(A) Efforts by the organization to recover debts, after 3 demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

''(B) Established fraud or criminal activity of a significant nature within the organization.

''(C) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

''(D) Willful obstruction of the audit process.

''(E) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

''(F) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

''(G) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

''(H) Failure to submit required reports.

''(I) Failure to properly report and dispose of government property as instructed by the Secretary.

''(J) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

''(K) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A–133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

''(L) Failure to audit a subrecipient within the required period.

''(M) Final disallowed costs in excess of 5 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

''(N) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

''(5) DETERMINATION.—Applicants that are determined to be not responsible shall not be selected as grantees.

''(6) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

''(e) NATIONAL PERFORMANCE MEASURES AND COMPETITION FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.—

''(1) IN GENERAL.—Not later than 120 days after the end of each program year, the Secretary shall determine if each public or private nonprofit agency or organization that is a grantee has met the national performance measures established pursuant to section 513(a)(3).

''(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—

''(A) IN GENERAL.—If the Secretary determines that a grantee fails to meet the national performance measures for a program year, the Secretary shall provide technical assistance and require such organization to submit a corrective action plan not later than 160 days after the end of the program year.

''(B) CONTENT.—The plan submitted under subparagraph (A) shall detail the steps the grantee will take to meet the national performance measures in the next program year.

''(C) AFTER SECOND YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a second consecutive program year, the Secretary shall conduct a national competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds awarded to the grantee for such year.

''(D) COMPETITION AFTER THIRD CONSECUTIVE YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a third consecutive program year, the Secretary shall conduct a national competition to award the amount of the grant remaining after deduction of the portion specified in subparagraph (C) for the first full program year following the determination. The eligible applicant that receives the grant through the national competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

''(3) COMPETITION REQUIREMENTS FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS IN A STATE.—

''(A) IN GENERAL.—In addition to the actions required under paragraph (2), the Secretary shall take corrective action if the Secretary determines at the end of any program year that, despite meeting the established national performance measures, a public or private nonprofit agency or organization that is a grantee has attained levels of performance 20 percent or more below the national performance measures with respect to the project carried out in a State and has failed to meet the performance measures as established by the Secretary for the State grantee in such State, and there are not factors, such as the factors described in section 513(a)(2)(B), or size of the project, that justify the performance.

''(B) FIRST YEAR OF FAILURE.—After the first program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall require a corrective action plan, and may require the transfer of the responsibility for the project to other grantees, provide technical assistance, and take other appropriate actions.

''(C) SECOND YEAR OF FAILURE.—After the second consecutive program year of failure to meet the performance criteria described in subparagraph (A), the corrective actions to be taken by the Secretary may include the transfer of the responsibility for a portion or all of the project to a State or public or private nonprofit agency or organization, or a competition for a portion or all of the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

''(D) THIRD YEAR OF FAILURE.—After the third consecutive program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall conduct a competition for the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

''(4) REQUEST BY GOVERNOR.—Upon the request of the Governor of a State for a review of the performance of a public or private nonprofit agency or organization within the State, the Secretary shall undertake such a review in accordance with the criteria described in paragraph (3)(A). If the performance of such grantee is not justified under such criteria, the Secretary shall take corrective action in accordance with paragraph (3).

''(f) PERFORMANCE MEASURES AND COMPETITION FOR STATES.—

''(1) IN GENERAL.—Not later than 120 days after the end of the program year, the Secretary shall determine if a State grantee has met the performance measures established pursuant to section 513(a)(4).

''(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—If a State that receives a grant fails to meet the performance measures for a program year, the Secretary shall provide technical assistance and require the State to submit a corrective action plan not later than 160 days after the end of the program year.

''(3) CONTENT.—The plan described in paragraph (2) shall detail the steps the State will take to meet the standards.

''(4) FAILURE TO MEET PERFORMANCE MEASURES FOR SECOND AND THIRD YEARS.—

''(A) AFTER SECOND YEAR OF FAILURE.—If a State fails to meet the performance measures for a second consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds available to the State for such year.

''(B) AFTER THIRD YEAR OF FAILURE.—If the State fails to meet the performance measures for a third consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award the funds allocated to the State for the first full program year following the Secretary's determination that the State has not met the performance measures.

''SEC. 515. AUTHORIZATION OF APPROPRIATIONS.

''(a) There is authorized to be appropriated to carry out this title—

''(1) $475,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal year 2002 through 2005; and

''(2) such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this title, to provide for at least 70,000 part-time employment positions for eligible individuals.

For purposes of paragraph (2), 'part-time employment position' means an employment position within a workweek of at least 20 hours.

''(b) Amounts appropriated under this section for any fiscal year shall be available for obligation during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency.

''(c) At the end of the program year, the Secretary may recapture any unexpended funds for the program year, and reobligate such funds within the 2 succeeding program years for—

''(1) incentive grants;

''(2) technical assistance; or

''(3) grants or contracts for any other program under this title.

''SEC. 516. DEFINITIONS.

''In this title:

''(1) COMMUNITY SERVICE.—The term 'community service' means social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and

necessary to the community as the Secretary, by regulation, may prescribe.

''(2) ELIGIBLE INDIVIDUALS.—The term 'eligible individuals' means an individual who is 55 years old or older, who has a low income (including any such individual whose income is not more than 125 percent of the poverty guidelines established by the Office of Management and Budget), except that, pursuant to regulations prescribed by the Secretary, any such individual who is 60 years old or older shall have priority for the work opportunities provided for under this title.

''(3) PACIFIC ISLAND AND ASIAN AMERICANS.—The term 'Pacific Island and Asian Americans' means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

''(4) PROGRAM.—The term 'program' means the older American community service employment program established under this title.''.

TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965

SEC. 601. ELIGIBILITY.

Section 612 of the Older Americans Act of 1965 (42 U.S.C. 3057c) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) An Indian tribe represented by an organization specified in subsection (a) shall be eligible for only 1 grant under this part for any fiscal year. Nothing in this subsection shall preclude an Indian tribe represented by an organization specified in subsection (a) from receiving a grant under section 631.''.

SEC. 602. APPLICATIONS.

Section 614 of the Older Americans Act of 1965 (42 U.S.C. 3057e) is amended—

(1) in subsection (b), by striking ''certification'' and inserting ''approval''; and

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding at the end the following:

''(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.

''(3) The Assistant Secretary shall approve any application that complies with the provisions of subsection (a), except that in determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant that seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.

''(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographic area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.''.

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

''SEC. 633. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title—

''(1) for parts A and B, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years; and

''(2) for part C, $5,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.''.

SEC. 604. GENERAL PROVISIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 631 through 633 as sections 641 through 643, respectively;

(3) by inserting after part B the following:

''PART C—NATIVE AMERICAN CAREGIVER SUPPORT PROGRAM

''SEC. 631. PROGRAM.

''(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants to tribal organizations with applications approved under parts A and B, to pay for the Federal share of carrying out tribal programs, to enable the tribal organizations to provide multifaceted systems of the support services described in section 373 for caregivers described in section 373.

''(b) REQUIREMENTS.—In providing services under subsection (a), a tribal organization shall meet the requirements specified for an area agency on aging and for a State in the provisions of subsections (c), (d), and (e) of section 373 and of section 374. For purposes of this subsection, references in such provisions to a State program shall be considered to be references to a tribal program under this part.''.

TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended to read as follows:

''SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

''(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

''(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

''(c) LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.''.

SEC. 702. ALLOTMENT.

Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended by striking ''1991'' each place it appears and inserting ''2000''.

SEC. 703. ADDITIONAL STATE PLAN REQUIREMENTS.

Section 705(a) of the Older Americans Act of 1965 (42 U.S.C. 3058d(a)) is amended—

(1) in paragraph (4), by inserting ''each of'' after ''carry out'';

(2) in paragraph (6)(C)(iii), by striking the semicolon and inserting ''; and'';

(3) by striking paragraph (7);

(4) by redesignating paragraph (8) as paragraph (7); and

(5) in paragraph (7) (as redesignated by paragraph (3)), by striking ''paragraphs (1) through (7)'' and inserting ''paragraphs (1) through (6)''.

SEC. 704. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended—

(1) in subsection (a), in paragraph (5)(C)(ii), by inserting ''and not stand to gain financially through an action or potential action brought on behalf of individuals the Ombudsman serves'' after ''interest''; and

(2) in subsection (h)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking ''(A) not later than 1 year after the date of enactment of this title, establish'' and inserting ''strengthen and update''; and

(II) in clause (iii), by striking ''and'';

(ii) by striking subparagraph (B);

(iii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively; and

(iv) by redesignating subclauses (I) through (III) as clauses (i) through (iii), respectively;

(B) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

''(8) coordinate services with State and local law enforcement agencies and courts of competent jurisdiction; and''.

SEC. 705. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''(including financial exploitation)'' after ''exploitation'';

(B) in paragraph (2), by inserting '', State and local law enforcement systems, and courts of competent jurisdiction'' after ''service program''; and

(C) in paragraph (5), by inserting ''including caregivers described in part E of title III,'' after ''individuals,'';

(2) in subsection (d)(8)—

(A) by inserting ''State and local'' after ''consumer protection and''; and

(B) by inserting '', and services provided by agencies and courts of competent jurisdiction'' before the period; and

(3) by adding at the end the following:

''(g) STUDY AND REPORT.—

''(1) STUDY.—The Secretary, in consultation with the Department of the Treasury and the Attorney General of the United States, State attorneys general, and tribal and local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals. The purpose of this study would be to define and describe the scope of the problem of financial exploitation of the elderly and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older individuals. The study shall also examine the adequacy of current Federal and State legal protections to prevent such exploitation.

''(2) REPORT.—Not later than 18 months after the date of enactment of the Older Americans Act Amendments of 2000, the Secretary shall submit to Congress a report, which shall include—

''(A) the results of the study conducted under this subsection; and

''(B) recommendations for future actions to combat the financial exploitation of older individuals.''.

SEC. 706. ASSISTANCE PROGRAMS.

Subtitle A of title VII of the Older Americans Act of 1965 (42 U.S.C 3058 et seq.) is amended by repealing chapters 4 and 5 and inserting the following:

''CHAPTER 4—STATE LEGAL ASSISTANCE DEVELOPMENT PROGRAM

''SEC. 731. STATE LEGAL ASSISTANCE DEVELOPMENT.

''A State agency shall provide the services of an individual who shall be known as a State legal assistance developer, and the

services of other personnel, sufficient to ensure—

''(1) State leadership in securing and maintaining the legal rights of older individuals;

''(2) State capacity for coordinating the provision of legal assistance;

''(3) State capacity to provide technical assistance, training, and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate;

''(4) State capacity to promote financial management services to older individuals at risk of conservatorship;

''(5) State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship; and

''(6) State capacity to improve the quality and quantity of legal services provided to older individuals.''.

SEC. 707. NATIVE AMERICAN PROGRAMS.

Section 751(d) of the Older Americans Act of 1965 (42 U.S.C. 3058aa(d)) is amended to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.''.

TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 801. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE I.—Section 102(34)(C) of the Older Americans Act of 1965 (42 U.S.C. 3002(34)(C)) is amended by striking ''307(a)(12)'' and inserting ''307(a)(9)''.

(b) TITLE II.—

(1) Section 201(d)(3) of the Older Americans Act of 1965 (42 U.S.C. 3011(d)(3)) is amended—

(A) in subparagraph (C)(ii), by striking ''307(a)(12)'' and inserting ''307(a)(9)''; and

(B) in subparagraph (J), by striking ''307(a)(12)'' and inserting ''307(a)(9)''.

(2) Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(A) in subsection (a)—

(i) in paragraph (19)(C), by striking ''paragraphs (2) and (5)(A) of section 306(a)'' and inserting ''paragraphs (2) and (4)(A) of section 306(a)''; and

(ii) in paragraph (26), by striking ''sections 307(a)(18) and 731(b)(2)'' and inserting ''section 307(a)(13) and section 731'';

(B) in subsection (c)—

(i) in paragraph (1), by striking ''(c)(1)'' and inserting ''(c)''; and

(ii) by striking paragraph (2); and

(C) in subsection (e)(1)(A)—

(i) by striking clause (i) and inserting the following:

''(i) provide information about grants and projects under title IV;''; and

(ii) in clause (iv), by striking '', and the information provided by the Resource Centers on Native American Elders under section 429E''.

(3) Section 205(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)(2)(A)) is amended by striking ''subparts 1, 2, and 3'' and inserting ''subparts 1 and 2''.

(4) Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(5) Section 214 of the Older Americans Act of 1965 (42 U.S.C. 3020e) is amended by striking ''307(a)(13)(J)'' and inserting ''339(2)(J)''.

(c) TITLE III.—

(1) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by striking ''307(a)(12)'' and inserting ''307(a)(9)''.

(2) Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended—

(A) in subsection (d)(1)(B), by striking ''307(a)(12)'' and inserting ''307(a)(9)''; and

(B) by striking subsection (e).

(3) Section 305(a)(2)(F) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(F)) is amended by striking ''307(a)(24)'' and inserting ''307(a)(16)''.

(4) Section 307 of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended—

(A) in subsection (a), in paragraph (22) (as redesignated by section 305(19)), by striking ''306(a)(20)'' and inserting ''306(a)(8)''; and

(B) in subsection (f)—

(i) in paragraph (1), by striking ''(f)(1)'' and inserting ''(f)''; and

(ii) by striking paragraph (2).

(5) Section 321(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(15)) is amended by striking ''section 307(a)(16)'' and inserting ''section 307(a)(12)''.

(d) TITLE VI.—Section 614(a) of the Older Americans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively.

(e) TITLE VII.—

(1) Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended—

(A) in clause (i), by striking ''section 702(a)'' and inserting ''section 702 and made available to carry out chapter 2''; and

(B) in clause (ii), by striking ''section 702(b)'' and inserting ''section 702 and made available to carry out chapter 3''.

(2) Section 712(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3058g(a)(1)) is amended by striking ''section 702(a)'' and inserting ''section 702 and made available to carry out this chapter''.

(3) Section 721(a) of the Older Americans Act of 1965 (42 U.S.C. 3058i(a)) is amended by striking ''section 702(b)'' and inserting ''section 702 and made available to carry out this chapter''.

(4) Section 761(2) of the Older Americans Act of 1965 (42 U.S.C. 3058bb(2)) is amended by striking ''chapter 2, 3, 4, or 5 of this title'' and inserting ''subtitle A''.

(5) Section 762 of the Older Americans Act of 1965 (42 U.S.C. 3058cc) is amended, in the matter preceding paragraph (1), by striking ''or an entity described in section 751(c)''.

(6) Section 764(b) of the Older Americans Act of 1965 (42 U.S.C. 3058ee(b)) is amended by striking '', area agencies on aging, and entities described in section 751(c)'' and inserting ''and area agencies on aging''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

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

Mr. Speaker, over a year and a half ago, the gentleman from Nebraska (Mr. BARRETT) walked into my office and suggested that it was time that we reauthorize the Older Americans Act, and I immediately agreed.

The following week, we had breakfast with the gentleman from Missouri (Mr. CLAY), ranking member, and the gentleman from California (Mr. MARTINEZ); and they too agreed that passage of the act was warranted and long overdue.

Now we all said that, if we were going to be successful, we would have to do two things: one, always keep the best interest of seniors at the top of the list; and, two, work together.

From that moment forward, there has been no turning back. We held six hearings, including three in the field and three here in Washington. We heard from everybody, and I mean everybody, from the administration to State units on aging to area agencies on aging to local providers to volunteers and to the seniors themselves.

In other words, we heard, not just from the folks that run the programs, but also from those folks who were served by them.

Armed with their insight, experience, and expertise, we first sat down among ourselves and crafted H.R. 782, the Older Americans Act Amendments of 1999, which was favorably voice voted out of the Committee on Education and the Workforce last year.

Then this year, we sat down with our colleagues from the other body and crafted a bipartisan preconference agreement based on H.R. 782 and the Senate version, S. 1536. It is this proposal, the House and Senate bipartisan preconference agreement, that we will be voting on today.

This new agreement addresses everything from voluntary contributions, rural consideration, care giving, elder rights, disease prevention, and the senior employment program.

Now, let me just say that, if one still has doubts as to whether or not we really need to modernize this act, consider the following: one, the baby boom generation is graying; two, Americans are living longer; three, 44 million Americans are age 60 and older; and, four, the last time Congress passed this act was in 1992.

There is simply no doubt that some changes are needed. My colleagues will find there is no question that the Older Americans Act Amendments of 2000 does just that and does it in a bipartisan fashion benefiting all older Americans.

For instance, not only does this bill ensure flexibility and streamline the act services by reducing the number of programs and projects, but it protects essential programs like disease prevention, elder abuse aid and Meals on Wheels.

In addition, the bill consolidates and strengthens two existing programs into a new family caregiver program to provide grants to States for such services as counseling, training, support groups, respite care, informational assistance and supplemental services.

Today, approximately 4.4 million elderly persons are in need of long-term care assistance because they are not able to perform basic everyday tasks such as dressing, bathing, and eating. Over 7 million caregivers provide informal or unpaid care to them each week.

As a result, this particular program alone will enhance the quality of life for frail individuals and those who care for them, plus save taxpayer money in the long run by preventing and/or delaying a senior's admittance into a nursing home.

For example, a September 1998 report commissioned by the Alzheimer's Association found that increased use of respite care at mild and moderate stages of Alzheimer's has shown to delay nursing home placement significantly, a net savings of as much as $600 to $1,000 per week.

Delaying nursing home admissions for people with Alzheimer's disease by just one month could save at least $1.12 billion a year. Imagine the impact this new family caregiver program will have on the families that it assists and the money it will save when it comes to Medicare and Medicaid.

It is no wonder the Alzheimer's Association calls the bill's authorization for the family caregiver program a welcome breakthrough.

Finally, the bill also reforms the Senior Community Service Employment Program by instituting performance standards and accountability measures.

Mr. Speaker, I would like to take a moment and publicly thank the gentleman from Pennsylvania (Chairman GOODLING); the gentleman from Missouri (Mr. CLAY), ranking member; the gentleman from California (Mr. MARTINEZ); and the gentleman from Nebraska (Mr. BARRETT) for their leadership in bringing this bill to the floor. I thank them for their commitment to see this bill through. I would like to wish each of them well in their retirement. I am pleased that they can finish their outstanding tenure here in Congress with the passage of the Older Americans Act reauthorization.

I would like to end by saying that, for the first time in close to 8 years, Members have a chance today to vote for a bipartisan Older Americans Act, one that ensures flexibility, streamlines the services, improves the performance of the senior employment program, and includes a new family caregiver program. Do not miss out on this opportunity. Vote for the Older Americans Act Amendments of 2000.

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

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

Mr. Speaker, it gives me great pleasure today to rise in support of this bipartisan bill that reauthorizes the Older Americans Act. More than 30 years ago, Congress established this act to help older people live longer with dignity and independence in their communities.

By providing home-delivered meals, preventive health screening, community service employment, legal assistance and a host of other services, the Older Americans Act serves to improve the quality of life for our nation's elderly.

During past reauthorizations, Members of both sides of the aisle have come together in a bipartisan manner to strengthen services under the bill where the need existed.

In 1984, the Act was amended to require States to give particular attention to low-income minority elderly in providing services. Prior to enactment of this critical provision, there was repeated and regular neglect of minority seniors.

This bill continues to recognize that low-income minorities have the greatest social and economic need for services provided under the act. The bill also continues to provide meals, information and assistance, outreach, benefits counseling, case management, and other protective services to seniors without regard to income.

Finally, Mr. Speaker, the bill contains the President's National Family Caregiver Support program. This program provides training and support services to family members who care for frail elderly relatives. Millions of noninstitutionalized elderly persons have trouble with at least two of the activities of daily living.

The kind of home and community-based services promoted by the family caregiver support program helps to keep older persons independent in their own homes for a much longer time. As the number of seniors grows in the coming decades, this law will become increasingly vital.

Mr. Speaker, I want to commend the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from California (Mr. MCKEON) and the gentleman from Nebraska (Mr. BARRETT) for the good work that they have done to bring this bill before us.

Without their efforts, we would not be, today, passing this piece of legislation. So I want to commend them, and I support the bill and urge all of our colleagues to support it.

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

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the balance of my time be controlled by the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

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

There was no objection.

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

Mr. Speaker, I am extremely pleased to be here today. I will not be able to say any longer what I have said so many times that, for the first time in the history of the Congress, we passed a bipartisan bicameral bill when we passed IDEA, because I think we may have come close to that again, having a bipartisan bicameral bill.

As the gentleman from Missouri (Mr. CLAY), the ranking member indicated, this bill would not have gotten here if the gentleman from California (Mr. MCKEON) and the gentleman from Nebraska (Mr. BARRETT) had not been so constantly demanding that it get to the floor. It would not have gotten orchestrated at all if the staff and the minority and the majority, including the gentleman from California (Mr. MARTINEZ), had not worked so hard to try to bring a bill that could be accepted.

Well, it is very important to the seniors. I should say it is very important to we seniors since I will depend on this program after January 3 of next year. So, again, I thank the gentlemen and the gentlewomen for putting together this piece of legislation.

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

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

Mr. GOODLING. Mr. Speaker, I yield 4½ minutes to the gentleman from Nebraska (Mr. BARRETT), one of the driving forces.

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Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise with great pleasure in support of H.R. 782, the Older Americans Act Amendments of 2000. Today's consideration of H.R. 782 does bring to the floor a very solid, very significant bipartisan legislative accomplishment that is 5 long years overdue.

The Older Americans Act, or OAA, provides a framework for a variety of services that supports seniors by helping them stay safe and healthy and active members of their communities. Our seniors today are the real winners. Getting to this point has taken nearly 2 years of bipartisan and, yes, I say to the gentleman from Pennsylvania (Mr. GOODLING), bicameral effort. I am so grateful to my colleagues in the body who, along with me, took up the challenge.

As the subcommittee chairman, the gentleman from California (Mr. MCKEON), has already done and the gentleman from Pennsylvania (Mr. GOODLING) has done, I wish to thank the people that were primarily responsible for coming to this point today, especially the subcommittee chairman, the gentleman from California (Mr. MCKEON); the full committee chairman, the gentleman from Pennsylvania (Mr. GOODLING); and the ranking member of the full committee, the gentleman from Missouri (Mr. CLAY); as well as the gentleman from California (Mr. MARTINEZ). Without their consistent good faith and hard work, we would never have been able to reach the compromises that we did to make the solid policy reforms that we have made in this reauthorization.

I also want to thank the excellent staff on both sides of the aisle and also the Congressional Research Service who advised us throughout this long laborious process.

I am very proud of H.R. 782's reforms. Let me summarize just a few of the policies that we have strengthened through the reauthorization. We made changes to allow local senior centers and area agencies on aging to make local decisions about meeting their communities' needs. This includes programs like congregate and home-delivered meals, subsidized rides and van

service, homemaker and chore services, and a variety of social activities.

We have added a family caregiver program to serve thousands of families who commit time, support and money to care for their chronically ill loved ones who are at home.

We have included language to prohibit waste, fraud and abuse of any OAA programs or funds.

We have worked to better the needs of Native Americans by strengthening existing services and making tribal organizations eligible to participate in disaster relief services as well as the family caregiver program.

We have updated the State long-term care ombudsman program and services for the prevention of elder abuse. Because of this change, States and local senior centers will now be better equipped to meet the needs of seniors in long-term care facilities.

We have worked hard to reach compromise on the most contentious part of this bill, which is title V. Working with those in the field who know the bill the best, we came to a compromise that I think everyone can support.

We have made OAA programs more available for seniors in rural America, very important to me, by requiring programs to take into account how they serve rural areas and adding a project to address the challenges of long-term care in some of our more remote frontier counties.

Finally, along with the new rural provisions, we have extended existing language to ensure OAA programs are available for minority seniors. We have also authorized existing programs to support gerontology studies in Historically Black Colleges and Hispanic institutions.

These and a lot of other changes will make the Older Americans Act an even more valuable and adaptable tool to meet the needs of our seniors. For the good of every senior across the country who participates in meals programs, for the seniors taking advantage of 40 million subsidized rides, for the 100,000 seniors in subsidized employment, and for the millions of family caregivers, I ask each Member to join me in supporting reauthorization of the Older Americans Act. Every single senior in this country needs this bill, and they will not forget if we squander this opportunity.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ), who was the ranking member on the subcommittee as they put together this bipartisan-bicameral legislation.

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

Mr. MARTINEZ. Mr. Speaker, I started this bill as a Democrat, and I am finishing it as a Republican; but I think it does not matter because either way this is a bipartisan bill, and the issues before us that deal with the seniors have never been partisan. They have always been bipartisan.

In every Congress that I have served in the past 18 years, whenever we reauthorized the Older Americans Act, it was passed unanimously by the House and usually by the Senate also.

As the coauthor of this bill and the sponsor of the previous two reauthorizations of the Older Americans Act, I can truly say we can now say to our senior citizens that the security of the programs that are vital to them will not be jeopardized; but they, in fact, as the gentleman from Nebraska (Mr. Barrett) has laid out, will be enhanced.

I must give my highest praise to the tireless efforts of the chairman, the gentleman from Pennsylvania (Mr. GOODLING), in his work on this, and also my colleague, the gentleman from California (Mr. MCKEON), and the gentleman from North Carolina (Mr. BALLENGER), as well as our colleagues in the other body, Senators JEFFORDS, DEWINE, and KENNEDY for bringing the Older Americans Act of 2000 to the floor for this important vote.

There were also other people that worked on the periphery of this bill: the gentlewoman from Missouri (Mrs. EMERSON) was one of those who was very interested in making sure we got passed a bill that we could all support; the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Pennsylvania (Mr. GREENWOOD), as well as several others. There are too many to mention that really had as their earnest desire to see this bill passed and the Older Americans Act finally reauthorized.

This act is key to the programs that provide nutrition, care services, and information and family support to seniors all across this Nation. This particular act today is holding our programs more accountable than they have been in the past, and they have created the ability for seniors to obtain employment, created greater flexibility for streamlining the administration, and provided greater inclusion of seniors who are underserved by this program.

More importantly, the 2000 amendments creates a new family caregiver program to assist those who care for their frail and older family members. This was a great effort by the gentleman from North Carolina (Mr. BALLENGER) and myself to make sure this was included in the bill.

Mr. Speaker, as Americans, I have always believed that we owe a debt of gratitude to our seniors. They are the ones that have lead the way and paid their dues before we started to. As Members of the House, we must honor that debt and assist the seniors in their golden years by passing this Older Americans Act. It is the right thing to do, and it is the timely thing to do.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. As cofounder and cochairman of the Older Americans Caucus, I rise today in strong support of H.R. 782, the Older Americans Act Amendments of 2000, and would like to express my support for this most important piece of legislation.

America's population is aging, and more people are in need of special services and programs that provide them with opportunities to continue living healthy and productive lives. Recently, I met with the 50 State representatives of the Green Thumb Program. It was very inspiring to hear their success stories achieved as a result of the Older Americans Act. One gentleman was over 100 years old and still actively working.

After much work, dedication, and compromise, we have before us today legislation that amends and reauthorizes the Older Americans Act of 1965. Passage of this legislation will, among many other important things, enhance opportunities for seniors, while wisely using taxpayer dollars.

I especially commend the chairman of the committee and all who worked on this legislation for doing an excellent job.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS), another member of the committee.

Mr. EHLERS. Mr. Speaker, it is a great pleasure to rise today to speak on behalf of this bill. We have struggled mightily with it in the Committee on Education and the Workforce. We have had substantial disagreements, but I am very pleased we have been able to resolve those disagreements and get this bill to the floor.

I continually hear from constituents about the importance of this bill and the activities that are carried out under the bill. It is something that they regard as very necessary, particularly for those who need assistance with meals. So I am very pleased that the bill is here.

I join with my colleagues who have spoken before. There is no need to repeat their words, but let me say that I associate myself with their comments, and I urge that we soon bring this bill to a vote and that we do pass this bill. I hope the Senate will do likewise.

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

Mr. Speaker, I again want to thank the gentleman from Missouri (Mr. CLAY) of the minority, I want to thank the gentleman from California (Mr. MCKEON) and the gentleman from Nebraska (Mr. BARRETT) for their constant pressure to make sure that we got this completed, and the gentleman from California (Mr. MARTINEZ) for his effort to put this legislation together. Above all, I want to thank the unsung heroes, and they are always the people who stay day and night trying to make sure that we do the right thing as Members: staff Cindy Herrle; Lynn Selmser, who has been with me 942 years; Sally Lovejoy; Jo-Marie St.

Martin; Erin Duncan, from the office of the gentleman from Nebraska (Mr. BARRETT); Karen Weiss from the office of the gentleman from California (Mr. MCKEON); Mary Ellen Ardouny; Cheryl Johnson and Carol O'Shaughnessy from CRS. They played a leading role in making sure that we had this bipartisan-bicameral legislation before us today.

I ask all to support this legislation, Mr. Speaker, so we have a 100 percent vote on this important issue.

Ms. DEGETTE. Mr. Speaker, I am pleased to see that the House has finally seen fit to bring this important legislation to the floor. The seniors of our country have been waiting a long time for the valuable programs contained in this bill to be reauthorized.

While I will support passage of this bill, H.R. 782, I do so with great reluctance. Not because of what this bill does, but because of what it does not do. H.R. 782 does not recognize the changing demographics in our nation, and does not properly adjust the funding formula in Title III of the Older Americans Act. As a result, Colorado, along with other western and southern states, are being under-funded. This threatens our ability to meet the needs of our seniors.

I hope my colleagues understand that the funding formula for Title III of the Older Americans Act, which funds Supportive Services and Multipurpose Senior Centers, Nutrition Services including Congregate and Home Delivered Nutrition Programs (for example Meals on Wheels), Disease Prevention and Health Promotion Services Program, and the Family Caregiver Program, distributes funds in a manner that, according to the General Accounting Office, ''. . . underfunds most states with above-average growth in their elderly populations, as compared with those states with below-average growth.''

The formula we are about to vote on currently distributes 85 percent of the Older Americans Act total fiscal year 2000 grants for Title III based on how much funding each state received 13 years ago in 1987. Let me say that again, we are about to approve a formula that is based on 1987 population data. Only 15 percent of funds are actually distributed based on current population statistics. Therefore, funds are being distributed largely on where the elderly were over 13 years ago rather than where they are today. If this is what we want to call responsive government, then I think we are in trouble.

The General Accounting Office, in its report entitled ''Title III, Older Americans Act: Administration on Aging Funding Method Underfunds High-Elderly-Growth States'' released in June 2000, strongly recommends that the formula be amended by this Congress to more fairly distribute funds. Otherwise, as the report notes:

''. . . the gap in funding per elderly person can be large. For example, Arizona's funding per elderly person is 33 percent less than Iowa's under the AOA method . . . AOA's distribution method underfunded 10 states by more than $1 million each in fiscal year 2000 (Arizona, California, Colorado, Florida, Georgia, North Carolina, Puerto Rico, South Carolina, Texas and Virginia) and overfunded 7 others by more than $1 million (Illinois, Massachusetts, Missouri, New Jersey, New York, Ohio and Pennsylvania).''

It troubles me that this bill has been in committee throughout the 106th Congress and finally comes to the floor with such an inappropriate funding formula. This issue must be addressed. It is not fair to the seniors in Colorado, Nevada, Arizona, New Mexico, South Carolina, Florida, North Carolina, Texas, Georgia, Washington, Virginia, California, Oregon, Maryland, Tennessee, and Puerto Rico.

Because it does not appear that there is the desire to right this wrong today, I plan to introduce legislation in the 107th Congress that will correct this problem.

Mr. DEFAZIO. Mr. Speaker, I'm pleased to rise in strong support of H.R. 782, legislation reauthorizing and amending the Older Americans Act (OAA) and to commend my colleagues for their recent bipartisan efforts to bring this critically important legislation to the floor.

Last year, JO ANN EMERSON and I introduced H.R. 773 a bill to reauthorize the OAA. Our reauthorization bill received the bipartisan support of 233 cosponsors and was supported by all major seniors organizations and advocacy groups. Unfortunately, our efforts to reauthorize the OAA were stalled by the House Republican leadership, and an attempt was made to bring an OAA bill to the floor that was not supported by seniors groups.

In an effort to allow a vote on H.R. 773 this year, Representative MINGE and I filed a discharge petition, which to date has 191 signatures. I'm proud that these efforts, and grass roots activism has contributed to the compromise legislation on the floor today. This bill, H.R. 782, represents a bipartisan compromise that is supported by all the major seniors groups.

Throughout its 35 year history, the OAA has enjoyed strong bipartisan support. The OAA is the major vehicle for the delivery of social and nutrition services for older persons. However, the OAA has not been reauthorized since the program expired in 1995. Its programs continue to be funded, but without reauthorization the program's growing needs cannot be met. The typical recipients of Older Americans Act services are women over 75, living on a fixed and very limited income, who need daily help in preparing meals or weekly transportation to a doctor. People over age 75 represent the fastest growing segment of the American population. The primary goal and success of the community service programs, authorized by the OAA, has been to keep millions of frail older persons independent in their own homes as long as possible, avoiding premature institutionalization, and thus saving Medicare and Medicaid resources.

The OAA provides a wide range of home and community based services in every locality in the nation. These services include congregate and home delivered meals, in-home care, transportation assistance, elder abuse protection and adult day care. In addition the OAA authorizes funding for nursing home ombudsman services, senior employment programs, senior centers, legal assistance and counseling, and millions of hours of volunteer service by seniors for other seniors are provided. Waiting lists of frail elders in need of these community services exist in almost every town and city in the nation. H.R. 782 will help meet this critical need. I encourage all Members to vote in favor of this legislation.

Mrs. EMERSON. Mr. Speaker, I rise today in strong support of H.R. 782, reauthorization of the Older Americans Act (OAA). I'd like to commend Chairman BILL GOODLING, Chairman BUCK MCKEON, Ranking Member BILL CLAY, and all the Members of the Education and Workforce Committee for their hard work on this important bill.

Mr. Speaker, after a lifetime of hard work, our retirement years should be the best years of our lives. All Americans should be able to look forward to their golden years as a time for new opportunities and to pursue new learning experiences—no matter what challenges aging may present. Most importantly, each of us should be able to enter into our retirement with the confidence and security that come with knowing that we will not be isolated or forgotten by our communities or government.

One of the simplest ways to ensure that all of these goals are met is to reauthorize the Older Americans Act. Unlike funding from many other federal government programs that pay for long term care, OAA funds allow seniors to age with dignity and respect. By linking seniors with a variety of existing federal, state, and local home and community based services, seniors now have the ability to remain in their own homes and communities as they grow older. Some of these services include home-delivered and congregate meals, transportation, employment services, chore and personal care, legal assistance, elder abuse protections, nursing home ombudsman, senior employment, adult day care, senior centers, legal assistance and counseling as well as many other unique programs. Even more importantly, this broad array of services is available in just about every community in the nation.

One of the most beneficial OAA programs in my district is the Senior Community Service Employment Program (SCSEP). This program is the nation's only employment and training program aimed exclusively at low-income older Americans. It serves over 90,000 low-income elderly persons every year, keeping them active and involved in their communities, not isolated at home. It provides them with the opportunity to make important contributions to their communities and to learn new skills, while enhancing their sense of dignity and self-esteem. I am very pleased that this bill allows groups like Greenthumb, just one group that helps to administer the SCESEP, to continue the wonderful job they've been doing in placing seniors in worthwhile employment positions. Greenthumb has been especially important to seniors in hard to reach areas—including rural areas like those in my district, and I am glad that H.R. 782 continues to support Greenthumb's important mission.

Our nation's seniors have given a lifetime of service. Reauthorizing the Older Americans Act allows us to give back to the seniors who have made our country what it is today, and I urge all my colleagues to support this important legislation.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 782. This bipartisan, bicameral piece of legislation reauthorizes the Older Americans Act through fiscal year 2004, and makes a number of improvements to serve a rapidly expanding senior population.

I commend Chairman GOODLING and Representatives MCKEON, BARRETT, CLAY, and MARTINEZ for their hard work on reaching a compromise on this bill and would also like to applaud my colleague from Oregon, Congressman DEFAZIO.

I am particularly pleased H.R. 782 reauthorizes the senior nutrition programs originally authorized under the Older Americans Act. Specifically, under the legislation, states' flexibility to transfer funds between congregate and home-delivered nutrition programs and between supportive services and nutrition services programs is increased.

The congregate and home delivered meal programs address both the nutritional and social needs of many seniors. In point of fact, a 1996 evaluation confirmed the senior nutrition program is an important part of ensuring our seniors are healthy.

According to the study, participants in the program are among our most vulnerable population—they are older, poorer and more likely to be members of minority groups compared to the total elderly population. The evaluation also indicated that for every federal dollar spent on congregate meals, other funding sources contribute $1.70.

Few programs can boast the importance to the elderly and overwhelming success of the elderly nutrition as senior nutrition programs. Because both the congregate and home delivered meal programs were authorized by the Older Americans Act, which expired at the end of FY 95, it is imperative this Congress pass a reauthorization bill.

Since its enactment over thirty years ago, the Older Americans Act has enabled millions of older persons to remain independent and productive. Many of these individuals would have been institutionalized were it not for the home and community-based services including meals and transportation provided by this important legislation.

Older Americans have also benefitted from research and demonstrations under the Act that enable policymakers to update services based on best practices, and senior community service employment that provide on-the-job training.

The Older Americans Act authorizes a wide array of service programs through a nationwide network of 57 state agencies on aging, 657 area agencies on aging and 25,000 service providers. Under the Older Americans Act, states receive funding for supportive services and senior centers, congregate and home-delivered meals, Department of Agriculture commodities or cash-in-lieu of commodities, preventative health services, and in-home services for the frail elderly.

These services are available to all seniors but are targeted to those with the greatest economic and social need, particularly low-income, minority seniors.

In addition, the Act authorizes services for transportation information and referral, home care, research and recreation, and grants for abuse prevention and outreach counseling.

There are few communities within the country where Older Americans Act programs do not exist, and the demands on the programs for the elderly are increasing.

Mr. Speaker, it would be irresponsible of this Congress to fail to reauthorize the Older Americans Act, and I urge my colleagues on both sides of the aisle to support this consensus legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 782, the Older Americans Act Amendments of 2000. The Older Americans Act is a critical source of funding for seniors that we have an opportunity to renew this year. Mr. Speaker, I can think of few pieces of this carefully crafted legislation that have such a tremendous impact on older Americans.

Since its enactment over thirty years ago, the Older Americans Act has enabled millions of older persons—especially those with disabilities—to remain independent and productive. Many of these individuals would have been institutionalized, were it not for the home and community-based services such as meals and transportation provided by this landmark legislation. Older persons have also benefited from research and demonstrations under this Act that enables policymakers to update services based on best practices, and senior community service employment that provides training for those who need the work.

This bill authorizes $1.6 billion in FY 2000 under the bill. The measure does more than reauthorize existing—albeit important programs. It establishes a new program to assist caregivers, and changes the distribution funds under the seniors employment program so that states would get a larger proportion of funds, and national organizations would get a smaller proportion, than they currently do. We only hope this provides states with adequate flexibility in administering OAA programs.

The bill provides $449 million in funding for the Senior Community Service Employment program, which provides employment opportunities for low-income seniors aged 55 and over. The legislation would gradually shift funds over a five-year period from national organizations to states, on a fixed percentage. The bill requires states, to the maximum extent possible, to ensure that no senior loses his or her job as a result of this shift in funding. I would not have supported this bipartisan provision within the bill if the AARP—one our nation's premier seniors' organizations—did not also strongly support this legislation as it is written.

H.R. 782 contains resources for a number of other important issues that are of great concern for seniors. The bill includes funding for $306 million for supportive services and senior centers; $382 million for congregate meals; another $114 million for much-needed home-delivered meals (the ''meals on wheels'' programs); $150 million for Agriculture Department funding; at least $125 million for family caregiver as noted above; and $12 million for the well-known ombudsman and elder abuse prevention program.

H.R. 782 deserves our support. We cannot adjourn for the 106th Congress without ensuring that seniors are adequately provided for. I urge my colleagues to vote in favor of this legislation.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 782, the reauthorization of the Older Americans Act.

I am pleased to see that this Congress has finally come together to reauthorize this vital legislation, after several years of failing to reach agreement and passing only annual appropriations to keep it going. The Older Americans Act is essential to this nation's older citizens. It funds a wide array of supportive services, including home care and ombudsman services for long-term care facility residents, a subsidized employment program, and provides new authority for a National Family Caregiver Support Program which will assist families who care for the frail elderly.

There is no question that as this nation's baby boomers age and as people are living longer, the challenges of aiding and providing for the elderly must be met. With the reauthorization of the Older Americans Act until 2005, Congress will ensure that the needs of our seniors will continue to be at the forefront.

I would also like to draw attention to one particular program being reauthorized in the Older Americans Act, the elderly nutrition program. This program provides over 240 million congregate and home-delivered meals to over 3 million older persons annually. Senior meal providers depend on the funding received through this program, yet the funding has remained static year after year. With the rising cost of meals and the increasing numbers of seniors dependent on meals, senior meal providers have been facing great hardships in meeting the needs of these seniors.

In response to this problem, I worked very hard with my colleague Mr. BOEHLERT to increase the funding for the USDA reimbursements provided through this elderly nutrition program. I am pleased to say that we successfully offered an amendment to the Department of Agriculture appropriations bill to increase these reimbursements. I would like to thank the conferees for paying attention to our amendment, and increasing the USDA reimbursements by $10 million over the amount originally funded. I hope that this increase will provide a measure of assistance to these senior meal providers who do so much for this nation's elderly, and I am pleased to support today's legislation as a continuation of the necessary and important effort to provide for our seniors.

Mr. MILLER of Florida. Mr. Speaker, back in April when this House originally was slated to vote on this matter, I came to this floor to denounce the draft of the Older Americans Act and to vote against it under suspension because I believed it was unfair to Florida. CLAY SHAW, CARRIE MEEK, BILL MCCOLLUM, and I and the rest of the entire delegation from Florida wrote to the authorizers to demand that the funding formula under Title III, the formula that distributes money for programs such as Meals on Wheels, be changed to reflect modern realities.

The draft of H.R. 782 used 1987 Census data to distribute money. We all know that there are more seniors in Florida today than there were in 1987. Our nation just spent over $6.5 billion to get the best Census data possible but this Congress would essentially ignore it by passing a 5 year reauthorization locking in 1987 data to the year 2003.

I want to thank Chairman GOODLING and Subcommittee Chairman MCKEON, and Mr. MARTINEZ and Mr. CLAY for their willingness to be flexible to the concerns raised by the Florida delegation. The art of compromise is important and is the result of hard work by many members on both sides of the aisles. This final version is not 100 percent of what I wanted, but it is much better for Florida than the status quo. As such, I want to thank them for their leadership in seeking to resolve questions.

The compromise applies to all new monies in Title III. The agreement would clarify that funds for Title III supportive and nutrition services be distributed to states based on the most recent U.S. Census Bureau population data (as compared to the current practice which allocates funds to states based, in part, on a 1987 ''hold harmless'' provision). But it also specifies that no state is to receive less than it received in FY2000, and that, when

there is an increase in funding above the FY2000 level, every state is to receive at least a portion of such increase (at least 20 percent of my percentage increase in funds above the FY2000 level).

Beyond the Meals on Wheels program, I am excited about the other aspects of this program. This bill contains:

New flexibility and modernization to better serve this changing population while encouraging state innovation;

Notable and substantial reform of Title V of the Act, the Senior Community Service Employment Program (SCSEP).

Emphasis on ombudsman programs, and prevention of elder abuse, neglect and exploitation.

Authorization of a National Family Caregivers Support Program—offering support to family members, or other individuals who provide in-home and community care to older individuals. This may include information to caregiver about available services, assistance in gaining access to services, counseling, organization of support groups and caregiver training for problem solving. In addition, it is designed to offer respite care to caregivers.

Once again, I thank the Chairman for yielding and all his fine work on this legislation. This legislation is another senior friendly accomplishment of this Congress that will make an important difference in the lives of many seniors.

Mr. PAUL. Mr. Speaker, I am pleased to take this opportunity to express my opinion on the Older Americans Act Reauthorization (H.R. 782) and explain why I must vote against this bill. Of course, I support efforts to ensure America's senior citizens have access to employment, nutritional and other services; however the federal government is neither constitutionally authorized nor competent to provide such services.

Under the tenth amendment, the federal government is forbidden from interfering in areas such as providing employment and nutritional services to any group of citizens. Thus, when the federal government uses taxpayer funds to support these services, it is violating the constitution. In a constitutional republic, good intentions are no excuse for constitutional carelessness.

Furthermore, Mr. Speaker, by involving itself in these areas, the federal government has politicized the offering of these services as well as assured inefficiencies in their delivery—inefficiencies that would not be present if the federal government respected its constitutional limits and allowed states, local communities and private citizens to provide these vital services to seniors. For example, one of the most contentious areas of this bill is the funding that goes to private organization to provide employment services. Many of these organizations are involved in partisan politics, and, because money is fungible, the federal grants to these organizations make taxpayers de facto underwriters of their political activities. As Thomas Jefferson said: ''To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is both sinful and tyrannical.'' This ''sinful and tyrannical'' action is inevitable whenever Congress exceeds its constitutional limitations and abuses the taxing power by forcing citizens to support the charitable activities of congressionally-favored organizations. One reason for this is that federal funding encourages these organizations to become involved in lobbying in order to gain more federal support. These organizations may even form alliances with other advocacy groups in order to build greater support for their cause.

When social services are nationalized, there is inevitably waste and inefficiency in the distribution of the services. This is because when the government administers social services the lion's share of those services are provided to those with the most effective lobby or those whose Congressional representative is able to exercise the most clout at appropriations time. While I applaud the efforts of certain of my colleagues on the Education and Workforce Committee to direct resources to where they are truly needed, particularly Mr. Barrett's efforts to bring more resources to rural areas, the politicization of social services will inevitably result in some areas receiving inadequate funding to meet their demand for those services. I have little doubt that if these programs were restored to the private sector those areas with the greatest concentration of needy seniors would receive priority over those areas with the most powerful lobby.

There are ways to ensure that seniors have opportunities for productive lives without violating the constitution and politicizing charity. One way is to repeal the social security earnings limit, which punishes seniors who continue to work in the private sector. Another way is through generous tax credits and deductions for taxpayers who support charitable organization designed to provide services to individuals. Finally, the best way to aide the nation's seniors, and those who are about to be seniors, is to stop raiding the nation's social security system to finance other unconstitutional programs. This is why the first piece of legislation I introduced this year was The Social Security Preservation Act (H.R. 219), which would ensure that social security monies would be spent on social security. I was also a cosponsor of the legislation to end the earnings limit, which passed the House of Representatives this year. I am also cosponsoring several pieces of legislation to allow people to use more of their own resources to help the needy by expanding the charitable tax deduction.

Mr. Speaker, several years ago, when people still recognized their moral duty to voluntarily help their fellow humans rather than expect the government to coerce their fellow citizens to provide assistance through the welfare state, my parents were involved in a local Meals-on-Wheels program run by their church. I remember how upset they were when their local program was forced to conform to federal standards or close its program because Congress had decided to take control of delivering hot food to the elderly. It is time that this Congress return to the wisdom of the drafters of the Constitution and return responsibility for providing services to the nation's seniors to states, communities, churches, and other private organizations who can provide those services much more effectively and efficiently than the federal government.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 782, a bill to reauthorize and make amendments to the Older Americans Act. I urge my colleagues to join in lending their support to this essential legislation.

H.R. 782 reauthorizes the Older Americans Act through FY 2004. In doing so, it provides funds for the administration on aging, various native American programs for the elderly, important state and local programs for the elderly, like nutrition and family care-giver services, state run elder abuse prevention programs, and senior employment programs. All of these are vital services which are dependent upon congressional authorization and appropriating.

The legislation also seeks to improve services to the elderly through the establishment of an ''aging network.'' Under this program, funding formulae will be changed so that a given state's portion is based directly upon its share of the senior population. At the same time, however, a funding floor is established, so that no state will see its funded amount drop below FY 2000 levels. Moreover, by accepting these funds, the states will have to provide a comprehensive plan to ensure that the needs of its rural elderly citizens are being addressed.

H.R. 782 further seeks to improve services available to the elderly through the creation of the national family care-giver support program. This program will aid families in caring for elderly parents or other relatives, as well as for grandparents who are forced to care for their grandchildren, an increasingly common phenomenon. The services available include: information on accessing services, counseling and support training, respite care and other supplemental assistance.

Moreover, Mr. Speaker, this bill authorizes $475 million for FY 2001 for the senior community service employment program, which assists low-income seniors in gaining employment and subsidizes those efforts.

As our population continues to age, it is vital that the Congress act to ensure that our senior citizens have access to adequate nutrition and increasingly, employment, services. Likewise, with many families opting to provide direct care for their elderly relatives, rather than relying on traditional nursing homes, we are finding that the Federal Government, along with the various states, can do much to facilitate their efforts.

This bill reauthorizing and amending the Older Americans Act is being considered at a critical moment. For this reason, and those outlined above, I urge my colleagues to hasten its adoption.

Mr. TIERNEY. Mr. Speaker, I rise today in support of H.R. 782, the Older Americans Act Amendments. The reauthorization of the Older Americans Act is five years overdue, and it is time for Congress to show its support for our nation's seniors by passing this important bipartisan legislation. I applaud the efforts of my colleagues in the Senate, particularly Senator KENNEDY, for making this bill, which is so important to our nations seniors, a legislative priority.

I think we can all agree that renewing our commitment to older Americans is an important legacy for the 106th Congress. The Older Americans Act includes crucial programs such as the elderly nutrition program, which provides 240 million meals to over 3 million older persons each year, as well as the Senior Community Service Employment Program, which provides part time employment opportunities in community service activities to low-income seniors. Both of these programs are instrumental in ensuring that older Americans enjoy their golden years without having to constantly worry about where their next meal will come from.

A key addition to the Older Americans Act in H.R. 782 is the National Family Caregiver

Support Program. I was very pleased the Committee adopted the amendment I offered to boost the authorizing level of this program to $125 million. This funding level is vital. About 4.4 million people in the United States over the age of 65 require long-term care due to a functional disability. All too often the needs of older Americans and the family members that care for them create an undue burden on the quality of life of the entire family. This legislation would authorize $125 million to establish a new program that would provide grants to states for supporting the crucial role of family members in the care of their loved ones, by, for example, providing respite care and adult care to complement the care provided by family.

The National Family Caregiver Support Program is just one of the many initiatives in the Older Americans Act that promises to improve the lives of some of our nation's neediest and most neglected citizens. I urge my colleagues to stand with me in support of this important legislation. We owe it to our nation's seniors.

Mr. KIND. Mr. Speaker, I am pleased to rise in support of the Older Americans Act Amendments of 2000 (H.R. 782). It is impressive that during the waning days of Congress, we could reach a bipartisan, bicameral agreement on this important legislation.

Since its enactment more than thirty years ago, the Older Americans Act has enabled millions of older persons, especially those with disabilities, to remain independent and productive. Many of these individuals would have been institutionalized were it not for the home and community-based services such as meals and transportation provided by the landmark legislation. The nutrition programs, including Meals on Wheels, provided about 240 million congregate and home-delivered meals last year to more than three million of our nation's senior citizens. Older Americans have also benefited from the Senior Community Service Employment program that provides on-the-job-training for those who needs work.

As a member of the Committee on Education and the Workforce, I have worked diligently with my colleagues to reach a consensus on reauthorization, and this legislation before us addresses a number of critical issues. One of the biggest debates during committee consideration was funding for the Senior Community Service Employment program. H.R. 782 ensures that no state will receive less than it received in FY2000 and every state is guaranteed a certain percentage of any new money that is appropriate above the FY2000 level. In addition, no national organization, such as Green Thumb, will receive less than what is needed to match its effort in FY2000. Further, this legislation continues to target resources to the seniors who are most in need and ensures that funds are more equitably distributed between urban and rural areas.

The size of the elderly population will begin to dramatically increase in the next decade, putting greater demands on the time and energy of family caregivers. We need to explore ways to support our families when they are called upon to fill these vital roles. I am pleased that H.R. 782 includes the National Family Caregiver Support Program. Modeled after efforts begun in Wisconsin and elsewhere, it would provide grants to states for the following services: (1) information to caregivers about available services; (2) assistance to caregivers in gaining access to services; and (3) counseling and training to help families make decisions and solve problems related to their caregiving roles.

I know how important the Older Americans Act is to millions of seniors, particularly those in rural regions such as western Wisconsin. That is why I urge my colleagues to support this bipartisan legislation and demonstrate our continued commitment to our nation's seniors.

Mr. BEREUTER. Mr. Speaker, this Member rises today in strong support of H.R. 782, the Older Americans Act Amendments.

The Older Americans Act has provided care and services to our nation's elderly population through many programs, including meals on wheels, congregate meals, home care, adult day care, senior centers, senior transportation, job training programs, a long term care ombudsman, and abuse prevention and elder rights.

In particular, this Member feels the National Family Caregiver Support Program is an important provision which aids families in caring for their elderly relatives, for grandparents caring for grandchildren and other related children. By providing care and extending the ability of an aging family member to stay at home, family caregivers reduce long-term costs to Medicaid. The ability to provide respite for those who care for an ailing family member has proven to reduce stress and burnout of these individuals who provide such an invaluable service to their family. Services provided through respite include information and assistance in gaining access to services, counseling, support and caregiver training, respite care, and additional supplemental services.

Mr. Speaker, this Member would like to thank my colleague from Nebraska, Mr. BARRETT, for introducing this important piece of legislation. It provides important services that many seniors rely on and this Member encourages my colleagues to support it.

Mr. LOBIONDO. Mr. Speaker, I rise today to congratulate all those who have worked so hard to make the reauthorization of the Older Americans Act (OAA) a reality. This authorization means more than just the mechanics of legislation. It is about senior citizens, and how their lives have been changed for the better by the successful federal, state and local partnerships that have prospered under the OAA.

OAA programs are critical to the long-term benefit of seniors. With the population of senior citizens about to skyrocket with the addition of the ''baby boom'' generation, OAA programs represent a cost-efficient and effective means to provide a community safety net for the elderly. The continuing popularity of Meals-on-Wheels and Green Thumb programs in states—which have been very successful in bringing isolated and idle elderly back into the community fold—are testimony to the continued need for a federal, state, and local partnership oriented to the care of senior citizens.

These are programs I have seen working at home in my Congressional district, located in Southern New Jersey. I have delivered meals to seniors and can tell you from personal experience that the looks on their faces, when we come to their door with a hot meal, is by itself reason enough to reauthorize the OAA. I have seen countless numbers of senior citizens in my district whose lives have been enriched by Green Thumb. In utilizing their ample skills and experience, we are giving seniors a renewed purpose in their lives by offering them a chance to re-join the workforce.

Mr. Speaker, the OAA is a federal program with two essential ingredients: cost-efficiency and a record of success. In short, OAA programs represent a safety net, and have kept seniors from sitting idle and becoming isolated from their community.

By reauthorizing the OAA, Congress will reaffirm its commitment to caring for our seniors and retirees. I am very pleased that this important program will continue to enrich and improve the quality of life of America's seniors.

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 782, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

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

COMPUTER SECURITY ENHANCEMENT ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2413) to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2413

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 ''Computer Security Enhancement Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Institute of Standards and Technology has responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of sensitive information in Federal computer systems.

(2) The Federal Government has an important role in ensuring the protection of sensitive, but unclassified, information controlled by Federal agencies.

(3) Technology that is based on the application of cryptography exists and can be readily provided by private sector companies to ensure the confidentiality, authenticity, and integrity of information associated with public and private activities.

(4) The development and use of encryption technologies by industry should be driven by market forces rather than by Government imposed requirements.

(b) PURPOSES.—The purposes of this Act are to—

(1) reinforce the role of the National Institute of Standards and Technology in ensuring the security of unclassified information in Federal computer systems; and

(2) promote technology solutions based on private sector offerings to protect the security of Federal computer systems.

SEC. 3. VOLUNTARY STANDARDS FOR PUBLIC KEY MANAGEMENT INFRASTRUCTURE.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)) is amended—

(1) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (8), and (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) upon request from the private sector, to assist in establishing voluntary interoperable standards, guidelines, and associated methods and techniques to facilitate and expedite the establishment of non-Federal management infrastructures for public keys that can be used to communicate with and conduct transactions with the Federal Government;''.

SEC. 4. SECURITY OF FEDERAL COMPUTERS AND NETWORKS.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)), as amended by section 3 of this Act, is further amended by inserting after paragraph (4), as so redesignated by section 3(1) of this Act, the following new paragraphs:

''(5) except for national security systems, as defined in section 5142 of Public Law 104–106 (40 U.S.C. 1452), to provide guidance and assistance to Federal agencies for protecting the security and privacy of sensitive information in interconnected Federal computer systems, including identification of significant risks thereto;

''(6) to promote compliance by Federal agencies with existing Federal computer information security and privacy guidelines;

''(7) in consultation with appropriate Federal agencies, assist Federal response efforts related to unauthorized access to Federal computer systems;''.

SEC. 5. COMPUTER SECURITY IMPLEMENTATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is further amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c)(1) In carrying out subsection (a)(2) and (3), the Institute shall—

''(A) emphasize the development of technology-neutral policy guidelines for computer security practices by the Federal agencies;

''(B) promote the use of commercially available products, which appear on the list required by paragraph (2), to provide for the security and privacy of sensitive information in Federal computer systems;

''(C) develop qualitative and quantitative measures appropriate for assessing the quality and effectiveness of information security and privacy programs at Federal agencies;

''(D) perform evaluations and tests at Federal agencies to assess existing information security and privacy programs;

''(E) promote development of accreditation procedures for Federal agencies based on the measures developed under subparagraph (C);

''(F) if requested, consult with and provide assistance to Federal agencies regarding the selection by agencies of security technologies and products and the implementation of security practices; and

''(G)(i) develop uniform testing procedures suitable for determining the conformance of commercially available security products to the guidelines and standards developed under subsection (a)(2) and (3);

''(ii) establish procedures for certification of private sector laboratories to perform the tests and evaluations of commercially available security products developed in accordance with clause (i); and

''(iii) promote the testing of commercially available security products for their conformance with guidelines and standards developed under subsection (a)(2) and (3).

''(2) The Institute shall maintain and make available to Federal agencies and to the public a list of commercially available security products that have been tested by private sector laboratories certified in accordance with procedures established under paragraph (1)(G)(ii), and that have been found to be in conformance with the guidelines and standards developed under subsection (a)(2) and (3).

''(3) The Institute shall annually transmit to the Congress, in an unclassified format, a report containing—

''(A) the findings of the evaluations and tests of Federal computer systems conducted under this section during the 12 months preceding the date of the report, including the frequency of the use of commercially available security products included on the list required by paragraph (2);

''(B) the planned evaluations and tests under this section for the 12 months following the date of the report; and

''(C) any recommendations by the Institute to Federal agencies resulting from the findings described in subparagraph (A), and the response by the agencies to those recommendations.''.

SEC. 6. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended by inserting after subsection (c), as added by section 5 of this Act, the following new subsection:

''(d)(1) The Institute shall solicit the recommendations of the Computer System Security and Privacy Advisory Board, established by section 21, regarding standards and guidelines that are being considered for submittal to the Secretary in accordance with subsection (a)(4). The recommendations of the Board shall accompany standards and guidelines submitted to the Secretary.

''(2) There are authorized to be appropriated to the Secretary $1,030,000 for fiscal year 2001 and $1,060,000 for fiscal year 2002 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues related to computer security, privacy, and cryptography and to convene public meetings on those subjects, receive presentations, and publish reports, digests, and summaries for public distribution on those subjects.''.

SEC. 7. LIMITATION ON PARTICIPATION IN REQUIRING ENCRYPTION STANDARDS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended by adding at the end the following new subsection:

''(g) The Institute shall not promulgate, enforce, or otherwise adopt standards, or carry out activities or policies, for the Federal establishment of encryption standards required for use in computer systems other than Federal Government computer systems.''.

SEC. 8. MISCELLANEOUS AMENDMENTS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended—

(1) in subsection (b)(9), as so redesignated by section 3(1) of this Act, by inserting ''to the extent that such coordination will improve computer security and to the extent necessary for improving such security for Federal computer systems'' after ''Management and Budget)'';

(2) in subsection (e), as so redesignated by section 5(1) of this Act, by striking ''shall draw upon'' and inserting in lieu thereof ''may draw upon'';

(3) in subsection (e)(2), as so redesignated by section 5(1) of this Act, by striking ''(b)(5)'' and inserting in lieu thereof ''(b)(8)''; and

(4) in subsection (f)(1)(B)(i), as so redesignated by section 5(1) of this Act, by inserting ''and computer networks'' after ''computers''.

SEC. 9. FEDERAL COMPUTER SYSTEM SECURITY TRAINING.

Section 5(b) of the Computer Security Act of 1987 (40 U.S.C. 759 note) is amended—

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

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

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

''(3) to include emphasis on protecting sensitive information in Federal databases and Federal computer sites that are accessible through public networks.''.

SEC. 10. COMPUTER SECURITY FELLOWSHIP PROGRAM.

There are authorized to be appropriated to the Secretary of Commerce $500,000 for fiscal year 2001 and $500,000 for fiscal year 2002 for the Director of the National Institute of Standards and Technology for fellowships, subject to the provisions of section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1), to support students at institutions of higher learning in computer security. Amounts authorized by this section shall not be subject to the percentage limitation stated in such section 18.

SEC. 11. STUDY OF PUBLIC KEY INFRASTRUCTURE BY THE NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of public key infrastructures for use by individuals, businesses, and government.

(b) CONTENTS.—The study referred to in subsection (a) shall—

(1) assess technology needed to support public key infrastructures;

(2) assess current public and private plans for the deployment of public key infrastructures;

(3) assess interoperability, scalability, and integrity of private and public entities that are elements of public key infrastructures;

(4) make recommendations for Federal legislation and other Federal actions required to ensure the national feasibility and utility of public key infrastructures; and

(5) address such other matters as the National Research Council considers relevant to the issues of public key infrastructure.

(c) INTERAGENCY COOPERATION WITH STUDY.—All agencies of the Federal Government shall cooperate fully with the National Research Council in its activities in carrying out the study under this section, including access by properly cleared individuals to classified information if necessary.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth the findings, conclusions, and recommendations of the National Research Council for public policy related to public key infrastructures for use by individuals, businesses, and government. Such report shall be submitted in unclassified form.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $450,000 for fiscal year 2001, to remain available until expended, for carrying out this section.

SEC. 12. PROMOTION OF NATIONAL INFORMATION SECURITY.

The Under Secretary of Commerce for Technology shall—

(1) promote an increased use of security techniques, such as risk assessment, and security tools, such as cryptography, to enhance the protection of the Nation's information infrastructure;

(2) establish a central repository of information for dissemination to the public to promote awareness of information security vulnerabilities and risks; and

(3) promote the development of the national, standards-based infrastructure needed to support government, commercial, and private uses of encryption technologies for confidentiality and authentication.

SEC. 13. ELECTRONIC AUTHENTICATION INFRASTRUCTURE.

(a) ELECTRONIC AUTHENTICATION INFRASTRUCTURE.—

(1) GUIDELINES AND STANDARDS.—Not later than 18 months after the date of the enactment of this Act, the Director, in consultation with industry and appropriate Federal agencies, shall develop electronic authentication infrastructure guidelines and standards for use by Federal agencies to assist those agencies to effectively select and utilize electronic authentication technologies in a manner that is—

(A) adequately secure to meet the needs of those agencies and their transaction partners; and

(B) interoperable, to the maximum extent possible.

(2) ELEMENTS.—The guidelines and standards developed under paragraph (1) shall include—

(A) protection profiles for cryptographic and noncryptographic methods of authenticating identity for electronic authentication products and services;

(B) a core set of interoperability specifications for the Federal acquisition of electronic authentication products and services; and

(C) validation criteria to enable Federal agencies to select cryptographic electronic authentication products and services appropriate to their needs.

(3) COORDINATION WITH NATIONAL POLICY PANEL.—The Director shall ensure that the development of guidelines and standards with respect to cryptographic electronic authentication products and services under this subsection is carried out in consultation with the National Policy Panel for Digital Signatures established under subsection (e).

(4) REVISIONS.—The Director shall periodically review the guidelines and standards developed under paragraph (1) and revise them as appropriate.

(b) LISTING OF VALIDATED PRODUCTS.—Not later than 30 months after the date of the enactment of this Act, and thereafter, the Director shall maintain and make available to Federal agencies and to the public a list of commercially available electronic authentication products, and other such products used by Federal agencies, evaluated as conforming with the guidelines and standards developed under subsection (a).

(c) SPECIFICATIONS FOR ELECTRONIC CERTIFICATION AND MANAGEMENT TECHNOLOGIES.—

(1) SPECIFICATIONS.—The Director shall, as appropriate, establish core specifications for particular electronic certification and management technologies, or their components, for use by Federal agencies.

(2) EVALUATION.—The Director shall advise Federal agencies on how to evaluate the conformance with the specifications established under paragraph (1) of electronic certification and management technologies, developed for use by Federal agencies or available for such use.

(3) MAINTENANCE OF LIST.—The Director shall maintain and make available to Federal agencies a list of electronic certification and management technologies evaluated as conforming to the specifications established under paragraph (1).

(d) REPORTS.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Director shall transmit to the Congress a report that includes—

(1) a description and analysis of the utilization by Federal agencies of electronic authentication technologies; and

(2) an evaluation of the extent to which Federal agencies' electronic authentication infrastructures conform to the guidelines and standards developed under subsection (a)(1).

(e) NATIONAL POLICY PANEL FOR DIGITAL SIGNATURES.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary shall establish a National Policy Panel for Digital Signatures. The Panel shall be composed of government, academic, and industry technical and legal experts on the implementation of digital signature technologies, State officials, including officials from States which have enacted laws recognizing the use of digital signatures, and representative individuals from the interested public.

(2) RESPONSIBILITIES.—The Panel shall serve as a forum for exploring all relevant factors associated with the development of a national digital signature infrastructure based on uniform guidelines and standards to enable the widespread availability and use of digital signature systems. The Panel shall develop—

(A) model practices and procedures for certification authorities to ensure the accuracy, reliability, and security of operations associated with issuing and managing digital certificates;

(B) guidelines and standards to ensure consistency among jurisdictions that license certification authorities; and

(C) audit procedures for certification authorities.

(3) COORDINATION.—The Panel shall coordinate its efforts with those of the Director under subsection (a).

(4) ADMINISTRATIVE SUPPORT.—The Under Secretary shall provide administrative support to enable the Panel to carry out its responsibilities.

(5) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall transmit to the Congress a report containing the recommendations of the Panel.

(f) DEFINITIONS.—For purposes of this section—

(1) the term ''certification authorities'' means issuers of digital certificates;

(2) the term ''digital certificate'' means an electronic document that binds an individual's identity to the individual's key;

(3) the term ''digital signature'' means a mathematically generated mark utilizing key cryptography techniques that is unique to both the signatory and the information signed;

(4) the term ''digital signature infrastructure'' means the software, hardware, and personnel resources, and the procedures, required to effectively utilize digital certificates and digital signatures;

(5) the term ''electronic authentication'' means cryptographic or noncryptographic methods of authenticating identity in an electronic communication;

(6) the term ''electronic authentication infrastructure'' means the software, hardware, and personnel resources, and the procedures, required to effectively utilize electronic authentication technologies;

(7) the term ''electronic certification and management technologies'' means computer systems, including associated personnel and procedures, that enable individuals to apply unique digital signatures to electronic information;

(8) the term ''protection profile'' means a list of security functions and associated assurance levels used to describe a product; and

(9) the term ''Under Secretary'' means the Under Secretary of Commerce for Technology.

SEC. 14. SOURCE OF AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Commerce $7,000,000 for fiscal year 2001 and $8,000,000 for fiscal year 2002, for the National Institute of Standards and Technology to carry out activities authorized by this Act for which funds are not otherwise specifically authorized to be appropriated by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2413.

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

There was no objection.

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

Mr. Speaker, H.R. 2413 updates the Computer Security Act of 1987 to improve computer security for Federal civilian agencies and the private sector. The Computer Security Act of 1987 gave authority over computer and communications security standards and Federal civilian agencies to NIST. The Computer Security Enhancement Act of 2000 strengthens that authority and directs funds to implement practices and procedures which will ensure that the Federal standards-setting process remains open to public input and analysis. When implemented, the bill will provide guidance and assistance on protection of electronic information to Federal civilian agencies.

Since 1993, the General Accounting Office has issued over 35 reports describing serious information security weaknesses at major Federal agencies. In 1999, the GAO reported that during the previous 2 years serious information security control weaknesses had been reported for most of the Federal agencies. Recently, the GAO gave the Federal Government an overall grade of D minus for its computer security efforts. Specifically, hearings held by the Committee on Science earlier this year identified information security leaks at the Department of Energy and the Federal Aviation Administration that threaten our Nation's safety, security, and economic well-being.

Much has changed in the years since the Computer Security Act of 1987 was enacted. The proliferation of networked systems, the Internet, and Web access are just a few of the dramatic advances in information technology that have occurred.

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The Computer Security Enhancement Act of 2000 addresses these changes, promotes the use of commercially available products, and encourages an open exchange of information between NIST and the private sector, all of which will help facilitate better security for Federal systems.

Finally, the legislation is technology neutral and is careful not to advocate any specific computer security or electronic authentication technology.

Mr. Speaker, while no single piece of legislation can fully protect our Federal civilian computer security systems, H.R. 2413 is a necessary step in the right direction. It has been unanimously supported by the Committee on Science and includes a number of provisions offered by the gentleman from Tennessee (Mr. GORDON); the gentlewoman from Maryland (Mrs. MORELLA), chair of the Subcommittee on Technology; the gentleman from Michigan (Mr. BARCIA), ranking member of that subcommittee; and the gentleman from California (Mr. KUYKENDALL), a member of the Cyber Security Leadership Team of the gentleman from Illinois (Mr. HASTERT).

I urge all my colleagues to support swift passage of this bill today.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first, of course, like to compliment the gentleman from Michigan (Mr. BARCIA) and the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Tennessee (Mr. GORDON) and, of course, the chairman, the gentleman from Wisconsin (Chairman SENSENBRENNER), for their very hard work on this question of computer security.

I get asked about that so very much and so very often. This has been an important topic for this committee for 15 years or more and dating back to the committee at the time when Congressman Jack Brooks enacted the very first security computer law dealing with federally owned computers.

H.R. 2413 brings our computer security efforts into the Internet age by working to upgrade the security of unclassified Federal computer systems and networks. The computer world has changed dramatically since we wrote the original Computer Security Act in the mid-1980s. Then we were coping with a new set of problems brought about by the arrival of personal securities and the movement of computer security problems that move beyond the mainframe computers.

Now, with the arrival of the World Wide Web, attacks on government computers are far more difficult to detect and certainly come from anywhere in the world. So effective and coordinated Federal computer security is now more important than it has ever been before.

H.R. 2413 confirms the National Institute of Standards and Technology's lead role in setting policy guidelines and measuring the effectiveness of computer security practices in civilian agencies.

NIST is also authorized to provide guidance and assistance to Federal agencies in the protection of interconnected computer systems and to promote compliance by Federal agencies with the existing computer information security and privacy guidelines and to assist other agencies in responding to unauthorized access to Federal computer systems.

Thanks to the leadership of the gentleman from Tennessee (Mr. GORDON), H.R. 2413 also will permit the Federal Government to advance e-commerce and e-government by providing for secure electronic authentication technologies.

Mr. Speaker, there has never been a time when so much of our lives have been documented by Federal computers. Veterans all across this country have the right to expect their medical records to be secure. Our seniors have to be able to depend on the security of the Social Security Administration's computers. The IRS must be able to protect our tax records from disclosure. Small businesses that deal with the government must have their records protected from potential competitors.

NIST has long been a leader in computer security, and it makes a lot of sense for NIST to share this expertise with other agencies. Therefore, I urge my colleagues to pass this important piece of legislation.

Mr. Speaker, the gentleman from Tennessee (Mr. GORDON), who is the ranking member on the Subcommittee on Space and Aeronautics, has been unbelievably supportive in the drawing and passing and bringing to this stage this piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I rise in support of H.R. 2413.

The gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. HALL) have already outlined the provisions of this bill.

I would like to take a couple of minutes to stress two points. First, the provisions of this bill are technologically neutral; and second, the bill would allow for strong private sector input in the development of good Federal computer security and authentication practices.

The bill that we have on the floor today is the result of 2 years of bipartisan work on the Committee on Science. The Committee on Science has held numerous hearings on these provisions, and we have incorporated constructive changes suggested by the industry and the administration.

The resulting legislation strengthens NIST's role in improving the computer security practices at Federal agencies. It also authorizes NIST to advise the agencies as needed on the deployment of electronic authentication technologies. These provisions ensure that the private sector has a strong voice in the development of electronic authentication policies considered by the Federal agencies and that agencies rely on commercially available products and service as much as possible.

The bill also makes clear that any Federal policies on computer security and electronic authentication practices by Federal agencies must be technologically neutral.

I again want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his leadership on this issue and working closely with me on this legislation. We have both been motivated by the importance that we place on the broad issues of electronic security.

In addition, I want to thank Mike Quear and Jeff Grove on the Committee on Science and the staff of the Committee on Commerce on both sides for their work for perfecting this legislation.

This is a good bill representing sound policy. I urge my colleagues to support H.R. 2413.

Mrs. MORELLA. Mr. Speaker, over the last four years, the Technology subcommittee that I chair in the Science Committee has held several hearings on computer security and has reviewed H.R. 2413 in depth. Computer security continues to be an ongoing and challenging problem that demands the attention of the Congress, the Executive Branch, industry, academia, and the public.

The explosive growth in Electronic Commerce highlights the nation's ever increasing dependence upon the secure and reliable operation of our computer systems. Computer security, therefore, has a vital influence on our economic health and our nation's security, and that is why it is important that we pass H.R. 2413 here today.

H.R. 2413 authorizes $9 million in FY 2001 and $9.5 million in FY 2002 to the National Institute of Standards and Technology to: Promote the use of commercially available off-the-shelf security products by Federal agencies, an initiative strongly supported by the Information Technology Association of America and others; Increase privacy protection by giving an independent advisory board more responsibility and resources to review NIST's computer security efforts and make recommendations; Support the development of well trained workforce by creating a fellowship program in the field of computer security; Study the efforts of the Federal government to develop a secure, interoperable electronic infrastructure; and finally,—Establish an expert review team to assist agencies to identify and fix existing information security vulnerabilities.

I am proud of the important work NIST is doing in the area of computer security, and I am pleased H.R. 2413 provides additional resources and tools to assist in its efforts.

Located in Gaithersburg, Maryland, NIST plays a critical role to improve computer security for the Federal Government and the private sector. Under NIST's statutory federal responsibilities, it works to develop standards and guidelines for agencies to help protect their sensitive unclassified information systems.

Additionally, NIST works with the information technology (IT) industry and IT users in the private sector on computer security in support of its

broad mission to strengthen the U.S. economy, and especially to improve the competitiveness of the U.S. information technology industry. In conducting its computer security efforts, NIST works closely with industry, Federal agencies, testing organizations, standards groups, academia, and private sector users.

Specifically, NIST works to improve the awareness of the need for computer security and conducts cutting-edge research on new technologies and their security implications and vulnerabilities. NIST works to develop security standards and specifications to help users specify security needs in their procurements and establish minimum-security requirements for Federal systems.

NIST develops and managers security-testing programs, in cooperation with private sector testing laboratories, to enable user to have confidence that a product meets a security specification. Finally, NIST produces security guidance to promote security planning, and secure system operations and administration.

I have already mentioned NIST's important role in standards development. NIST has long been active in developing Federal cryptographic standards and working in cooperation with private sector voluntary standards organizations in this area. Recently, NIST facilitated the worldwide competition to develop a new encryption technique that can be used to protect computerized information, know as the Advanced Encryption Standard (AES), which will serve 21st century security needs.

Another aspect of NIST's standards activities concerns Public Key and Key Management Infrastructures. The use of cryptographic services across networks requires the use of ''certificates'' that bind cryptographic keys and other security information to specific users or entities in the network. NIST has been actively involved in working with industry and the Federal government to promote the security and interoperability of such infrastures.

Mr. Speaker, a wide array of technology organizations and the Administration have recognized the need for H.R. 2413 and to protect our nation's information technology security. I urge my colleagues to stand with these organizations and myself to take this important step towards securing our computer data and resources from malicious attack. I urge passage of H.R. 2413.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support for H.R. 2413, the Computer Security Enhancement Act of 2000. This bill reinforces the role of the National Institute of Standards and Technology (NIST) in ensuring the security and privacy of federal civilian computer systems, and promotes the use of technology solutions developed by the private sector. The measure affirms NIST's role as the lead agency for creating and maintaining standards for federal computer security and emphasizes the need for protecting sensitive information in federal databases and on publicly accessible government Web sites. The committee states that NIST should focus on security issues that have emerged with the rapid changes in computer technology since passage of the Computer Security Act of 1987.

The bill authorizes $7 million in FY 2001, and $8 million in FY 2002 for NIST to carry out the measure, not including funds otherwise specifically authorized.

This legislation comes in response to a 1999 General Accounting Office (GAO) report that stated that, during the previous two years, serious information security control weaknesses had been reported for most federal agencies, and GAO recently gave the federal government an overall grade of ''D-minus'' for its computer security efforts.

The Computer Security Act of 1987 (P.L. 100–235) gave authority over computer and communication security standards in federal civilian agencies to the National Institute of Standards and Technology (NIST). However, the Science Committee notes that there have been dramatic changes in computer technology since the 1987 Act, citing the proliferation of networked systems, the Internet and Web access.

The bill authorizes NIST to provide guidance and assistance—including risk identification—to Federal agencies in the protection of information technology infrastructure (except for national security systems); provide information on existing security and privacy guidelines to promote compliance by Federal agencies; and consult with agencies on incidences of unauthorized access to Federal computer systems. The bill instructs NIST to develop measures to assess the effectiveness of agencies' privacy programs, perform evaluations and promote accreditation procedures for agency information security programs. The bill also directs NISt to report annually to Congress on its evaluations of federal computer systems, the use of commercially available security products by agencies, evaluations planned for the next year and any recommendations resulting from past evaluations.

The bill requires NIST to work with the Computer System Security and Privacy Advisory Board in setting standards and guidelines for the security of federal computer systems and to include the board's recommendations in Commerce Department reviews of proposed standards, guidelines and regulations. The measure authorizes $1 million in each of FY 2001 and FY 2002 for the board to hold public meetings and publish reports and other relevant information on emerging computer security and cryptology issues. the board, made up of representatives from industry, federal agencies and outside experts, would report directly to the science committees in the House and Senate.

The measure prohibits NIST from creating or enforcing any standards or policies relating to computer systems outside the federal government.

I believe that this is an important step to take in our effort to encourage computer network security in the federal workplace.

However, I would advise that it is also important that the federal government develops and maintain an adequate supply of computer security professionals. We must be sure that those who are entrusted with the network security of our nation's interconnected computers are dedicated and well trained information and network security experts.

Far too often those who are assigned network administrative functions, must share that responsibility among other assigned task, which might take precedence over their computer system responsibilities. The computer system is not deemed a priority unless access to files and informational resources are denied, then the systems specialist is expected to respond quickly to address the problem and restore service. The responsibility of network security is to maintain the routine maintenance of the system, which is vital to the smooth overall functioning of a computer system.

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

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2413, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

NATIONAL SCIENCE EDUCATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4271) to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4271

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 Science Education Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) As concluded in the report of the Committee on Science of the House of Representatives, ''Unlocking Our Future Toward a New National Science Policy'', which was adopted by the House of Representatives, the United States must maintain and improve its preeminent position in science and technology in order to advance human understanding of the universe and all it contains, and to improve the lives, health, and freedoms of all people.

(2) It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The most fundamental research is responsible for investigating our perceived universe, to extend our observations to the outer limits of what our minds and methods can achieve,

and to seek answers to questions that have never been asked before. Applied research continues the process by applying the answers from basic science to the problems faced by individuals, organizations, and governments in the everyday activities that make our lives more livable. The scientific-technological sector of our economy, which has driven our recent economic boom and led the United States to the longest period of prosperity in history, is fueled by the work and discoveries of the scientific community.

(3) The effectiveness of the United States in maintaining this economic growth will be largely determined by the intellectual capital of the United States. Education is critical to developing this resource.

(4) The education program of the United States needs to provide for 3 different kinds of intellectual capital. First, it needs scientists, mathematicians, and engineers to continue the research and development that are central to the economic growth of the United States. Second, it needs technologically proficient workers who are comfortable and capable dealing with the demands of a science-based, high-technology workplace. Last, it needs scientifically literate voters and consumers to make intelligent decisions about public policy.

(5) Student performance on the recent Third International Mathematics and Science Study highlights the shortcomings of current K–12 science and mathematics education in the United States, particularly when compared to other countries. We must expect more from our Nation's educators and students if we are to build on the accomplishments of previous generations. New methods of teaching science, mathematics, engineering, and technology are required, as well as better curricula and improved training of teachers.

(6) Science is more than a collection of facts, theories, and results. It is a process of inquiry built upon observations and data that leads to a way of knowing and explaining in logically derived concepts and theories. Mathematics is more than procedures to be memorized. It is a field that requires reasoning, understanding, and making connections in order to solve problems. Engineering is more than just designing and building. It is the process of making compromises to optimize design and assessing risks so that designs and products best solve a given problem. Technology is more than using computer applications, the Internet, and programming. Technology is the innovation, change, or modification of the natural environment, based on scientific, mathematical, and engineering principles.

(7) Students should learn science primarily by doing science. Science education ought to reflect the scientific process and be object-oriented, experiment-centered, and concept-based. Students should learn mathematics with understanding that numeric systems have intrinsic properties that can represent objects and systems in real life, and can be applied in solving problems. Engineering education should reflect the realities of real world design, and should involve hands-on projects and require students to make trade-offs based upon evidence. Students should learn technology as both a tool to solve other problems and as a process by which people adapt the natural world to suit their own purposes. Computers represent a particularly useful form of technology, enabling students and teachers to acquire data, model systems, visualize phenomena, communicate and organize information, and collaborate with others in powerful new ways. A background in the basics of information technology is essential for success in the modern workplace and the modern world.

(8) Children are naturally curious and inquisitive. To successfully tap into these innate qualities, education in science, mathematics, engineering, and technology must begin at an early age and continue throughout the entire school experience.

(9) Teachers provide the essential connection between students and the content they are learning. Prospective teachers need to be identified and recruited by presenting to them a career that is respected by their peers, is financially and intellectually rewarding, contains sufficient opportunities for advancement, and has continuing access to professional development.

(10) Teachers need to have incentives to remain in the classroom and improve their practice, and training of teachers is essential if the results are to be good. Teachers need to be knowledgeable of their content area, of their curriculum, of up-to-date research in teaching and learning, and of techniques that can be used to connect that information to their students in their classroom.

SEC. 3. ASSURANCE OF CONTINUED LOCAL CONTROL.

Nothing in this Act may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

SEC. 4. MASTER TEACHER GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—The Director of the National Science Foundation shall conduct a grant program to make grants to a State or local educational agency, a private elementary or middle school, or a consortium of any combination of those entities, for the purpose of hiring a master teacher described in subsection (b).

(b) ELIGIBILITY.—In order to be eligible to receive a grant under this subsection, a State or local educational agency, private elementary or middle school, or consortium described in subsection (a) shall submit to the Director a description of the relationship the master teacher will have vis-a-vis other administrative and managerial staff and the State and local educational agency, the ratio of master teachers to other teachers, and the requirements for a master teacher of the State or local educational agency or school, including certification requirements and job responsibilities of the master teacher. Job responsibilities must include a discussion of any responsibility the master teacher will have for—

(1) development or implementation of science, mathematics, engineering, or technology curricula;

(2) in-classroom assistance;

(3) authority over hands-on inquiry materials, equipment, and supplies;

(4) mentoring other teachers or fulfilling any leadership role; and

(5) professional development, including training other master teachers or other teachers, or developing or implementing professional development programs.

(c) ASSESSMENT OF EFFECTIVENESS.—The Director shall assess the effectiveness of activities carried out under this section.

(d) FUNDS.—

(1) SOURCE.—Grants shall be made under this section out of funds available for the National Science Foundation for education and human resources activities.

(2) AUTHORIZATION.—There are authorized to be appropriated to the National Science Foundation to carry out this section $50,000,000 for each of fiscal years 2001 through 2003.

SEC. 5. DEMONSTRATION PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—

(1) IN GENERAL.—

(A) GRANT PROGRAM.—The Director of the National Science Foundation shall, subject to appropriations, carry out a demonstration project under which the Director awards grants in accordance with this section to eligible local educational agencies.

(B) USES OF FUNDS.—A local educational agency that receives a grant under this section may use such grant funds to develop a program that builds or expands mathematics, science, and information technology curricula, to purchase equipment necessary to establish such program, and to provide professional development in such fields.

(2) PROGRAM REQUIREMENTS.—The program described in paragraph (1) shall—

(A) provide professional development specifically in information technology, mathematics, and science; and

(B) provide students with specialized training in mathematics, science, and information technology.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—For purposes of this section, a local educational agency or consortium of local educational agencies is eligible to receive a grant under this section if the agency or consortium—

(1) provides assurances that it has executed conditional agreements with representatives of the private sector to provide services and funds described in subsection (c); and

(2) agrees to enter into an agreement with the Director to comply with the requirements of this section.

(c) PRIVATE SECTOR PARTICIPATION.—The conditional agreements referred to in subsection (b)(1) shall describe participation by the private sector, including—

(1) the donation of computer hardware and software;

(2) the establishment of internship and mentoring opportunities for students who participate in the information technology program; and

(3) the donation of higher education scholarship funds for eligible students who have participated in the information technology program.

(d) APPLICATION.—

(1) IN GENERAL.—To apply for a grant under this section, each eligible local educational agency or consortium of local educational agencies shall submit an application to the Director in accordance with guidelines established by the Director pursuant to paragraph (2).

(2) GUIDELINES.—

(A) REQUIREMENTS.—The guidelines referred to in paragraph (1) shall require, at a minimum, that the application include—

(i) a description of proposed activities consistent with the uses of funds and program requirements under subsection (a)(1)(B) and (a)(2);

(ii) a description of the higher education scholarship program, including criteria for selection, duration of scholarship, number of scholarships to be awarded each year, and funding levels for scholarships; and

(iii) evidence of private sector participation and financial support to establish an internship, mentoring, and scholarship program.

(B) GUIDELINE PUBLICATION.—The Director shall issue and publish such guidelines not later than 6 months after the date of the enactment of this Act.

(3) SELECTION.—The Director shall select a local educational agency to receive an award under this section in accordance with subsection (e) and on the basis of merit to be determined after conducting a comprehensive review.

(e) PRIORITY.—The Director shall give special priority in awarding grants under this

section to eligible local educational agencies that—

(1) demonstrate the greatest ability to obtain commitments from representatives of the private sector to provide services and funds described under subsection (c); and

(2) demonstrate the greatest economic need.

(f) ASSESSMENT.—The Director shall assess the effectiveness of activities carried out under this section.

(g) STUDY AND REPORT.—The Director—

(1) shall initiate an evaluative study of eligible students selected for scholarships pursuant to this section in order to measure the effectiveness of the demonstration program; and

(2) shall report the findings of the study to Congress not later than 4 years after the award of the first scholarship. Such report shall include the number of students graduating from an institution of higher education with a major in mathematics, science, or information technology and the number of students who find employment in such fields.

(h) DEFINITION.—Except as otherwise provided, for purposes of this section, the term ''eligible student'' means a student enrolled in the 12th grade who—

(1) has participated in an information technology program established pursuant to this section;

(2) has demonstrated a commitment to pursue a career in information technology, mathematics, science, or engineering; and

(3) has attained high academic standing and maintains a grade point average of not less than 3.0 on a 4.0 scale for the last two years of secondary school (11th and 12th grades).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section, $3,000,000 for each of fiscal years 2001 through 2003.

(j) MAXIMUM GRANT AWARD.—An award made to an eligible local educational agency under this section may not exceed $300,000.

SEC. 6. DISSEMINATION OF INFORMATION ON REQUIRED COURSE OF STUDY FOR CAREERS IN SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION.

(a) IN GENERAL.—The Director of the National Science Foundation shall, jointly with the Secretary of Education, compile and disseminate information (including through outreach, school counselor education, and visiting speakers) regarding—

(1) typical standard prerequisites for middle school and high school students who seek to enter a course of study at an institution of higher education in science, mathematics, engineering, or technology education for purposes of teaching in an elementary or secondary school; and

(2) the licensing requirements in each State for science, mathematics, engineering, or technology elementary or secondary school teachers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the National Science Foundation to carry out this section $5,000,000 for each of fiscal years 2001 through 2003.

SEC. 7. REQUIREMENT TO CONDUCT STUDY EVALUATION.

(a) STUDY REQUIRED.—The Director of the National Science Foundation shall enter into an agreement with the National Academies of Sciences and Engineering under which the Academies shall review existing studies on the effectiveness of technology in the classroom on learning and student performance, using various measures of learning and teaching outcome including standardized tests of student achievement, and explore the feasibility of one or more methodological frameworks to be used in evaluations of technologies that have different purposes and are used by schools and school systems with diverse educational goals. The study evaluation shall include, to the extent available, information on the type of technology used in each classroom, the reason that such technology works, and the teacher training that is conducted in conjunction with the technology.

(b) DEADLINE FOR COMPLETION.—The study evaluation required by subsection (a) shall be completed not later than one year after the date of the enactment of this Act.

(c) DEFINITION OF TECHNOLOGY.—In this section, the term ''technology'' has the meaning given that term in section 3113(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6813(11)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the purpose of conducting the study evaluation required by subsection (a), $600,000.

SEC. 8. TEACHER TECHNOLOGY PROFESSIONAL DEVELOPMENT.

(a) IN GENERAL.—The Director of the National Science Foundation shall establish a grant program under which grants may be made to a State or local educational agency, a private elementary or middle school, or a consortium consisting of any combination of those entities for instruction of teachers for grades kindergarten through the 12th grade on the use of information technology in the classroom. Grants awarded under this section shall be used for training teachers to use—

(1) classroom technology, including hardware, software, communications technologies, and laboratory equipment; or

(2) specific technology for science, mathematics, engineering or technology instruction, including data acquisition, modeling, visualization, simulation, and numerical analysis.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the National Science Foundation to carry out this section $10,000,000 for each of fiscal years 2001 through 2003.

SEC. 9. SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY BUSINESS EDUCATION CONFERENCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation shall convene the first of an annual 3- to 5-day conference for kindergarten through the 12th grade science, mathematics, engineering, and technology education stakeholders, including—

(1) representatives from Federal, State, and local governments, private industries, private businesses, and professional organizations;

(2) educators;

(3) science, mathematics, engineering, and technology educational resource providers;

(4) students; and

(5) any other stakeholders the Director determines would provide useful participation in the conference.

(b) PURPOSES.—The purposes of the conference convened under subsection (a) shall be to—

(1) identify and gather information on existing science, mathematics, engineering, and technology education programs and resource providers, including information on distribution, partners, cost assessment, and derivation;

(2) determine the extent of any existing coordination between providers of curricular activities, initiatives, and units; and

(3) identify the common goals and differences among the participants at the conference.

(c) REPORT AND PUBLICATION.—At the conclusion of the conference the Director of the National Science Foundation shall—

(1) transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the outcome and conclusions of the conference, including an inventory of curricular activities, initiatives, and units, the content of the conference, and strategies developed that will support partnerships and leverage resources; and

(2) ensure that a similar report is published and distributed as widely as possible to stakeholders in science, mathematics, engineering, and technology education.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the National Science Foundation to carry out this section—

(1) $300,000 for fiscal year 2001; and

(2) $200,000 for each of fiscal years 2002 and 2003.

SEC. 10. GRANTS FOR DISTANCE LEARNING.

(a) IN GENERAL.—The Director of the National Science Foundation may make competitive, merit-based awards to develop partnerships for distance learning of science, mathematics, engineering, and technology education to a State or local educational agency or to a private elementary, middle, or secondary school, under any grant program administered by the Director using funds appropriated to the National Science Foundation for activities in which distance learning is integrated into the education process in grades kindergarten through the 12th grade.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the National Science Foundation to carry out this section $5,000,000 for each of fiscal years 2001 through 2003.

SEC. 11. SCHOLARSHIPS TO PARTICIPATE IN CERTAIN RESEARCH ACTIVITIES.

(a) IN GENERAL.—The President, acting through the National Science Foundation, shall provide scholarships to teachers at public and private schools in grades kindergarten through the 12th grade in order that such teachers may participate in research programs conducted at private entities or Federal or State government agencies. The purpose of such scholarships shall be to provide teachers with an opportunity to expand their knowledge of science, mathematics, engineering, technology, and research techniques.

(b) REQUIREMENTS.—In order to be eligible to receive a scholarship under this section, a teacher described in subsection (a) shall be required to develop, in conjunction with the private entity or government agency at which the teacher will be participating in a research program, a proposal to be submitted to the President describing the types of research activities involved.

(c) PERIOD OF PROGRAM.—Participation in a research program in accordance with this section may be for a period of one academic year or two sequential summers.

(d) USE OF FUNDS.—The Director may only use funds for purposes of this section for salaries of scholarship recipients, administrative expenses (including information dissemination, direct mailing, advertising, and direct staff costs for coordination and accounting services), expenses for conducting an orientation program, relocation expenses, and the expenses of conducting final selection interviews.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the National Science Foundation to carry out this section $5,000,000 for each of fiscal years 2001 through 2003.

SEC. 12. EDUCATIONAL TECHNOLOGY UTILIZATION EXTENSION ASSISTANCE.

(a) PURPOSE.—The purpose of this section is to improve the utilization of educational technologies in elementary and secondary education by creating an educational technology extension service based at undergraduate institutions of higher education.

(b) FINDINGS.—The Congress finds the following:

(1) Extension services such as the Manufacturing Extension Partnership and the Agricultural Extension Service have proven to be effective public/private partnerships to integrate new technologies and to improve utilization of existing technologies by small to medium sized manufacturers and the United States agricultural community.

(2) Undergraduate institutions of higher education working with nonprofit organizations and State and Federal agencies can tailor educational technology extension programs to meet specific local and regional requirements.

(3) Undergraduate institutions of higher education, often with the assistance of the National Science Foundation, have for the past 20 years been integrating educational technologies into their curricula, and as such they can draw upon their own experiences to advise elementary and secondary school educators on ways to integrate a variety of educational technologies into the educational process.

(4) Many elementary and secondary school systems, particularly in rural and traditionally underserved areas, lack general information on the most effective methods to integrate their existing technology infrastructure, as well as new educational technology, into the educational process and curriculum.

(5) Most Federal and State educational technology programs have focused on acquiring educational technologies with less emphasis on the utilization of those technologies in the classroom and the training and infrastructural requirements needed to efficiently support those types of technologies. As a result, in many instances, the full potential of educational technology has not been realized.

(6) Our global economy is increasingly reliant on a workforce not only comfortable with technology, but also able to integrate rapid technological changes into the production process. As such, in order to remain competitive in a global economy, it is imperative that we maintain a work-ready labor force.

(7) According to ''Teacher Quality: A Report on the Preparation and Qualifications of Public School Teachers'', prepared by the Department of Education, only one in five teachers felt they were well prepared to work in a modern classroom.

(8) The most common form of professional development for teachers continues to be workshops that typically last no more than one day and have little relevance to teachers' work in the classroom.

(9) A 1998 national survey completed by the Department of Education found that only 19 percent of teachers had been formally mentored by another teacher, and that 70 percent of these teachers felt that this collaboration was very helpful to their teaching.

(c) PROGRAM AUTHORIZED.—

(1) GENERAL AUTHORITY.—The Director of the National Science Foundation, in cooperation with the Secretary of Education and the Director of the National Institute of Standards and Technology, is authorized to provide assistance for the creation and support of regional centers for the utilization of educational technologies (hereinafter in this section referred to as ''ETU Centers'').

(2) FUNCTIONS OF CENTERS.—

(A) ESTABLISHMENT.—ETU Centers may be established at any institution of higher education, but such centers may include the participation of nonprofit entities, organizations, or groups thereof.

(B) OBJECTIVES OF CENTERS.—The objective of the ETU Centers is to enhance the utilization of educational technologies in elementary and secondary education through—

(i) advising elementary and secondary school administrators, school boards, and teachers on the adoption and utilization of new educational technologies and the utility of local schools' existing educational technology assets and infrastructure;

(ii) participation of individuals from the private sector, universities, State and local governments, and other Federal agencies;

(iii) active dissemination of technical and management information about the use of educational technologies; and

(iv) utilization, where appropriate, of the expertise and capabilities that exist in Federal laboratories and Federal agencies.

(C) ACTIVITIES OF CENTERS.—The activities of the ETU Centers shall include the following:

(i) The active transfer and dissemination of research findings and ETU Center expertise to local school authorities, including school administrators, school boards, and teachers.

(ii) The training of teachers in the integration of local schools existing educational technology infrastructure into their instructional design.

(iii) The training and advising of teachers, administrators, and school board members in the acquisition, utilization, and support of educational technologies.

(iv) Support services to teachers, administrators, and school board members as agreed upon by ETU Center representatives and local school authorities.

(v) The advising of teachers, administrators, and school board members on current skill set standards employed by private industry.

(3) PROGRAM ADMINISTRATION.—

(A) PROPOSED RULES.—The Director of the National Science Foundation, after consultation with the Secretary of Education and the Director of the National Institute of Standards and Technology, shall publish in the Federal Register, within 90 days after the date of the enactment of this section, proposed rules for the program for establishing ETU Centers, including—

(i) a description of the program;

(ii) the procedures to be followed by applicants;

(iii) the criteria for determining qualified applicants; and

(iv) the criteria, including those listed in this section, for choosing recipients of financial assistance under this section from among qualified applicants.

(B) FINAL RULES.—The Director of the National Science Foundation shall publish final rules for the program under this section after the expiration of a 30-day comment period on such proposed rules.

(4) ELIGIBILITY AND SELECTION.—

(A) APPLICATIONS REQUIRED.—Any undergraduate institution of higher education, consortium of such institutions, nonprofit organizations, or groups thereof may submit an application for financial support under this section in accordance with the procedures established under this section. In order to receive assistance under this section, an applicant shall provide adequate assurances that the applicant will contribute 50 percent or more of the proposed Center's capital and annual operating and maintenance costs.

(B) SELECTION.—The Director of the National Science Foundation, in conjunction with the Secretary of Education and the Director of the National Institute of Standards and Technology, shall subject each application to competitive, merit review. In making a decision whether to approve such application and provide financial support under this section, the Director of the National Science Foundation shall consider at a minimum—

(i) the merits of the application, particularly those portions of the application regarding the adaption of training and educational technologies to the needs of particular regions;

(ii) the quality of service to be provided;

(iii) the geographical diversity and extent of service area, with particular emphasis on rural and traditionally underdeveloped areas; and

(iv) the percentage of funding and amount of in-kind commitment from other sources.

(C) EVALUATION.—Each ETU Center which receives financial assistance under this section shall be evaluated during its 3d year of operation by an evaluation panel appointed by the Director of the National Science Foundation. Each evaluation panel shall measure the involved Center's performance against the objectives specified in this section. Funding for an ETU Center shall not be renewed unless the evaluation is positive.

SEC. 13. INTERAGENCY COORDINATION OF SCIENCE EDUCATION PROGRAMS.

(a) INTERAGENCY COORDINATION COMMITTEE.—

(1) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an interagency committee to coordinate Federal programs in support of science and mathematics education at the elementary and secondary level.

(2) MEMBERSHIP.—The membership of the committee shall consist of the heads, or designees, of the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the Department of Education, and other Federal departments and agencies that have programs directed toward support of elementary and secondary science and mathematics education.

(3) FUNCTIONS.—The committee shall—

(A) prepare a catalog of Federal research, development, demonstration and other programs designed to improve elementary and secondary science or mathematics education, including for each program a summary of its goals and the kinds of activities supported, a summary of accomplishments (including evidence of effectiveness in improving student learning), the funding level, and, for grant programs, the eligibility requirements and the selection process for awards;

(B) review the programs identified under subparagraph (A) in order to—

(i) determine the relative funding levels among support for—

(I) teacher professional development;

(II) curricular materials;

(III) improved classroom teaching practices;

(IV) applications of computers and related information technologies; and

(V) other major categories of activities;

(ii) assess whether the balance among kinds of activities as determined under clause (i) is appropriate and whether unnecessary duplication or overlap among programs exists;

(iii) assess the degree to which the programs assist the efforts of State and local school systems to implement standards-based reform of science and mathematics education, and group the programs in the categories of high, moderate, and low relevance for assisting standards-based reform;

(iv) for grant programs, identify ways to simplify the application procedures and requirements and to achieve greater conformity among the procedures and requirements of the agencies; and

(v) evaluate the adequacy of the assessment procedures used by the departments and agencies to determine whether the goals and objectives of programs are being achieved, and identify the best practices identified from the evaluation for assessment of program effectiveness; and

(C) monitor the implementation of the plan developed under subsection (c) and provide to the Director of the Office of Science and Technology Policy its findings and recommendations for modifications to that plan.

(b) EXTERNAL REVIEW.—The Director of the National Science Foundation shall enter into an agreement with the National Research Council to conduct an independent review of programs as described in subsection (a)(3)(B) and to develop findings and recommendations. The findings and recommendations from the National Research Council review of programs shall be reported to the Director of the Office of Science and Technology Policy and to the Congress.

(c) EDUCATION PLAN.—

(1) PLAN CONTENTS.—On the basis of the findings of the review carried out in accordance with subsection (a)(3)(B) and taking into consideration the findings and recommendations of the National Research Council in accordance with subsection (b), the Director of the Office of Science and Technology Policy shall prepare a plan for Federal elementary and secondary science and mathematics education programs which shall include—

(A) a strategy to increase the effectiveness of Federal programs to assist the efforts of State and local school systems to implement standards-based reform of elementary and secondary science and mathematics education;

(B) a coordinated approach for identifying best practices for the use of computers and related information technologies in classroom instruction;

(C) the recommended balance for Federal resource allocation among the major types of activities supported, including projected funding allocations for each major activity broken out by department and agency;

(D) identification of effective Federal programs that have made measurable contributions to achieving standards-based science and mathematics education reform;

(E) recommendations to the departments and agencies for actions needed to increase uniformity across the Federal Government for application procedures and requirements for grant awards for support of elementary and secondary science and mathematics education; and

(F) dissemination procedures for replicating results from effective programs, particularly best practices for classroom instruction.

(2) CONSULTATION.—The Director shall consult with academic, State, industry, and other appropriate entities engaged in efforts to reform science and mathematics education as necessary and appropriate for preparing the plan under paragraph (1).

(d) REPORTS.—

(1) INITIAL REPORT.—The Director of the Office of Science and Technology Policy shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, a report which—

(A) includes the plan described in subsection (c)(1);

(B) in accordance with subsection (c)(1)(C), describes, for each department and agency represented on the committee established under subsection (a)(1), appropriate levels of Federal funding;

(C) includes the catalog prepared under subsection (a)(3)(A);

(D) includes the findings from the review required under subsection (a)(3)(B)(iii);

(E) includes the findings and recommendations of the National Research Council developed under subsection (b); and

(F) describes the procedures used by each department and agency represented on the committee to assess the effectiveness of its education programs.

(2) ANNUAL UPDATES.—The Director of the Office of Science and Technology Policy shall submit to the Congress an annual update, at the time of the President's annual budget request, of the report submitted under paragraph (1), which shall include, for each department and agency represented on the committee, appropriate levels of Federal funding for the fiscal year during which the report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies.

SEC. 14. SCIENCE, MATHEMATICS, AND ENGINEERING SCHOLARSHIP PROGRAM.

(a) PROGRAM AUTHORIZED.—The Director of the National Science Foundation is authorized to establish a scholarship program to assist graduates of baccalaureate degree programs in science, mathematics or engineering, or individuals pursuing degrees in those fields, to fulfill the academic requirements necessary to become certified as elementary or secondary school teachers.

(b) SCHOLARSHIP AMOUNT AND DURATION.—Each scholarship provided under subsection (a) shall be in the amount of $5,000 and shall cover a period of 1 year.

(c) REQUIREMENTS.—

(1) ELIGIBILITY.—Undergraduate students majoring in science, mathematics, or engineering who are within one academic year of completion of degree requirements, and individuals who have received degrees in such fields, are eligible to receive scholarships under the program established by subsection (a).

(2) GUIDELINES, PROCEDURES, AND CRITERIA.—The Director shall establish and publish application and selection guidelines, procedures, and criteria for the scholarship program.

(3) REQUIREMENTS FOR APPLICATIONS.—Each application for a scholarship shall include a plan specifying the course of study that will allow the applicant to fulfill the academic requirements for obtaining a teaching certificate during the scholarship period.

(4) WORK REQUIREMENT.—As a condition of acceptance of a scholarship under this section, a recipient shall agree to work as an elementary or secondary school teacher for a minimum of two years following certification as such a teacher or to repay the amount of the scholarship to the National Science Foundation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section $5,000,000 for each of fiscal years 2001, 2002, and 2003.

SEC. 15. GO GIRL GRANTS.

(a) SHORT TITLE.—This section may be cited as the ''Getting Our Girls Ready for the 21st Century Act (Go Girl Act)''.

(b) FINDINGS.—Congress finds the following:

(1) Women have historically been underrepresented in mathematics, science, and technology occupations.

(2) Female students take fewer high-level mathematics and science courses in high school than male students.

(3) Female students take far fewer advanced computer classes and tend to take only the basic data entry and word processing classes compared to courses that male students take.

(4) Female students earn fewer bachelors, masters, and doctoral degrees in mathematics, science, and technology than male students.

(5) Early career exploration is key to choosing a career.

(6) Teachers' attitudes, methods of teaching, and classroom atmosphere affect females' interest in nontraditional fields.

(7) Stereotypes about appropriate careers for females, a lack of female role models, and a lack of basic career information significantly deters girls' interest in mathematics, science, and technology careers.

(8) Females consistently rate themselves significantly lower than males in computer ability.

(9) By the year 2000, 65 percent of all jobs will require technological skills.

(10) Limited access is a hurdle faced by females seeking jobs in mathematics, science, and technology.

(11) Common recruitment and hiring practices make extensive use of traditional networks that often overlook females.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Director of the National Science Foundation is authorized to provide grants to and enter into contracts or cooperative agreements with local educational agencies and institutions of higher education to encourage the ongoing interest of girls in science, mathematics, and technology and to prepare girls to pursue undergraduate and graduate degrees and careers in science, mathematics, or technology.

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency or institution of higher education shall submit an application to the Director at such time, in such form, and containing such information as the Director may reasonably require.

(B) CONTENTS.—The application referred to in subparagraph (A) shall contain, at a minimum, the following:

(i) A specific program description, including the content of the program and the research and models used to design the program.

(ii) A description of how an eligible entity will provide for collaboration between elementary and secondary school programs to fulfill goals of the grant program.

(iii) An explanation regarding the recruitment and selection of participants.

(iv) A description of the instructional and motivational activities planned to be used.

(v) An evaluation plan.

(d) USES OF FUNDS FOR ELEMENTARY SCHOOL PROGRAM.—Under grants awarded pursuant to subsection (c), funds may be used for the following:

(1) Encouraging girls in grades 4 and higher to enjoy and pursue studies in science, mathematics, and technology.

(2) Acquainting girls in grades 4 and higher with careers in science, mathematics, and technology.

(3) Educating the parents of girls in grades 4 and higher about the difficulties faced by girls to maintain an interest and desire to achieve in science, mathematics, and technology and enlisting the help of the parents in overcoming these difficulties.

(4) Tutoring in reading, science, mathematics, and technology.

(5) Mentoring relationships, both in-person and through the Internet.

(6) Paying the costs of attending events and academic programs in science, mathematics, and technology.

(7) After-school activities designed to encourage the interest of girls in grades 4 and

higher in science, mathematics, and technology.

(8) Summer programs designed to encourage interest in and develop skills in science, mathematics, and technology.

(9) Purchasing software designed for girls, or designed to encourage girls' interest in science, mathematics, and technology.

(10) Field trips to locations that educate and encourage girls' interest in science, mathematics, and technology.

(11) Field trips to locations that acquaint girls with careers in science, mathematics, and technology.

(12) Purchasing and disseminating information to parents of girls in grades 4 and higher that will help parents to encourage their daughters' interest in science, mathematics, and technology.

(e) USES OF FUNDS FOR SECONDARY SCHOOL PROGRAM.—Under grants awarded pursuant to subsection (c), funds may be used for the following:

(1) Encouraging girls in grades 9 and higher to major in science, mathematics, and technology in a postsecondary institution.

(2) Providing academic advice and assistance in high school course selection.

(3) Encouraging girls in grades 9 and higher to plan for careers in science, mathematics, and technology.

(4) Educating the parents of girls in grades 9 and higher about the difficulties faced by girls to maintain an interest and desire to achieve in science, mathematics, and technology and enlist the help of the parents in overcoming these difficulties.

(5) Tutoring in science, mathematics, and technology.

(6) Mentoring relationships, both in-person and through the Internet.

(7) Paying the costs of attending events and academic programs in science, mathematics, and technology.

(8) Paying 50 percent of the cost of an internship in science, mathematics, or technology.

(9) After-school activities designed to encourage the interest of girls in grades 9 and higher in science, mathematics, and technology, including the cost of that portion of a staff salary to supervise these activities.

(10) Summer programs designed to encourage interest in and develop skills in science, mathematics, and technology.

(11) Purchasing software designed for girls, or designed to encourage girls' interest in science, mathematics, and technology.

(12) Field trips to locations that educate and encourage girls' interest in science, mathematics, and technology.

(13) Field trips to locations that acquaint girls with careers in science, mathematics, and technology.

(14) Visits to institutions of higher education to acquaint girls with college-level programs in science, mathematics, or technology, and to meet with educators and female college students who will encourage them to pursue degrees in science, mathematics, and technology.

(f) DEFINITION.—In this section the term ''local educational agency'' has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), except that in the case of Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico, the term ''local educational agency'' shall be deemed to mean the State educational agency.

SEC. 16. GRANT FOR LEARNING COMMUNITY CONSORTIUM FOR ADVANCEMENT OF WOMEN, MINORITIES, AND PERSONS WITH DISABILITIES IN SCIENCE, ENGINEERING, AND TECHNOLOGY.

The Director of the National Science Foundation may, through a competitive, merit-based process, provide to a consortium composed of community colleges a grant in an amount not more than $11,000,000 for the purpose of carrying out a pilot project to provide support to encourage women, minorities, and persons with disabilities to enter and complete programs in science, engineering, and technology.

SEC. 17. USE OF FUNDS FOR PROVIDING RELEASE TIME AND OTHER INCENTIVES.

A recipient of a grant under section 4 or 8 may use funds received through such grant for expenses related to leave from work (consistent with State law and contractual obligations), and other incentives, to permit and encourage full-time teachers to participate in—

(1) professional development activities relating to the use of technology in education; and

(2) the development, demonstration, and evaluation of applications of technology in elementary and secondary education.

SEC. 18. SCIENCE TEACHER EDUCATION.

(a) PROGRAM AUTHORIZED.—The Director of the National Science Foundation may establish a program to improve the undergraduate education and in-service professional development of science and mathematics teachers in elementary and secondary schools. Under the program, competitive awards shall be made on the basis of merit to institutions of higher education that offer baccalaureate degrees in education, science and mathematics.

(b) PURPOSE OF AWARDS.—Awards made under subsection (a) shall be for developing—

(1) courses and curricular materials for—

(A) the preparation of undergraduate students pursuing education degrees who intend to serve in elementary or secondary schools as science or mathematics teachers; or

(B) the professional development of science and mathematics teachers serving in elementary and secondary schools; and

(2) educational materials and instructional techniques incorporating innovative uses of information technology.

(c) REQUIREMENTS.—The Director shall establish and publish application and selection guidelines, procedures, and criteria for the program established by subsection (a). Proposals for awards under the program shall involve collaborations of education, mathematics, and science faculty and include a plan for a continued collaboration beyond the period of the award. In making awards under this section, the Director shall consider—

(1) the degree to which courses and materials proposed to be developed in accordance with subsection (b) combine content knowledge and pedagogical techniques that are consistent with hands-on, inquiry-based teaching, are aligned with established national science or mathematics standards, and are based on validated education research findings; and

(2) evidence of a strong commitment by the administrative heads of the schools and departments, whose faculty are involved in preparing a proposal to the program, to provide appropriate rewards and incentives to encourage continued faculty participation in the collaborative activity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section $2,000,000 for each of fiscal years 2001 through 2003.

SEC. 19. DEFINITIONS.

In this Act:

(1) The terms ''local educational agency'' and ''State educational agency'' have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term ''institution of higher education'' has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. Hall) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4271.

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

There was no objection.

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

Mr. Speaker, H.R. 4271 is the product of a 2-year effort by the Committee to examine the disappointing state of K–12 math and science education in the United States.

As we are all aware, too many American students are entering the workforce with an inadequate foundation in math and science. This bill is an effective start toward implementing math and science education so that we may break the cycle of low achievement in these important disciplines.

H.R. 4271, introduced by the gentleman from Michigan (Mr. EHLERS), vice chairman of the Committee on Science, addresses the problem by focusing on teachers. The bill would authorize several creative programs to provide teachers with the tools they need to excel in the classroom.

For example, the bill provides for technology training specifically for teachers. Unfortunately, it is currently the case that many teachers lack sufficient training in the use of technology in the classroom. Additionally, these teachers often lose when administrators are forced to choose to dedicate funds between teacher training and hardware and software for students.

The bill authorizes the program just for teachers so that they will have the opportunity to secure this training. In addition, the bill incorporates the input of many Members on both sides of the aisle.

I am pleased that the House is considering the bill today that brings together so many positive ideas that will help America's students.

I want to thank the gentleman from Michigan (Mr. EHLERS) for all his hard work in producing a bill that deserves strong bipartisan support.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 4271, the National Science Education Act. This is a bipartisan bill that incorporate ideas from

Members on both sides of the aisle. It has widespread support from science educators and support from the industry.

H.R. 4271 is focused on a problem of great importance to the future of the Nation, that is, improvement of science, math, and technology education in elementary and secondary schools.

The important role of science education to our future well-being is widely understood. An informed citizenry and a full pipeline of future scientists and engineers will depend on the quality of science and math education.

I want to congratulate the gentleman from Wisconsin (Chairman SENSENBRENNER) for his efforts to move the bill forward for floor consideration today. I also want to acknowledge the gentleman from Michigan (Mr. EHLERS), the vice chairman of the Committee, and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking Democratic member of the Subcommittee on Basic Research, for all of their hard work on conducting the series of committee hearings that have provided the basis for this bill and on development of this legislation.

The programs established by H.R. 4271 will address serious deficiencies in preparation and professional development of K–12 science and math teachers. The bill will provide new partnerships between schools and businesses to encourage greater student interest in science and in technology. And the bill will help to develop more effective curricular materials, including the exploration of ways to deploy education technologies more effectively.

Mr. Speaker, I believe the programs authorized by the National Science Foundation by H.R. 4271 will go a long way to improve K–12 science education in all of our schools. There is no more important goal to ensure the Nation's future prosperity and well-being.

I commend the measure to the House and urge its passage.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. EHLERS), the author of this bill.

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

Mr. Speaker, we have a major national problem. We have a booming economy which arose out of developments in science and technology, and we are all enjoying the fruits of that economic boom. At the same time, we do not have the workforce to manage the boom and to keep it going.

There are several evidences of that. Number one, compared to other developed countries, we are at the bottom or near to the bottom in terms of the mathematics and science education student achievements of our high school graduates.

The second point: if my colleagues would visit the graduate schools of science and engineering in this Nation, they will find that over half of the graduate students are from other countries, because our students cannot compete with those students from other countries.

Another factor is that every year the science and technology industry comes to us and says, will you please allow more immigrants into our Nation with the scientific and technological capability to fill the need that we have. And just 2 weeks ago we approved a bill to allow another 200,000 immigrants into this Nation to fill that need.

We have 365,000 open scientific and technical jobs in the United States, and we do not have people qualified to fill those jobs.

We must either allow those from other countries in, or employers will move the jobs offshore to take advantage of the people there.

We have to address this problem. If we want to continue to enjoy the fruits of this economic boom, we have to produce students and adults who are educated in science and math. And I am not talking just about scientists and engineers. Today they need to know high school physics and algebra in order to get a job as a mechanic in a major auto service shop. And this applies to most jobs in society today. We must have better training in science and technology for our students.

This bill is an attempt to do that. The need for this was demonstrated in the Science Policy Statement that I developed with the help of the gentleman from Wisconsin (Mr. SENSENBRENNER) 2 years ago and which was adopted by the Committee on Science and by the full House. We have conducted further hearings during the past 2 years to examine this educational need, consider solutions, and arrive at a bill that would actually meet and solve the problem.

In addition to that, the Glenn Commission, which was appointed by the Secretary of Education, has been meeting for 2 years, and just a few weeks ago released its report. Its recommendations parallel almost exactly what we are trying to do in this bill and some companion bills that have been introduced.

We must have a knowledgeable and well-prepared teacher in every classroom. That is the effort of this bill, to provide training for those teachers already in the classroom who have not received adequate math and science training in their college or university work, and bill will provide opportunities to educate them.

Let me make it clear, I am not faulting the teachers for the problem. In every classroom I visited, and I have been in many in my lifetime, teachers are eager to teach math and science properly; but they have not been given the proper training or background, and they desperately want it. Through this bill, we have provided ways for them to have that training.

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In addition, this bill provides for a master teacher program, under which grants would be given to schools. These schools could use those funds to hire teachers who would have, in addition to their teaching responsibilities which are assigned by the school, other responsibilities to deal with equipment maintenance, instruction of teachers, in-service training of teachers, maintenance of equipment, outlining curricula, perhaps developing curricula and acquainting the teachers with all of the ramifications of it.

This master teacher program is a key part of the bill. It has been the most widely applauded portion of the bill.

In addition to that, the bill contains a teacher scholarship program so that teachers will be able to go elsewhere and benefit from work experience or scientific research in laboratories, in businesses or in other ways. They are professionals, and they need the opportunity to follow their professional programs and ideals.

We have also included some other bills that were introduced and referred to the Committee on Science. For example, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) had introduced an excellent bill, which provides a pilot program to encourage private sector contributions and involvement in information technology programs in the neediest high schools. It is an excellent bill, and I was pleased to incorporate that bill in this one.

In addition, the gentleman from Michigan (Mr. BARCIA) introduced a bill which authorizes an educational technology extension service based in intermediate school districts, which will allow the schools to benefit from the expertise of the centralized agencies and personnel.

This bill was reported out of the Committee on Science with a unanimous vote and has received bipartisan support from the beginning. I am pleased that we have received support from members of the Committee on Science, from the members of the Committee on Appropriations, Committee on Education and the Workforce and from Members of leadership. There are currently 118 cosponsors for this bill. It has widespread support in this Congress. Eighteen of those cosponsors are from the committee on education; 36 from the Committee on Science.

Teachers will be positively affected by this bill. Our Nation's teachers and students will be one step closer to receiving the support they so deserve with this effort.

I want to close this by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER) for the tremendous support he has given me in the effort on this bill, and also the help the House leadership has provided. I urge the House to approve this bill.

Mr. HALL of Texas. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak on H.R. 4271 and want to express my appreciation for the leadership to the gentleman from Michigan (Mr. EHLERS) and the gentleman from Texas (Mr. HALL) and the efforts of other committee members.

After a comprehensive effort and a set of hearings of the Committee on Science organized by the gentleman from Michigan (Mr. EHLERS), which examined all aspects of K–12 science and math education, we finally did come to an agreement on a comprehensive bill, a bill that incorporates a range of proposals from several Members on both sides of the aisle and addresses ways to improve teacher training, develops more effective educational materials and teaching practices to improve student learning and establishes programs to attract more women and minorities to careers in science and technology.

I am concerned, however, about a provision that allows grants to private elementary and middle schools. I support the provisions of 4271, but I have a concern about the constitutionality of this provision. I am simply disappointed that the majority party would allow an unconstitutional provision in section 4 of H.R. 4271 to authorize a grant program at the National Science Foundation for competitive awards to public and private elementary and middle schools to hire master science teachers.

I fully realize that every school needs these teachers, but we simply cannot spend public dollars on private schools in elementary and secondary levels for these schools to hire master teachers. We know that in these private schools, they have smaller classes, they are easier students to teach; and so consequently we feel that the master teachers probably would gravitate to these private schools. Who would blame them?

Despite the efforts to try to remove this provision, it is still here; and we need a clean bill because we need the provisions otherwise of this bill. This section and only this section is the cause of much of my concern to the once highly supported bill by both sides of the aisle.

Mr. Speaker, section 4 is clearly unconstitutional on the basis of a Supreme Court decision in Lemon v. Kurtzman. In that case, the Court disallowed a State program for providing salary supplements to teachers in private schools.

Mr. Speaker, what we have today is simply an effort to get public dollars funneled into private schools. We simply must not do that in this body. The precedent set by this case is what we should follow today. The Court knew then, just as we know today, that implementation of a provision like this would serve to endanger this entire bill.

As stated before, it was highly supported by both sides of the aisle. H.R. 4271 incorporated the Mathematics and Science Proficiency Partnership Act, a bill that I introduced last year. My legislation is a targeted measure. It seeks to bring schools with large populations of economically disadvantaged students together in partnership with businesses to improve science and math education and to recruit and support students in undergraduate education in science and technology fields.

Before realizing the intentions of Section 4, I was also pleased that the bill included a provision I offered in Committee to establish a formal coordination and planning mechanism for federal K–12 science education programs.

Mr. Speaker, the nation must take advantage of the human resource potential of all our citizens if we are to succeed in the international economic competition of the 21st century. Just as other members, I would like to see the good provisions of H.R. 4271 implemented, but I can not justify to the 30th district of Texas and to the American people support of such legislation that risks being struck down because of the unconstitutional provision. The American people can only benefit if we pass a bill that is constitutional and speaks to the welfare of all Americans. This can only be done without the inclusion of Section 4. We need reform efforts in science and math education that will engage and cultivate the interest of all children, not efforts that will put the grant application to hire master science teachers at risk by providing funding to private schools—yielding unconstitutional results.

Indeed, H.R. 4271 addresses many aspects of K–12 science and math education that plague our schools. At the same time, H.R. 4271 unconstitutionally serves to deny public schools the opportunities to become technologically savvy in this increasingly technological world. Due to the unconstitutional section of this legislation, I urge my colleagues to correct this provision so that we can get the other provisions of the bill going. It is long overdue.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to engage the gentleman from Michigan (Mr. EHLERS) in a colloquy to be sure that we can correct this provision in this bill before it goes into final print. If this can happen, I wholeheartedly support this bill.

Could the gentleman assure me that the language that provides grants to private schools that are publicly supported could be corrected before the final language of the bill?

Mr. EHLERS. Mr. Speaker, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, let me clarify this issue. First of all, this is typical language that we have incorporated in this bill. We are not breaking new ground. The National Science Foundation at present does give grants to private schools. Let me also clarify that private schools does not mean rich preparatory schools, as many people think, and does not necessarily mean religious schools. In my city in Grand Rapids, we have a private school that serves students in the inner city, and survives through my extensive fundraising. It operates on a poverty shoestring. Most of its students are from minority groups. So private schools can include many different types.

Be that as it may, note that the letter that has been circulated saying that this program may raise a constitutional question, is based on a 1971 Supreme Court decision which has been superseded by several other decisions, and I think this issue deserves considerable study before one could conclude that there is a constitutional problem.

Secondly, if we read the bill carefully we note the grants provide for development or implementation of science, mathematics, engineering or technical curricula in classroom assistance; authority over hands-on inquiry materials, equipment and supplies; mentoring other teachers or fulfilling any leadership role and professional development, including training other master teachers or other teachers or developing or implementing professional development programs. Nowhere in here does it say that they will be teaching children.

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman from Michigan (Mr. EHLERS) very much for his response. I guess the commitment that I want is that if it is determined to be unconstitutional, could the language be made so that if it is determined to be unconstitutional then we can remove this provision? Because we need the rest of this bill, and we need it rapidly. I have been pleading for this for over 2 years to move forward, but what I do not want to do is dilute public dollars further in supporting private schools when we so desperately need special areas, especially students in areas where it is difficult to attract master teachers, it is difficult to have smaller classes, it is even difficult to have the classes wired as they should be for today's education. I need that assurance.

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

Mr. Speaker, I respectfully disagree with the assertions that have been made that the section in question is unconstitutional. The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) cites a 1971 U.S. Supreme Court case. There have been two more recent cases, Agostini v. Felton in 1997 and Mitchell v. Helms earlier this year that clarified the Lemon v. Kurtzman test. Basically, it said that a statute similar to what is being proposed here is constitutional if it does not result in religious indoctrination, it does not define its recipients by reference to religion and it does not create excessive entanglement between government and religion. In each of these three instances, the statute does not do so.

There has been a Presidential award program that has been on the books since 1983 where each year the National Science Foundation recommends to the President 107 math teachers and 107 science teachers from around the country to receive an award which is a $7,500 grant to the school where the

teacher teaches. That is open to both public schools and private schools.

I have a list of recent awardees, and I would like to read some of them to show that the President has directed money from the NSF to private schools. One of the awardees is Ms. Barbara Day Bass of St. Catherine's School in Richmond, Virginia. Another is sister Elizabeth C. Graham of Christ the King High School in Middle Village, New York; Sister Ellen Callaghan of Mount Carmel High School in Essex, Maryland; Ms. Claire Anne Baker of Brebeuf Jesuit Preparatory School of Indianapolis, Indiana; Ms. Carole Bennett of the Jesuit High School in Tampa, Florida; and even Mr. David Stuart Wood of the Sidwell Friends School of Washington, D.C., which I believe is attended by the son of Vice President GORE.

Now, this program has been working very well on the executive level for 17 years, and no one has raised the question that these types of awards violate the establishment clause of the United States Constitution. As a matter of fact, during all of the hearings that the Committee on Science had on this bill and during the markup, no one raised the issue as well. It was only a couple of nights ago that somebody started calling around saying that this provision was unconstitutional.

Well, first of all, the Congress does not make constitutional determinations. That can only be made by the Court and usually by the Supreme Court of the United States. I think that there is a sufficient question on the constitutionality that we should not pull this provision out of the bill, particularly because it would set such a precedent that the existing award program that had been going on by the NSF would be called into question as well. But also it is a standard rule of statutory construction that sections that are declared unconstitutional are severable if they can be severed from the rest of the bill. So I think that the concern of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is really unfounded.

Constitutional and precedential questions aside, what we should be saying here is that it should not make any difference whether a teacher teaches at a public school or a private school in terms of the benefits of getting better math and science education in the classroom, because it is the students in those classrooms that are going to benefit from better teachers and more motivated teachers. I do not think we should leave the children who happen to go to private schools behind with these kinds of grants, just as the President has not left children who are taught by teachers in private schools behind in making the awards pursuant to the 1983 law.

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

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, good grief. Here we go again. Members from both sides of the aisle joined together to craft a good bipartisan bill, the National Science Education Act, a bill that addresses an important national need which is improving science education.

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A bill that includes many innovative programs, such as my ''Go Girl'' initiative, which encourages girls to study and pursue careers in math, science, engineering and technology.

The Democrats on the Committee on Science and the Committee on Education and the Workforce had to fight really hard to convince the Republicans on the Committee on Education and the Workforce to let ''Go Girl'' stay in the bill, and we prevailed, and the bill is better because of that.

But H.R. 4271 still includes a poison pill, a poison pill that no Member who cares about public education in America wants to vote for. In section 4, H.R. 4271 will give Federal funds directly to private and religious schools to hire teachers. This appears to violate our Constitution, and it absolutely takes precious dollars away from public schools.

It would be easy to change this provision. In fact, our colleagues on the other side of the aisle were asked to do just that before the bill came before us today on the floor, but they have refused.

So with regret for the students and the public schools that could benefit from the good programs in this bill, I cannot support H.R. 4271, unless the section 4 language regarding private schools is corrected.

Mr. SENSENBRENNER. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, did the gentlewoman vote for a bill as a Member of the Committee on Science?

Ms. WOOLSEY. Yes, sir, I did.

Mr. SENSENBRENNER. If the gentlewoman would further yield, did the gentlewoman propose an amendment during Committee on Science consideration to remove the section that she objects to now?

Ms. WOOLSEY. I did not, until it came to my attention more clearly. You know how fast we shoved that through the committee, because each of us that had things, like my ''Go Girl'' bill, and I was very, very seriously concentrating on that.

Mr. SENSENBRENNER. If the gentlewoman would yield for one further question, does the gentlewoman feel that President Clinton made a mistake in awarding the 7,500 grants in the PAEMST program to representatives and teachers of private schools that I mentioned?

Ms. WOOLSEY. Mr. Speaker, reclaiming my time, I would like to say that this gentlewoman supports public education. I am not against private schools, I have no problem with religious schools; but our public schools are underfunded, and to take anything away from the funding of public schools at this time is a huge, grave mistake. If we vote on this later today, on H.R. 4271, I urge my colleagues who care about public education in America to do the same and vote against this bill.

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Texas for yielding me time.

I want to thank my colleague, the gentleman from Michigan (Mr. EHLERS), for his work on this important issue, improving math and science education in this country. We know that our economic competitiveness as a Nation depends on our ability to compete in the area of education.

Unfortunately, in Virginia there are tens of thousands of jobs going vacant because we cannot find the qualified workers in the area of technology. Businesses cannot therefore expand until they find the qualified workers, and localities trying to recruit businesses cannot recruit those businesses because of the shortage of technologically qualified workers.

So, Mr. Speaker, while I think this bill goes in the right direction because it improves science, math and technological education in our schools, I, too, am concerned about section 4 in the bill involving master teachers. That section directs the National Science Foundation to give direct grants to entities, including private schools, to hire master teachers. This provision is not only constitutionally suspect, but also provides for a dangerous precedent for Federal education programs.

Under current law, private schools can now participate in professional development activities and may participate in consortia or partnerships that receive Federal grants. But we have never given them direct grants to hire teachers. Direct grants are even more constitutionally suspect than vouchers, because this bill allows direct funding to private religious schools.

Now, some of the voucher programs pretend to have the benefit going to the student, not to the school; but there is not that fiction in this bill. This money goes directly to private religious schools.

It should be noted that private religious schools would be able to discriminate on the basis of religion when they hire teachers with Federal funds, and that is particularly absurd on a science bill, to think that a private school could fire a master teacher, hired with Federal funds, because that master teacher it was found believed in evolution, if teaching evolution is inconsistent with the teaching and tenets of the private religious school.

Now, although we do not make the constitutional determinations as Members of Congress, I would remind our Members when we were sworn in, we did swear to uphold the Constitution.

Even more of a concern is the precedence this provision sets for other Federal education programs. Should we give money to private schools to hire teachers to reduce their class size, to modernize their schools or to run after-school programs, when those initiatives are woefully underfunded in the public area?

Mr. Speaker, public funds should benefit public schools, where more than 90 percent of our students go; and, therefore, I urge the defeat of this legislation.

I would also in response to the constitutional arguments include for the RECORD a memorandum dated October 24, 2000, from the Congressional Research Service.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 24, 2000.

MEMORANDUM

To: House Committee on Education and the Workforce, Attention: Alex Nock
From: David M. Ackerman, Legislative Attorney, American Law Division
Subject: Establishment Clause Issues Raised by Master Teacher Grant Program in H.R. 4271

This is in response to your request regarding the constitutional implications of the ''Master Teacher Grant Program'' that would be authorized by H.R. 4271. More specifically, you asked for a brief analysis of the program's implications under the establishment of religion clause of the First Amendment. Time limitations prevent an exhaustive analysis, but it is hoped the following may be helpful.

H.R. 4271 would, inter alia, authorize $50 million for each of the next three fiscal years for a master teacher program conducted by the National Science Foundation. Under that program the NSF could make grants to state or local educational agencies, a private elementary or middle school, or a consortium of any combination of those entities for the purpose of hiring a master teacher whose responsibilities could include (1) development or implementation of science, math, engineering, or technology curricula; (2) providing in-classroom assistance; (3) managing materials, equipment, and supplies; (4) mentoring other teachers; and (5) developing and implementing professional development programs for teachers, including other master teachers. Thus, a private sectarian elementary or middle school could receive a grant to hire a master teacher.

The program may raise a constitutional question under the establishment of religion clause. Several Supreme Court decisions have addressed the constitutionality of public subsidies of teachers in sectarian elementary and secondary schools. Most pertinent, perhaps, is Lemon v. Kurtzman. In that case the Court held unconstitutional, 7–1, two state programs subsidizing teachers of secular subjects in sectarian elementary and secondary schools. One program provided a salary supplement of up to 15 percent of the salary of teachers of secular subjects in private elementary schools. The other program reimbursed private elementary and secondary schools for the salaries of teachers of math, modern foreign languages, physical science, and physical education. The Court analyzed the programs' constitutionality under what is now known as the Lemon test:

First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . .; finally, the statute must not foster ''an excessive entanglement with religion.''

The Court found the programs to have legitimate secular purposes but, without deciding the primary effect question, held them to foster an ''excessive entanglement between government and religion'' and thus to be unconstitutional under the establishment clause. It stressed that the schools that benefited from the subsidies had a ''significant religious mission and that a substantial portion of their activities is religiously oriented.'' The schools were all located near parish churches, all displayed numerous religious symbols, all were administered by religious authorities, and two-thirds of the teachers were nuns of various religious orders. As a consequence, the Court said, there was a substantial risk that the subsidized teachers would engage in religious indoctrination:

We need not and do not assume that teachers in parochial schools will be guilty of bad faith or any conscious design to evade the limitations imposed by the statute and the First Amendment. We simply recognize that a dedicated religious person, teaching in a school affiliated with his or her faith and operated to include its tenets, will inevitably experience great difficulty in remaining religiously neutral. . . . With the best of intentions such a teacher would find it hard to make a total separation between secular teaching and religious doctrine.

Because of the ''potential for impermissible fostering of religion,'' the Court held that the states would have to engage in an intrusive monitoring of the teachers' performance:

The . . . Legislature has not, and could not, provide state aid on the basis of a mere assumption that secular teachers under religious discipline can avoid conflicts. The State must be certain, given the Religion Clauses, that subsidized teachers do not inculcate religion. . . . A comprehensive, discriminating, and continuing state surveillance will inevitably be required to ensure that [this] restriction [is] obeyed and the First Amendment otherwise respected. . . . These prophylactic contacts will involve excessive and enduring entanglement between state and church.

The Court saw an added danger in the program reimbursing private sectarian schools for the salaries of teachers of specified secular subjects:

The Pennsylvania statute . . . has the further defect of providing state financial aid directly to the church-related school. . . . The history of government grants of a continuing cash subsidy indicates that such programs have almost always been accompanied by varying measures of control and surveillance. The government cash grants before us now provide no basis for predicting that comprehensive measures of surveillance and control will not follow. In particular, the government's post-audit power to inspect and evaluate a church-related school's financial records and to determine which expenditures are religious and which are secular creates an intimate and continuing relationship between church and state.

Lemon concerned the public subsidy of sectarian school teachers. In 1975 in Meek v. Pittenger the Court extended its reasoning to a program in which public school teachers provided ''auxiliary services'' to sectarian school students on the premises of the sectarian schools they attended. The Court again stressed the religion-pervasive nature of sectarian elementary and secondary schools and found that even public school teachers might engage in the fostering of religion in such an atmosphere. It said:

''To be sure, auxiliary services personnel, because not employed by the nonpublic schools, are not directly subject to the discipline of a religious authority. But they are performing important educational services in schools in which education is an integral part of the dominant sectarian mission and in which an atmosphere dedicated to the advancement of religious belief is constantly maintained. The potential for impermissible fostering of religion under these circumstances, although somewhat reduced, is nonetheless present. To be certain that auxiliary teachers remain religiously neutral, as the Constitution demands, the State would have to impose limitations on the activities of auxiliary personnel and then engage in some form of continuing surveillance to ensure that those restrictions were being followed.

Thus, by a margin of 6-3, the Court held the program to violate the establishment clause.

A decade later the Court reaffirmed these views. In Aguilar v. Felton the Court held unconstitutional, 5-4, New York City's implementation of Title I of the Elementary and Secondary Education Act. Under the program public school teachers provided remedial and enrichment educational services to eligible children in private elementary and secondary schools on the premises of those schools. The City had set up a system to monitor the teachers' performance to ensure that they did not engage in religious teaching. But the Court, again stressing the religion-pervasive nature of the schools, found that the monitoring system itself to create excessive entanglement between the City and the religious schools:

. . . [T]he supervisory system established by the City of New York inevitably results in the excessive entanglement of church and state. . . .

In the related case of City of Grand Rapids v. Ball the Court also struck down two teacher-subsidy programs operated in Grand Rapids. In the Shared Time program public school teachers provided remedial and enrichment instruction to children in sectarian elementary schools on the premises of those schools, while in the Community Education program teachers who were otherwise employed by the parochial schools were hired on a part-time basis to provide after-school extracurricular courses to the students attending those schools. The Court held both programs to satisfy the secular purpose aspect of the Lemon test but to violate its primary effect prong, but margins of 5–4 and 7–2, respectively. The Court said the programs ''impermissibly'' advanced religion in three ways:

First, the teachers participating in the programs may become involved in intentionally or inadvertently inculcating particular religious tenets or beliefs. Second, the programs may provide a crucial symbolic link between government and religion, thereby enlisting—at least in the eyes of impressionable youngsters—the powers of government to the support of the religious denomination operating the school. Third, the programs may have the effect of directly promoting religion by impermissibly providing a subsidy to the primary religious mission of the institutions attended.

Thus, after Ball the Court viewed programs subsidizing teachers of secular subjects on the premises of sectarian schools to violate both the primary effect and excessive entanglement prongs of the Lemon test.

More recently, however, the Court has begun to retreat from these rulings. In Agostini v. Felron in 1997 the Court specifically rejected the conclusions and reasoning

of Aguilar, Ball, and Meek with respect to programs in which public school teachers provide remedial and enrichment services to eligible children in sectarian elementary and secondary schools on the premises of those schools. Agostini again involved New York City's implementation on the Title I program, but this time the Court held on-premises instruction by public school personnel to be constitutional, 5–4. The Court said the assumptions on which Aguilar, Ball, and Meek were based had been ''undermined'' by its more recent church-state jurisprudence. Specifically, the Court said it had ''abandoned the presumption . . . That the placement of public employees on parochial school grounds inevitably results in the impermissible effect of state-sponsored indoctrination or constitutes a symbolic union between government and religion.'' the Court further said it had ''departed from the rule . . . That all government aid that directly assists the educational function of religious schools is invalid.'' Finally, the Court states that because it no longer adhered to the view that ''property instructed public employees will fail to discharge their duties faithfully'' and be tempted to inculcate religion while on parochial school grounds, it also ''discard[ed] the assumption that pervasive monitoring of Title I teachers is required. There is no suggestion in the record before us that unannounced monthly visits of public supervisors are insufficient to detect inculcation of religion by public employees. Moreover, we have not found excessive entanglement in cases in which States imposed far more onerous burdens on religious institutions than the monitoring system at issue here.''

Most recently, the court further revised its jurisprudence concerning public aid to sectarian elementary and secondary schools, although the case did not involve teacher subsidies. In Mitchell v. Helms the Court upheld, 6–3, a program providing instructional materials and equipment to public and private schools alike and in so doing overturned parts of its prior opinions in Meek v. Pittenger, supra, and Wolman v. Walter. The Court could agree on no majority opinion. A plurality opinion by Justice Thomas, joined by Chief Justice Rehnquist and Justices Scalia and Kennedy, stated that programs providing aid directly to sectarian schools are constitutional so long as the aid is also made available on a neutral basis to public schools and is secular in nature. The opinion by Justice O'Connor, joined by Justice Breyer, averred that the aid also had to be limited to secular use by the schools after it was received. But she eschewed the notion that an intrusive monitoring system was constitutionally necessary to ensure that such a restriction was honored. She stated:

''. . . Agostini and the cases on which it relied have undermined the assumptions underlying Meek and Wolman. To be sure, Agostini only addressed the specific presumption that public-school employees teaching on the premises of religious schools would inevitably inculcate religion. Nevertheless, I believe that our definitive rejection of that presumption also stood for—or at least strongly pointed to—the broader proposition that such presumptions of religious indoctrination are normally inappropriate when evaluating neutral school-aid programs under the Establishment Clause. . . . [T]he Court's willingness to assume that religious-school instructors will inculcate religion has not caused us to presume also that such instructors will be unable to follow secular use restrictions on the use of textbooks. I would similarly reject any such presumption regarding the use of instructional materials and equipment.''

But Justice O'Connor also took pains to reemphasize her position in Ball that ''the religious-school teacher who works throughout the day to advance the school's religious mission would also do so, at least to some extent, during the supplemental classes provided at the end of the day.''

Thus, it seems clear that the Court's church-state jurisprudence is evolving. More specifically, the Court has abandoned the assumptions that aid to sectarian schools inevitably has a primary effect of advancing the schools' religious mission and that public school teachers will inevitably be tempted to inculcate religion when they offer instructional services on the premises of such schools. But it has not yet abandoned the presumption that was key to its decision in Lemon v. Kurtzman, supra, that the teachers hired by the sectarian schools themselves would inevitably engage in such instruction and that a constitutionally entangling surveillance of such teachers would be essential if they were publicly subsidized. Lemon v. Kurtzman, supra, in other words, appears still to be good law. Moreover, it may also be material to note that all of the Justices in their various opinions in Mitchell v. Helms, supra, emphasized the constitutional dangers that were inherent in direct grants of money to sectarian schools. As a consequence, the Master Teacher program that would be authorized by H.R. 4271 appears to raise a constitutional question.

I hope the foregoing is responsive to your request. If we may be of additional assistance, please call on us.

I would just read part of it. Lemon v. Kurtzman was mentioned. CRS suggests that that still appears to be good law. Moreover, it may be material to note that all of the justices in their various opinions in Mitchell v. Helms emphasized the constitutional dangers that were inherent in direct grants of money to sectarian schools. As a consequence, the master teacher program that would be authorized by H.R. 4271 appears to raise constitutional questions.

I think they should be considered and that provision should be taken out of the bill, so other good portions could go forward.

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

Mr. Speaker, I think this precedent has already been set, and I would like to read from the National Science Foundation fact sheet that outlines the awards that the President of the United States offers every year. It says, the presidential award for excellence in mathematics and science teaching is the Nation's highest commendation for K–12 math and science teachers. It recognizes the combination of sustained and exemplary work, both in and outside of the classroom. Each award includes a grant of $7,500 from the NSF to the recipient school. Winners use the money at their discretion to promote math and science education.

Frequently asked questions: What are the PAEMST selection criteria?

Answer: The program is open to practicing public, private and parochial school teachers with a minimum of 5 years experience.

Then there is a press release attached to this that says President Clinton has recognized 214 mathematics and science teachers for their innovative and outstanding contributions to their professions under the presidential awards for excellence in mathematics and science teaching programs.

Now, if the gentleman from Virginia's argument is valid, then all of the awards that President Clinton has passed out in the last 8 years to private and parochial school teachers, because they have done a good job in the classroom, never should have been paid and are unconstitutional.

What is being proposed in this bill is patterned after what the President has done since 1983. The issue of the constitutionality is simple, and that is whether the funds are used to promote indoctrination of religion, in this bill they are not; whether there is a preference on religious instruction, in this bill they are not; and whether there is excessive entanglement between the government and religion, and in this bill there is not, just like in the PAEMST awards that have been given by the President of the United States.

So I think that the argument that has been advanced at the 11th hour and 59th minute is really a red herring. We need to improve math and science education in our elementary and secondary schools. The best way to do that is to have really motivated teachers that turn the kids on. It should not make any difference whether those teachers teach in the public school or in a nonpublic school, because we should not leave the children in the nonpublic schools behind in order to get better math and science education.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a situation that sailed through the committee with input from both sides. It is a good bill. It is a bill that is endangered now because some things have been detected in it, and it is not unlikely that could happen to any committee or any member of the committee.

But we have a problem with it, and we would have worked it out. I think the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Michigan (Mr. EHLERS), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and, of course, the gentleman from Virginia (Mr. SCOTT) and others would have worked it out at the committee level. But that did not happen.

I am very hopeful that in colloquy between the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Michigan (Mr. EHLERS), they are both highly skilled in the art of compromise, maybe something can be worked out with this.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, there is no question about any provision in this bill,

except that provision that allows for the payment of teachers for private schools. There is a real difference between a $7,500 award and paying the full salary of a teacher for a private school. That remains a problem in this bill.

Clearly, this bill needed to move. We have been holding it up for over 2 years, trying to hear everyone all over the country, many educators, and we know the urgency of the provisions of this bill. But we do not want to risk the outcome of this bill because of this provision.

That is where my concern is, and that is what I would like. If the gentleman from Michigan (Mr. EHLERS) could assure us that this provision would not jeopardize this bill and it could be corrected before it is signed into law or vetoed or whatever, then I have no problem with the bill.

We need the other provisions of this bill to be in law so that we can get the benefit as quickly as possible.

Mr. EHLERS. Mr. Speaker, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, there is a host of questions that have been raised here at the last minute, and a considerable surprise to me, because on this bill we have held hearings for over a year, and the bill has been out for almost 2 years.

Ms. EDDIE BERNICE JOHNSON of Texas. Not on this provision, but the last one.

Mr. EHLERS. Let me just try to respond. This provision is, first of all, a grant to the school, not to the teacher, so it is not even as far along as the list that the chairman gave a moment ago. It is a grant to the school and not to the teacher.

Secondly, you have to recognize teachers move from one school to another. Just yesterday I spoke in a school, and there was a teacher in the public school who had previously taught in a religious school in my community. If you educate or train a teacher, are you going to say once we have trained them with Federal money, they cannot teach in a private school anymore, even if they were trained with Federal money while they were in the public school?

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Ms. EDDIE BERNICE JOHNSON of Texas. Reclaiming my time, Mr. Speaker, let me just say that we want the provisions of this bill to go forward. We do not want public dollars to flow to private schools when we have such need in public schools.

I need that assurance. This bill is on suspension. I need to assure a number of people in this body that this will happen if this bill is to pass today.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yes, I am one who wants the parents to make the decision as to what type of education their children have.

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

Mr. SENSENBRENNER. I yield myself the balance of my time.

Mr. Speaker, this is an important bill to get America's children the type of technologically adept teachers that they need to bring themselves into the 21st century. It should not be held up because we have had 2 years of study on this, direct hearings and having the bill open for amendment during the markup at the Committee on Science.

At no point prior to 48 hours ago have the objections, such as those raised by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Virginia (Mr. SCOTT) been brought up.

This bill has widespread support, and I would like to read off a list of the organizations that have supported it: the American Association for Engineering Education, the American Association of Engineering Societies, the American Association of Physics Teachers, the American Astronomical Society, the American Chemical Society, the American Physical Society, the American Society of Mechanical Engineers, Business Round Table, Institute of Electrical and Electronic Engineers, International Society for Optical Engineering, International Technology Education Association, Jobs for the Future, National Academy Of Sciences, National Alliance of Business, National Council of Teachers of Mathematics, National Science Teachers Association, National Society of Professional Engineers, Optical Society of America, SAE International and Triangle Coalition for Mathematics and Science Education.

Mr. Speaker, I would implore the House of Representatives to do the right thing, to give our kids the tools to advance into the 21st century and be able to compete in a globalized economy. Mr. Speaker, I urge passage of the bill.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 4271, the National Science Education Act, of which he is a cosponsor.

Through grants to public and private schools, the National Science Education Act provides math and science teachers with the assistance they need in professional development and support for the use of hands-on science materials, and with development in technology use and integration. It also creates a national scholarship to reward teacher participation in science, math, engineering or technology research.

In June of this year, this Member was visited by Mr. Robert Curtright and his wife from Lincoln, Nebraska. Mr. Curtright, a science teacher at Lincoln Northeast High School, was honored as one of the winners of the Presidential Award for Excellence in Mathematics and Science Teaching Program that is administered by the National Science Foundation. The award enables Mr. Curtright to serve as a role model for his peers in Nebraska and encourage high quality teachers to enter and remain in the education field. However, Mr. Curtright cannot do it alone. Nebraska is currently facing a great deal of difficulty in recruiting and retaining good quality teachers. This Member believes that through H.R. 4271, more teachers will benefit from the additional resources, enhanced professional development as well as professional mentors to recruit and maintain quality math and science teachers.

Mr. Speaker, this Member encourages his colleagues to support the National Science Education Act. Mr. Curtright deserves all of the help he can get in assisting others in his profession provide the best math and science education that children in Nebraska and throughout the country deserve.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 4271, the National Science Education Act, an important bill that recognizes the need to educate for the future.

I do have some concerns about one part of the bill that would permit allocation of federal funds to private schools. I would have preferred for that to have been omitted. However, the rest of the bill deserves enactment. So, I will support sending the bill to the Senate, in hopes that it will be further improved to the point that it can be supported without reservation by anyone.

I'd like to talk specifically about the merits of one provision, added by an amendment that I offered, that is designed to encourage would-be science and math teachers. My amendment authorizes a program of one-year, $5000 scholarships to those with bachelors degrees in science or engineering, or those nearing completion of such degrees, to enable them to take the courses they need to become certified as K–12 science or math teachers.

Over the last year, the Science Committee held a series of hearings about the state of math and science education in this country. From these hearings and from talking to constituents, students, and educators at home, it has become crystal clear to me that we have much work to do to prepare our students to succeed in the 21st century workplace.

In particular, we've been hearing that poor student performance in science and math has much to do with the fact that teachers often have little or no training in the disciplines they are teaching. While the importance of teacher expertise in determining student achievement is widely acknowledged, it is also the case that significant numbers of K–12 students are being taught science and math by unqualified teachers.

The bill includes a number of important provisions to assist teachers, and deserves to pass. Not only do we need to ensure a high quality of science and math education for our students, but we also need to ensure there is sufficient quantity of trained teachers available to teach them. My amendment provides an incentive for individuals with the content knowledge to try teaching as a career.

Most students emerge from college with a heavy debt load—and studies have shown that average debt has tended upward, sine college tuition costs have been increasing faster than inflation. So scholarships would be particularly beneficial for those considering entering the teaching field where starting salaries are relatively low.

Mr. Speaker, this bill takes some critical steps to help ensure that we can sustain our

current economic growth and that our future workforce will be prepared to succeed in our increasingly technologically based world.

I urge support for this important legislation.

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4271, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

AMERICAN MUSEUM OF SCIENCE AND ENERGY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4940) to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the ''American Museum of Science and Energy'', and for other purposes, as amended.

The Clerk read as follows:

H.R. 4940

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

TITLE I—AMERICAN MUSEUM OF SCIENCE AND ENERGY

SEC. 101. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

(a) IN GENERAL.—The Museum—

(1) is designated as the ''American Museum of Science and Energy''; and

(2) shall be the official museum of science and energy of the United States.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the ''American Museum of Science and Energy''.

(c) PROPERTY OF THE UNITED STATES.—

(1) IN GENERAL.—The name ''American Museum of Science and Energy'' is declared the property of the United States.

(2) INJUNCTION.—Whoever, except as authorized by the Secretary, uses or reproduces the name ''American Museum of Science and Energy'', or a facsimile or simulation of such name in such manner as suggests ''American Museum of Science and Energy'', may be enjoined from such use or reproduction at the suit of the Attorney General upon complaint by the Secretary.

(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

SEC. 102. AUTHORITY.

To carry out the activities of the Museum, the Secretary may—

(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

(A) relevant to the contents of the Museum; and

(B) informative, educational, and tasteful;

(3) collect reasonable fees where feasible and appropriate;

(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

SEC. 103. MUSEUM VOLUNTEERS.

(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

(b) STATUS OF VOLUNTEERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

(2) EXCEPTIONS.—

(A) FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the government (as defined in section 2671 of that title).

(B) COMPENSATION FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

(c) COMPENSATION.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

SEC. 104. DEFINITIONS.

For purposes of this title:

(1) MUSEUM.—The term ''Museum'' means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy or a designated representative of the Secretary.

TITLE II—NETWORKING AND INFORMATION TECHNOLOGY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Networking and Information Technology Research and Development Act''.

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) Information technology will continue to change the way Americans live, learn, and work. The information revolution will improve the workplace and the quality and accessibility of health care and education and make Government more responsible and accessible. It is important that access to information technology be available to all citizens, including elderly Americans and Americans with disabilities.

(2) Information technology is an imperative enabling technology that contributes to scientific disciplines. Major advances in biomedical research, public safety, engineering, and other critical areas depend on further advances in computing and communications.

(3) The United States is the undisputed global leader in information technology.

(4) Information technology is recognized as a catalyst for economic growth and prosperity.

(5) Information technology represents one of the fastest growing sectors of the United States economy, with electronic commerce alone projected to become a trillion-dollar business by 2005.

(6) Businesses producing computers, semiconductors, software, and communications equipment account for one-third of the total growth in the United States economy since 1992.

(7) According to the United States Census Bureau, between 1993 and 1997, the information technology sector grew an average of 12.3 percent per year.

(8) Fundamental research in information technology has enabled the information revolution.

(9) Fundamental research in information technology has contributed to the creation of new industries and new, high-paying jobs.

(10) Our Nation's well-being will depend on the understanding, arising from fundamental research, of the social and economic benefits and problems arising from the increasing pace of information technology transformations.

(11) Scientific and engineering research and the availability of a skilled workforce are critical to continued economic growth driven by information technology.

(12) In 1997, private industry provided most of the funding for research and development in the information technology sector. The information technology sector now receives, in absolute terms, one-third of all corporate spending on research and development in the United States economy.

(13) The private sector tends to focus its spending on short-term, applied research.

(14) The Federal Government is uniquely positioned to support long-term fundamental research.

(15) Federal applied research in information technology has grown at almost twice the rate of Federal basic research since 1986.

(16) Federal science and engineering programs must increase their emphasis on long-term, high-risk research.

(17) Current Federal programs and support for fundamental research in information technology is inadequate if we are to maintain the Nation's global leadership in information technology.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—Section 201(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(b)) is amended—

(1) by striking ''From sums otherwise authorized to be appropriated, there'' and inserting ''There'';

(2) by striking ''1995; and'' and inserting ''1995;''; and

(3) by striking the period at the end and inserting ''; $580,000,000 for fiscal year 2000; $699,300,000 for fiscal year 2001; $728,150,000 for fiscal year 2002; $801,550,000 for fiscal year 2003; and $838,500,000 for fiscal year 2004. Amounts authorized under this subsection shall be the total amounts authorized to the National Science Foundation for a fiscal year for the Program, and shall not be in addition to amounts previously authorized by law for the purposes of the Program.''.

(b) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—Section 202(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(b)) is amended—

(1) by striking ''From sums otherwise authorized to be appropriated, there'' and inserting ''There'';

(2) by striking ''1995; and'' and inserting ''1995;''; and

(3) by striking the period at the end and inserting ''; $164,400,000 for fiscal year 2000; $201,000,000 for fiscal year 2001; $208,000,000 for fiscal year 2002; $224,000,000 for fiscal year 2003; and $231,000,000 for fiscal year 2004.''.

(c) DEPARTMENT OF ENERGY.—Section 203(e)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(e)(1)) is amended—

(1) by striking ''1995; and'' and inserting ''1995;''; and

(2) by striking the period at the end and inserting ''; $119,500,000 for fiscal year 2000; $175,000,000 for fiscal year 2001; $183,000,000 for fiscal year 2002; $193,000,000 for fiscal year 2003; and $203,000,000 for fiscal year 2004.''.

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—(1) Section 204(d)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(1)) is amended—

(A) by striking ''1995; and'' and inserting ''1995;''; and

(B) by striking ''1996; and'' and inserting ''1996; $9,000,000 for fiscal year 2000; $9,500,000 for fiscal year 2001; $10,500,000 for fiscal year 2002; $16,000,000 for fiscal year 2003; and $17,000,000 for fiscal year 2004; and''.

(2) Section 204(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)) is amended by striking ''From sums otherwise authorized to be appropriated, there'' and inserting ''There''.

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 204(d)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(2)) is amended—

(1) by striking ''1995; and'' and inserting ''1995;''; and

(2) by striking the period at the end and inserting ''; $13,500,000 for fiscal year 2000; $13,900,000 for fiscal year 2001; $14,300,000 for fiscal year 2002; $14,800,000 for fiscal year 2003; and $15,200,000 for fiscal year 2004.''.

(f) ENVIRONMENTAL PROTECTION AGENCY.—Section 205(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(b)) is amended—

(1) by striking ''From sums otherwise authorized to be appropriated, there'' and inserting ''There'';

(2) by striking ''1995; and'' and inserting ''1995;''; and

(3) by striking the period at the end and inserting ''; $4,200,000 for fiscal year 2000; $4,300,000 for fiscal year 2001; $4,500,000 for fiscal year 2002; $4,600,000 for fiscal year 2003; and $4,700,000 for fiscal year 2004.''.

(g) NATIONAL INSTITUTES OF HEALTH.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended by inserting after section 205 the following new section:

''SEC. 205A. NATIONAL INSTITUTES OF HEALTH ACTIVITIES.

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Institutes of Health shall conduct research directed toward the advancement and dissemination of computational techniques and software tools in support of its mission of biomedical and behavioral research.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services for the purposes of the Program $223,000,000 for fiscal year 2000, $233,000,000 for fiscal year 2001, $242,000,000 for fiscal year 2002, $250,000,000 for fiscal year 2003, and $250,000,000 for fiscal year 2004.''.

SEC. 204. NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) NATIONAL SCIENCE FOUNDATION.—Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5521) is amended by adding at the end the following new subsections:

''(c) NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.—(1) Of the amounts authorized under subsection (b), $350,000,000 for fiscal year 2000, $421,000,000 for fiscal year 2001, $442,000,000 for fiscal year 2002, $486,000,000 for fiscal year 2003, and $515,000,000 for fiscal year 2004 shall be available for grants for long-term basic research on networking and information technology, with priority given to research that helps address issues related to high end computing and software; network stability, fragility, reliability, security (including privacy and counterinitiatives), and scalability; and the social and economic consequences (including the consequences for healthcare) of information technology.

''(2) In each of the fiscal years 2000 and 2001, the National Science Foundation shall award under this subsection up to 25 large grants of up to $1,000,000 each, and in each of the fiscal years 2002, 2003, and 2004, the National Science Foundation shall award under this subsection up to 35 large grants of up to $1,000,000 each.

''(3)(A) Of the amounts described in paragraph (1), $40,000,000 for fiscal year 2000, $45,000,000 for fiscal year 2001, $50,000,000 for fiscal year 2002, $55,000,000 for fiscal year 2003, and $60,000,000 for fiscal year 2004 shall be available for grants of up to $5,000,000 each for Information Technology Research Centers.

''(B) For purposes of this paragraph, the term 'Information Technology Research Centers' means groups of six or more researchers collaborating across scientific and engineering disciplines on large-scale long-term research projects which will significantly advance the science supporting the development of information technology or the use of information technology in addressing scientific issues of national importance.

''(d) MAJOR RESEARCH EQUIPMENT.—(1) In addition to the amounts authorized under subsection (b), there are authorized to be appropriated to the National Science Foundation $70,000,000 for fiscal year 2000, $70,000,000 for fiscal year 2001, $80,000,000 for fiscal year 2002, $80,000,000 for fiscal year 2003, and $85,000,000 for fiscal year 2004 for grants for the development of major research equipment to establish terascale computing capabilities at one or more sites and to promote diverse computing architectures. Awards made under this subsection shall provide for support for the operating expenses of facilities established to provide the terascale computing capabilities, with funding for such operating expenses derived from amounts available under subsection (b).

''(2) Grants awarded under this subsection shall be awarded through an open, nationwide, peer-reviewed competition. Awardees may include consortia consisting of members from some or all of the following types of institutions:

''(A) Academic supercomputer centers.

''(B) State-supported supercomputer centers.

''(C) Supercomputer centers that are supported as part of federally funded research and development centers.

Notwithstanding any other provision of law, regulation, or agency policy, a federally funded research and development center may apply for a grant under this subsection, and may compete on an equal basis with any other applicant for the awarding of such a grant.

''(3) As a condition of receiving a grant under this subsection, an awardee must agree—

''(A) to connect to the National Science Foundation's Partnership for Advanced Computational Infrastructure network;

''(B) to the maximum extent practicable, to coordinate with other federally funded large-scale computing and simulation efforts; and

''(C) to provide open access to all grant recipients under this subsection or subsection (c).

''(e) INFORMATION TECHNOLOGY EDUCATION AND TRAINING GRANTS.—

''(1) INFORMATION TECHNOLOGY GRANTS.—The National Science Foundation shall provide grants under the Scientific and Advanced Technology Act of 1992 for the purposes of section 3(a) and (b) of that Act, except that the activities supported pursuant to this paragraph shall be limited to improving education in fields related to information technology. The Foundation shall encourage institutions with a substantial percentage of student enrollments from groups underrepresented in information technology industries to participate in the competition for grants provided under this paragraph.

''(2) INTERNSHIP GRANTS.—The National Science Foundation shall provide—

''(A) grants to institutions of higher education to establish scientific internship programs in information technology research at private sector companies; and

''(B) supplementary awards to institutions funded under the Louis Stokes Alliances for Minority Participation program for internships in information technology research at private sector companies.

''(3) MATCHING FUNDS.—Awards under paragraph (2) shall be made on the condition that at least an equal amount of funding for the internship shall be provided by the private sector company at which the internship will take place.

''(4) DEFINITION.—For purposes of this subsection, the term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

''(5) AVAILABILITY OF FUNDS.—Of the amounts described in subsection (c)(1), $10,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, $25,000,000 for fiscal year 2003, and $25,000,000 for fiscal year 2004 shall be available for carrying out this subsection.

''(f) EDUCATIONAL TECHNOLOGY RESEARCH.—

''(1) RESEARCH PROGRAM.—As part of its responsibilities under subsection (a)(1), the National Science Foundation shall establish a research program to develop, demonstrate, assess, and disseminate effective applications of information and computer technologies for elementary and secondary education. Such program shall—

''(A) support research projects, including collaborative projects involving academic researchers and elementary and secondary schools, to develop innovative educational materials, including software, and pedagogical approaches based on applications of information and computer technology;

''(B) support empirical studies to determine the educational effectiveness and the cost effectiveness of specific, promising educational approaches, techniques, and materials that are based on applications of information and computer technologies; and

''(C) include provision for the widespread dissemination of the results of the studies carried out under subparagraphs (A) and (B), including maintenance of electronic libraries of the best educational materials identified accessible through the Internet.

''(2) REPLICATION.—The research projects and empirical studies carried out under paragraph (1)(A) and (B) shall encompass a wide variety of educational settings in order to identify approaches, techniques, and materials that have a high potential for being successfully replicated throughout the United States.

''(3) AVAILABILITY OF FUNDS.—Of the amounts authorized under subsection (b), $10,000,000 for fiscal year 2000, $10,500,000 for fiscal year 2001, $11,000,000 for fiscal year 2002, $12,000,000 for fiscal year 2003, and $12,500,000 for fiscal year 2004 shall be available for the purposes of this subsection.

''(g) PEER REVIEW.—All grants made under this section shall be made only after being subject to peer review by panels or groups having private sector representation.''.

(b) OTHER PROGRAM AGENCIES.—

(1) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by inserting '', and may participate in or support research described in section 201(c)(1)'' after ''and experimentation''.

(2) DEPARTMENT OF ENERGY.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended by striking the period at the end and inserting a comma, and by adding after paragraph (4) the following:

''conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high performance computing and collaboration tools needed to fulfill the statutory mission of the Department of Energy, and may participate in or support research described in section 201(c)(1).''.

(3) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 204(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(1)) is amended by striking ''; and'' at the end of subparagraph (C) and inserting a comma, and by adding after subparagraph (C) the following:

''and may participate in or support research described in section 201(c)(1); and''.

(4) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)) is amended by inserting '', and may participate in or support research described in section 201(c)(1)'' after ''agency missions''.

(5) ENVIRONMENTAL PROTECTION AGENCY.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by inserting '', and may participate in or support research described in section 201(c)(1)'' after ''dynamics models''.

(6) UNITED STATES GEOLOGICAL SURVEY.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(A) by redesignating sections 207 and 208 as sections 208 and 209, respectively; and

(B) by inserting after section 206 the following new section:

''SEC. 207. UNITED STATES GEOLOGICAL SURVEY.

''The United States Geological Survey may participate in or support research described in section 201(c)(1).''.

SEC. 205. NEXT GENERATION INTERNET.

(a) IN GENERAL.—Section 103(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(d)) is amended—

(1) in paragraph (1)—

(A) by striking ''1999 and'' and inserting ''1999,''; and

(B) by inserting '', $15,000,000 for fiscal year 2001, and $15,000,000 for fiscal year 2002'' after ''fiscal year 2000'';

(2) in paragraph (2), by inserting '', and $25,000,000 for fiscal year 2001 and $25,000,000 for fiscal year 2002'' after ''Act of 1998'';

(3) in paragraph (4)—

(A) by striking ''1999 and'' and inserting ''1999,''; and

(B) by inserting '', $10,000,000 for fiscal year 2001, and $10,000,000 for fiscal year 2002'' after ''fiscal year 2000''; and

(4) in paragraph (5)—

(A) by striking ''1999 and'' and inserting ''1999,''; and

(B) by inserting '', $5,500,000 for fiscal year 2001, and $5,500,000 for fiscal year 2002'' after ''fiscal year 2000''.

(b) RURAL INFRASTRUCTURE.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is amended by adding at the end thereof the following:

''(e) RURAL INFRASTRUCTURE.—Out of appropriated amounts authorized by subsection (d), not less than 10 percent of the total amounts shall be made available to fund research grants for making high-speed connectivity more accessible to users in geographically remote areas. The research shall include investigations of wireless, hybrid, and satellite technologies. In awarding grants under this subsection, the administering agency shall give priority to qualified, post-secondary educational institutions that participate in the Experimental Program to Stimulate Competitive Research.''.

(c) MINORITY AND SMALL COLLEGE INTERNET ACCESS.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by subsection (b), is further amended by adding at the end thereof the following:

''(f) MINORITY AND SMALL COLLEGE INTERNET ACCESS.—Not less than 5 percent of the amounts made available for research under subsection (d) shall be used for grants to institutions of higher education that are Hispanic-serving, Native American, Native Hawaiian, Native Alaskan, Historically Black, or small colleges and universities.''.

(d) DIGITAL DIVIDE STUDY.—

(1) IN GENERAL.—The National Academy of Sciences shall conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the uneven ability to access to Internet-related technologies and services by rural and low-income Americans. The study shall include—

(A) an assessment of the existing geographical penalty (as defined in section 7(a)(1) of the Next Generation Internet Research Act of 1998 (15 U.S.C. 5501 nt.)) and its impact on all users and their ability to obtain secure and reliable Internet access;

(B) a review of all current federally funded research to decrease the inequity of Internet access to rural and low-income users; and

(C) an estimate of the potential impact of Next Generation Internet research institutions acting as aggregators and mentors for nearby smaller or disadvantaged institutions.

(2) REPORT.—The National Academy of Sciences shall transmit a report containing the results of the study and recommendations required by paragraph (1) to the House of Representatives Committee on Science and the Senate Committee on Commerce, Science, and Transportation within 1 year after the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences such sums as may be necessary to carry out this subsection.

SEC. 206. REPORTING REQUIREMENTS.

Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting ''(1)'' after ''ADVISORY COMMITTEE.—''; and

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

''(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, implementation, and activities of the Program, the Next Generation Internet program, and the Networking and Information Technology Research and Development program, and shall report not less frequently than once every 2 fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within 1 year after the date of the enactment of the Networking and Information Technology Research and Development Act.''; and

(2) in subsection (c)(1)(A) and (2), by inserting '', including the Next Generation Internet program and the Networking and Information Technology Research and Development program'' after ''Program'' each place it appears.

SEC. 207. REPORT TO CONGRESS.

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by section 205 of this title, is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

''(b) REPORT TO CONGRESS.—

''(1) REQUIREMENT.—The Director of the National Science Foundation shall conduct a study of the issues described in paragraph (3), and not later than 1 year after the date of the enactment of the Networking and Information Technology Research and Development Act, shall transmit to the Congress a report including recommendations to address those issues. Such report shall be updated annually for 6 additional years.

''(2) CONSULTATION.—In preparing the reports under paragraph (1), the Director of the National Science Foundation shall consult with the National Aeronautics and Space Administration, the National Institute of Standards and Technology, and such other Federal agencies and educational entities as the Director of the National Science Foundation considers appropriate.

''(3) ISSUES.—The reports shall—

''(A) identify the current status of high-speed, large bandwidth capacity access to all public elementary and secondary schools and libraries in the United States;

''(B) identify how high-speed, large bandwidth capacity access to the Internet to such schools and libraries can be effectively utilized within each school and library;

''(C) consider the effect that specific or regional circumstances may have on the ability of such institutions to acquire high-speed, large bandwidth capacity access to achieve universal connectivity as an effective tool in the education process; and

''(D) include options and recommendations for the various entities responsible for elementary and secondary education to address the challenges and issues identified in the reports.''.

SEC. 208. STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.

Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524), as amended by sections 3(a) and 4(a) of this Act, is amended further by inserting after subsection (g) the following new subsection:

''(h) STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.—

''(1) STUDY.—Not later than 90 days after the date of the enactment of the Networking and Information Technology Research and Development Act, the Director of the National Science Foundation, in consultation with the National Institute on Disability and Rehabilitation Research, shall enter into an arrangement with the National Research Council of the National Academy of Sciences for that Council to conduct a study of accessibility to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

''(2) SUBJECTS.—The study shall address—

''(A) current barriers to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities;

''(B) research and development needed to remove those barriers;

''(C) Federal legislative, policy, or regulatory changes needed to remove those barriers; and

''(D) other matters that the National Research Council determines to be relevant to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

''(3) TRANSMITTAL TO CONGRESS.—The Director of the National Science Foundation shall transmit to the Congress within 2 years of the date of the enactment of the Networking and Information Technology Research and Development Act a report setting forth the findings, conclusions, and recommendations of the National Research Council.

''(4) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the National Research Council in its activities in carrying out the study under this subsection.

''(5) AVAILABILITY OF FUNDS.—Funding for the study described in this subsection shall be available, in the amount of $700,000, from amounts described in subsection (c)(1).''.

SEC. 209. COMPTROLLER GENERAL STUDY.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress a report on the results of a detailed study analyzing the effects of this title, and the amendments made by this title, on lower income families, minorities, and women.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4940, as amended.

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

There was no objection.

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

Mr. Speaker, title I of H.R. 4940 designates the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the American Museum of Science and Energy and grants ownership of this name to the United States. It further provides legal remedies for the unauthorized use of the name.

Title I also authorizes the museum to accept gifts, operate a retail outlet, and lease space on its premises. In addition, it authorizes the museum to recruit and train volunteers.

The American Museum of Science and Energy is the second most frequently visited attraction in the Knoxville metropolitan area. Since the beginning of operations in 1949, the museum has hosted nearly 10 million visitors from all 50 States and more than 40 foreign countries. The Oak Ridge Convention and Visitor's Bureau estimates the museum generates $6 million to $7 million annually in revenue to the community.

The gentleman from Tennessee (Mr. WAMP) introduced H.R. 4940 on July 24, 2000. The bill has strong bipartisan support, and I would like to compliment the gentleman from Tennessee (Mr. WAMP) for its introduction.

H.R. 4940, as amended, also includes a second title. Title II is the modified text of H.R. 2086, the Networking and Information Technology Research and Development Act. The House passed H.R. 2086 by voice vote on February 15, 2000. The Senate passed it with some minor changes on September 21, 2000 as a part of another legislative vehicle.

It has strong bipartisan support and has been endorsed by 61 organizations, including the U.S. Chamber of Commerce and the Council of Scientific Society Presidents. I urge the House to pass this legislation.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4940. The bill has two parts. Title I provides for designating an existing museum in Oak Ridge, Tennessee, as the official American Museum of Science and Energy and expands the authority of the Secretary of the Energy in Oak Ridge to include acceptance and sale of any gifts, devices, or property intended for the museum.

With the new authority, this museum is going to be able to generate its own revenues by measures such as charging admission, soliciting corporate sponsors, and keeping the funds generated by the retail outlet. Therefore, title I will serve to alleviate the financial burden on Oak Ridge National Laboratory and its contractor, as well as to promote collaboration with corporate sponsors.

Mr. Speaker, title II of the bill is the Networking and Information Technology Research and Development Act. This act, which was first passed by the House unanimously earlier this year, provides for a coordinated basic research initiative and information technology. It authorizes the total of nearly $7 billion over 5 years for seven civilian R&D agencies. The Networking and Information Technology Research and Development Act was introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER) with bipartisan cosponsorship; and I am pleased the committee acted within the spirit of cooperation to further develop this measure. Several amendments which were proposed by Members on both sides of the aisle have been incorporated into the bill before us.

Title II of H.R. 4940 enjoys broad, bipartisan support. I congratulate the gentleman from Wisconsin (Chairman SENSENBRENNER) for his untiring efforts to move it forward toward final passage.

Mr. Speaker, the Information Technology R&D initiative has great support also from the academic and the industrial research communities and from a wide range of computer, software, and communications companies. It also, Mr. Speaker, has been endorsed by broad industry groups such as the U.S. Chamber of Commerce and the National Association of Manufacturers, two fine, free enterprises and pro-business groups.

Finally, Mr. Speaker, H.R. 4940 is a bipartisan bill that would lead to many societal benefits. It will help ensure that this Nation continues to maintain economic growth and international competitiveness in the information economy of the 21st century. I ask for the support of my colleagues and for its passage.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

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

Mr. WAMP. Mr. Speaker, I rise in support of H.R. 4940. I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER), the chairman of the committee; the gentleman from California (Mr. CALVERT); the gentleman from Texas (Mr. HALL), the ranking member; and the gentleman from Illinois (Mr. COSTELLO); and the staff of the Committee on Science, especially Tom Vanek and Njema Frazier, for their hard work on the original text of H.R. 4940.

Finally, I would like to thank the entire Tennessee congressional delegation, especially our dean, the gentleman from Tennessee (Mr. GORDON), for their unanimous support of this legislation.

Mr. Speaker, the American Museum of Science and Energy opened in March of 1949 in Oak Ridge. It is located on 17.4 acres in downtown Oak Ridge with 53,000 square feet of building constructed in 1975 and boasts indoor exhibits, a 312-seat auditorium, an 80-seat lecture room, and a classroom laboratory.

Since the beginning of its operations in 1949, the museum has hosted nearly 10 million visitors from all 50 States and more than 40 foreign countries. The highest single day attendance was on November 23, 1969 when 4,308 people saw the moon rocks being studied by scientists at the Oak Ridge National Laboratory.

The museum is the second most frequently visited attraction in the Knoxville metropolitan area. The Oak Ridge Convention and Visitors' Bureau estimates that the museum generates $6 million to $7 million annually in revenue to the community.

So what is the problem, and why do we need this legislation? Since its inception, the United States Department of Energy has funded the museum, but DOE will phase out Federal funding for the operation of the museum at the end of this fiscal year.

The purpose of this bill is to allow the museum to accept and use donations, fees, and gifts to offset the costs of operating the facility. Under current

law, the funds raised by the foundation board would have to be returned to the Treasury and not be captured for the operations of the museum. Similar legislation was passed in 1992 and 1993 in the DOD authorization bill pertaining to the National Atomic Museum in Albuquerque, New Mexico that the DOE operates.

Mr. Speaker, I am concerned that this museum bill is now attached to a much larger bill that might be controversial. But I do support title II, but this was not my desired path of consideration. I would have preferred a clean bill; but if this is the only way to pass this bill, then I support the language and the passage of the bill.

Mr. Speaker, I am sure that H.R. 4940, unamended, would go through the Senate and on to the President for his signature; but today I urge the House to adopt H.R. 4940, as amended, and hope that by the end of this Congress the House and the Senate will agree and move this legislation to the President for signage.

Mr. HALL of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I rise in support of H.R. 4940 and urge its passage. This designation recognizes the importance and continuing role of Oak Ridge, Tennessee in advancing knowledge. The museum will be a resource for explaining science to students and making the American public aware of how research affects our everyday lives. Mr. Speaker, let me especially commend the gentleman from Tennessee (Mr. WAMP) for his tireless effort and hard work in bringing this designation one step closer to reality. The gentleman has taken on this project with two hands in his normal energetic way, and he certainly should be complimented.

Mr. Speaker, I also want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. HALL), the ranking member, for their assistance in bringing this bill to the floor. I urge passage of H.R. 4940.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 4940 and will address my comments to title II, the Networking and Information Technology Research and Development Act. Title II authorizes a major new research investment in information technology, which is very important to the Nation's future well-being. Action by Congress to authorize this initiative really should not be delayed.

Information technology is a major driver of economic growth. It creates high-wage jobs, provides for the rapid communication throughout the world, and provides the tools for acquiring knowledge and insight from information. Advances in computing and communications will make the workplace more productive and improve the quality of health care and make government more responsive and accessible to the needs of our citizens.

Mr. Speaker, vigorous long-term research is essential for realizing the potential of information technology. The technical advances that led to today's computers and Internet evolved from passed Federally sponsored research, in partnership with industry and universities.

The research authorized by H.R. 4940 will ensure that the store of basic knowledge is replenished and, thereby, enable the development of future generations of technology products and services.

This legislation has received the bipartisan cosponsorship of many Members, and I would like to acknowledge the collegial manner in which title II of the bill was developed by the Committee on Science. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman, and the gentleman from Texas (Mr. HALL), the ranking Democratic member, for their persistent efforts to move this measure towards final passage.

Title II of the bill will establish a multiagency research initiative that responds to the recent findings and recommendations of the President's Information Technology Advisory Committee. This committee, which was established through statute, is composed of distinguished representatives from computer and communications companies and from academia. It reached its conclusions following a comprehensive assessment of current Federally funded information technology research.

Mr. Speaker, the President's Advisory Committee found that Federal funding for information technology research has tilted too much towards support for near-term, mission-focus objectives.

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They discovered a growing gap between the power of high-performance computers available to support agency mission requirements versus support for the general academic research community. They identified the need for socioeconomic research on the impact on society of the rapid evolution of information technology, and they judged that the annual Federal research investment is inadequate by more than $1 billion.

The bill before us addresses each of the deficiencies identified by the advisory committee and will effectively implement its recommendations. I am particularly pleased by the inclusion of a provision I offered to the committee to explicitly authorize research to identify, understand, anticipate, and address the potential social and economic costs and benefits from the increasing pace of information technology based transformations.

In addition to support for research, title II will also contribute to providing the highly trained workers needed by the information industries. The human resource pool would be expanded through two principal mechanisms. First, as a part of their training, graduate students will participate in most of the individual research projects authorized. Secondly, special provision is made for the student internships in industry to help recruit individuals for careers in information-based companies. I sponsored a provision that opened such internships to students participating in the Louis Stokes Alliance for Minority Participation program administered by the National Science Foundation.

Mr. Speaker, I believe that the Networking and Information Technology Research and Development Act is an important investment in the future prosperity of this Nation and in the well-being of our fellow citizens. I recommend the measure to my colleagues and ask for full support of its passage.

Mr. DAVIS of Virginia. Mr. Speaker, I rise to express my strong support for the passage of the Networking and Information Technology Research and Development Act, as included in title II of H.R. 4940, legislation which designates the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the American Museum of Science and Energy. As an original sponsor of the Networking and IT Research and Development Act, I want to congratulate my colleague Chairman SENSENBRENNER of the House Science Committee for his diligent and persistent efforts in achieving passage of this legislation. Let me also lend my thanks to Congressman WAMP, the chief sponsor of H.R. 4940, for facilitating passage with his measure of this important technology basic research bill.

The Networking and IT Research and Development Act recognizes the central role that information technology now plays in the U.S. economy, our education system, and our culture. From the growth of the Internet to our exports of computer hardware, software, and services, the IT sector has secured the United States' position as the worldwide dominant force in the Information Technology Revolution. The U.S. high tech industry employed 5 million people in 1999, a 32% increase over a 6-year period, and the industry employed nearly 5 percent of the U.S. private sector workforce in 1999. And this growth is being felt everywhere as high tech employment grew in every state between 1997 and 1998.

This tremendous growth and productivity is a result of the innovations and new ideas that flow from private sector short-term R&D efforts for targeted product and services. However, research and development in long-term, basic, and high-risk research now lags as the competitiveness of the industry necessarily drives companies to focus on faster returns on their research investments. It is in this role that the Federal Government has a crucial role to play if we are to sustain our Nation's long-term ability to compete in the IT industry and generate the continued growth of our economy.

For these reasons, the Networking and IT Research and Development Act implements this fundamental federal investment in IT by authorizing appropriations for 5 years for long-term basic research for networking and information technology. This legislation provides a

total of $7.4 billion—nearly double the current amount—for IT funding for High-Performance Computing and Communications, Next Generation Internet, and new IT research programs at the National Science Foundation, the Department of Energy, National Aeronautic and Space Administration, the National Institute for Standards and Technology, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency.

The Networking and Information Technology Research and Development Act passed he House unanimously in February and is now being included in H.R. 4940 with some additions requested by the Senate. It is supported by the U.S. Chamber of Commerce, the Business Software Alliance, TechNet, the Information Technology Association of America, and the Council of Scientific Society Presidents. I urge all of my colleagues to support H.R. 4940 and ensure America's role as the global leader in high-end computing and technological innovation.

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

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4940, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

WARTIME VIOLATION OF ITALIAN AMERICAN CIVIL LIBERTIES ACT

Mrs. BONO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2442) to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

The Clerk read as follows:

Senate amendments:

Page 3, line 11, strike out ''Inspector'' and insert ''Attorney''.

Page 3, line 11, strike out ''of the Department of Justice''

Page 5, line 7, strike out ''why some'' and insert ''whether''.

Page 5, line 9, strike out ''while'' and insert ''and if so, why''.

Page 7, strike out line 1

Page 7, line 2, before ''The'' insert: (5)

Page 7, line 2, strike out ''shall'' and insert ''should''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

GENERAL LEAVE

Mrs. BONO. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, on November 10, 1999, the House passed H.R. 2442 by voice vote. The gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, stated then that few people know that during World War II approximately 600,000 Italian Americans in the United States were deprived of their civil liberties by government measures that branded them ''enemy aliens.'' In fact, on December 7, 1941, hours after the Japanese attack on Pearl Harbor, the FBI took into custody hundreds of Italian-American resident aliens previously classified as dangerous and shipped them to camps where they were imprisoned until Italy surrendered in 1943.

As so-called enemy aliens, Italian-American resident aliens were required to carry special identification booklets at all times, and they were forced to turn into the government such items as shortwave radios, cameras, and flashlights. Those suspected of retaining these items had their homes raided by FBI agents.

In California, about 52,000 Italian-American resident aliens were subjected to a curfew that confined them to their homes between 8 p.m. and 6 a.m. and a travel restriction that prohibited them from traveling further than 5 miles from their homes. These measures made it difficult, if not impossible, for some Italian Americans to travel to their jobs, and thousands were arrested for violations of these and other restrictions.

Then, on February 24, 1942, 10,000 Italian-American resident aliens living in California were ordered by the Federal Government to evacuate coastal and military zones. Most of those had to abandon their homes, some of whom were taken away in wheelchairs and on stretchers. Later in the fall of 1942, about 25 Italian-American citizens were ordered to evacuate these areas.

Mr. Speaker, H.R. 2442, the ''Wartime Violation of Italian American Civil Liberties Act,'' requires the Department of Justice to conduct a comprehensive review of the Federal Government's treatment of Italian Americans during World War II and to submit to the Congress a report that documents the findings of that review.

In addition, H.R. 2442 encourages Federal agencies, including the Department of Education and the National Endowment for the Humanities, to support, among other things, conferences, seminars, and lectures to heighten awareness of the injustices committed against Italian Americans.

The Senate amendments are mostly technical in nature. The bill, as amended by the Senate, would leave it to the Attorney General as opposed to the Inspector General of the Justice Department to conduct a comprehensive review of the government's treatment of Italian Americans during World War II. The House version of the bill directs the President to acknowledge that these events occurred, whereas the Senate version provides that it is the sense of Congress that the President should fully acknowledge them.

Mr. Speaker, I support H.R. 2442 as amended by the Senate and urge members to vote in favor of H.R. 2442.

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

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

Mr. Speaker, I rise in strong support of this important bipartisan measure that acknowledges the indignities and discriminations suffered by Italian Americans during World War II. I thank the gentlewoman from California for her leadership, particularly on this very special day.

Of course, I will always remember the vital role that America's greatest generation played in defeating the threats to democracy and freedom abroad during World War II. At the same time, we must never forget that in its zeal to defeat foreign tyrants, the United States Government did a great disservice to democracy by violating the civil rights and civil liberties of hundreds of thousands of Italian-born immigrants here at home.

Simply because of their nationality, Italian Americans were labeled ''enemy aliens.'' More than 600,000 of these citizens were forced to carry identification cards, had their personal property seized, and their freedom of travel restricted. Tens of thousands of other Italian Americans were forced from their homes, placed under curfews, and prohibited from entering coastal areas of our country, and many others were arrested and even interned in military camps.

Unfortunately, most Americans today are not even aware of this tragic chapter in our history. This is why the legislation is so important, because it will allow a full airing of the story of the treatment of Italian Americans during World War II to be told. In telling the story, the legislation would require the Attorney General to conduct a comprehensive review of the government's treatment of Italian Americans that would identify by name those Italian Americans who were innocent victims of discrimination. They are the grandparents, the parents, and cousins of millions of Italian Americans in America today.

We must learn from our history, even when that history shows our national government failed to uphold values underpinning our democracy, so that we

do not subject future generations of Americans to senseless and unlawful deprivations of their civil liberties in the name of national security.

However, this legislation has another important purpose. It also provides an opportunity for the United States Government, through the President, to officially acknowledge that discrimination against Italian Americans during World War II represented a fundamental injustice toward Italian Americans. Such an acknowledgment will follow other historic and important acts of official contrition, such as President Clinton's official apology for this Nation's role in the African slave trade and our treatment of Japanese Americans during World War II.

Part of fulfilling the promise of our democracy requires owning up to our past. By passing this bill, we tell Italian Americans and, by extension, all Americans, that equality under the law includes honesty about our history.

Mr. Speaker, I urge my colleagues to join me in supporting this important legislation.

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

Mrs. BONO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I rise in support of the Wartime Violation of Italian American Civil Liberties Act.

Mr. Speaker, I rise in strong support for H.R. 2442, the Wartime Violation of Italian American Civil Liberties Act. This bill is one that is very important to me, my constituents, and Italian-Americans across the nation. I want to thank my good friend, RICK LAZIO, for introducing this bill, along with Congressman ENGEL.

Much has been written about the internment of 100,000 Japanese-Americans during World War II, but the injustices suffered by Italian-Americans are less well known. During World War II, approximately 600,000 Italian-born immigrants in the United States were branded ''enemy aliens'' by the federal government. While thousands of Italian-Americans were fighting for our country in Europe and the Pacific, Italian-Americans who were deemed ''enemy aliens'' were losing their homes, jobs and businesses. Entire Italian-American communities on the West Coast were evacuated. Yet fifty years later, theirs is a largely untold story.

H.R. 2442 will require the Department of Justice to conduct an extensive study on the treatment of Italian-Americans in the United States during World War II, and encourage educational projects to heighten public awareness, and it calls on the President to formally acknowledge this shameful episode in our nation's history.

Such an acknowledgment is long overdue. It is high time that our nation recognize the enormous contributions of Italian-Americans and the discrimination and loss of basic rights that many of them faced.

Doing so will not only help make amends to the specific individuals who suffered, but it will strengthen the fabric of American society which is damaged whenever one segment of the American people is cut off and subjected to discrimination.

I urge my colleagues to support Mr. LAZIO's bill.

Mr. ENGEL. Mr. Speaker, I first want to thank the Chairman of the Judiciary Committee, Mr. HYDE, and the Ranking Member, Mr. CONYERS, for their efforts in bringing HR 2442 to the floor again today. With the recent passage of the Wartime Violation of Italian American Civil Liberties Act in the Senate, I look forward to sending this bill to the President. I have worked on this legislation with may colleague from New York, Mr. LAZIO, and I am proud to be here today to express my support for its passage.

On December 7, 1941, the Japanese bombed Pearl Harbor, and the United States entered World War II. What has been overlooked since that day is the fact that many Italian Americans suddenly became ''enemy aliens''. Loyal Italian American patriots who had fought alongside the United States Armed Forces in World War I, mothers and fathers of U.S. troops, even women and children were suspected of being dangerous and subversive. With this new enemy alien status, Italians were subjected to strict curfew regulations, forced to carry photo ID's and could not travel further than a 5 mile radius from their homes without prior approval. Furthermore, many Italian fishermen were forbidden from using their boats in prohibited zones. Since fishing was the only means of income for many families, households were torn apart or completely relocated as alternative sources of income were sought.

It is difficult to believe that over 10,000 Italians deemed enemy aliens were forcibly evacuated from their homes and over 52,000 were subject to strict curfew regulations. Ironically, over 500,000 Italians were serving in the United States Armed Forces fighting to protect the liberties of all Americans, while many of their family members had their basic freedoms revoked.

Whe we first started working on this legislation we had vague accounts of mostly anonymous Italians who were subjected to these civil liberties abuses. However, throughout this process we have come in contact with many Italians who experienced the internment ordeal first hand. Dominic DiMaggio testified at a Judiciary Committee hearing about his dismay when he returned from the war to find that his mother and father were enemy aliens. Doris Pinza, wife of international opera star Ezio Pinza, also testified at the hearing about her husband who was only weeks away from obtaining U.S. citizenship when he was classified as an enemy alien and detained at Ellis Island. It still saddens me to think that Ellis Island, the world renowned symbol of freedom and democracy, was used as a holding cell for Italians. There is even documented evidence of Italians being interned in camps at Missoula, Montana.

Mr. Speaker, we must ensure that these terrible events will never be perpetrated again. We must safeguard the individual rights of all Americans from arbitrary persecution or no American will ever be secure. The least our government can do is try to right these terrible wrongs by acknowledging that these events did occur. While we cannot erase the mistakes of the past, we must try to learn from them in order to ensure that we never subject anyone to the same injustices.

The Wartime Violation of Italian American Civil Liberties Act calls for the Department of Justice to publish a report detailing the unjust policies of the government during this time period. Essential to the report will be a study examining ways to safeguard individual rights during national emergencies.

Mr. Speaker, we owe it to the Italian American community, especially those who endured these abuses, to recognize the injustices of the past. Documentation and education about the suffering of all groups of Americans who face persecution is important in order to ensure that no group's civil liberties are ever violated again. I am pleased to support this legislation and urge its swift passage.

Mr. HYDE. Mr. Speaker, I want to congratulate Congressman RICK LAZIO for bringing this bill to our national attention. I was shocked when I first heard of these abuses against one of the most loyal segments of our society. This secret story, this secret history of wartime restrictions on Italian Americans living in the United States has been hidden from the American history books. I first learned of this situation when Anthony La Piana, a constituent from my district, came to visit me last year and told me of the events after the bombing of Pearl Harbor and how the FBI took hundreds of Italian American resident aliens and sent them to camps for the duration of the war. I wondered how many people have never heard of these terrible abuses. This bill does not put the question of reparations or looking for money or anything like that before us. It is simply a matter of the truth has been obscured and it ought not be obscured. The truth has to be told.

During the war, Italian American resident aliens were forced to carry special photo-identification booklets at all times, and required to turn over to the government any shortwave radios, cameras or flashlights. During this time in California, approximately 52,000 Italian American resident aliens were subject to curfews and travel restrictions that made it difficult, if not impossible to travel to their jobs. In February 1942, thousands were ordered evacuated by the government from coastal and military zones.

One of the witnesses before the House Judiciary Committee, Professor Lawrence DiStasi, Executive Director, Order Sons of Italy in America, initiated the process of educating the country about this unspoken chapter of American history. He was instrumental in the early 1990's by working with the American Italian Historical Association's Western Regional Chapter to create a touring exhibit titled, ''Una Storia Segreta,'' (the words in Italian mean both ''a secret story'' and ''a secret history''). This touring educational exhibit, which also has an Internet web site, displays collected photographs, artifacts, letters written by victims, family belongings, posters, memorabilia, and papers. These items provide tangible documentation of the treatment of Italian Americans who endured the confusion, indignity, and losses of World War II, for the most part, in silence. I urge you to support H.R. 2442, as amended by the Senate, and urge Members to vote in favor of this bill.

Mrs. MORELLA. Mr. Speaker, as an original cosponsor of the bill, I am pleased to rise as an original cosponsor of the Wartime Violation of Italian American Civil Liberties Act.

H.R. 2442 will officially acknowledge the denial of human rights and freedoms of Italian Americans during World War II by the United States government. While many Americans know the sad history of our nation's treatment of Japanese-Americans following Pearl Harbor and our entry into World War II, remarkably few Americans know that shortly after that attack, the attention and concern of the U.S. government was similarly focused on Italian-Americans. More than 600,000 Italian Americans were determined to be enemy aliens by their own government. More than 10,000 were forcibly evicted from their homes, 52,000 were subject to strict curfew regulations, and hundreds were shipped to internment camps. Constitutional guarantees of due process were unrecognized.

Although they had family members whose basic rights had been revoked, more than a half million Italian Americans served this nation with honor and valor to defeat fascism during World War II. Thousands made the ultimate sacrifice.

The Wartime Violation of Italian American Civil Liberties Act directs the Department of Justice to prepare a comprehensive report detailing the unjust policies against Italian Americans during this period of American history. It is vital to the foundations of our democratic governance that the people be fully informed of these devastating actions. This legislation recognizes the thousands of innocent victims, and honors those who suffered. In a country that so cherishes its equality, we must recognize and atone for the mistakes of our past.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. BONO) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2442.

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

A motion to reconsider was laid on the table.

MERIT SYSTEMS PROTECTION BOARD ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 2000

Mrs. BONO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3312) to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions and disputes in administrative programs, as amended.

The Clerk read as follows:

H.R. 3312

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 ''Merit Systems Protection Board Administrative Dispute Resolution Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Workplace disputes waste resources of the Federal Government, take up too much time, and deflect managers and employees from their primary job functions.

(2) The Merit Systems Protection Board (hereafter in this Act referred to as the ''Board'') has already taken steps to encourage agency use of ADR before appeals are filed with the Board, including extending the regulatory time limit for filing appeals when the parties agree to try ADR, but high levels of litigation continue.

(3) The Board's administrative judges, who decide appeals from personnel actions by Federal agencies, find that by the time cases are formally filed with the Board, the positions of the parties have hardened, communication between the parties is difficult and often antagonistic, and the parties are not amenable to open discussion of alternatives to litigation.

(4) Early intervention by an outside neutral, after the first notice of a proposed action by an agency but before an appeal is filed with the Board, will allow the parties to explore settlement outside the adversarial context. However, without the encouragement of a neutral provided without cost, agencies are reluctant to support an early intervention ADR program.

(5) A short-term pilot program allowing the Board, upon the joint request of the parties, to intervene early in a personnel dispute is an effective means to test whether ADR at that stage can resolve disputes, limit appeals to the Board, and reduce time and money expended in such matters.

(6) The Board is well equipped to conduct a voluntary early intervention pilot program testing the efficacy of ADR at the initial stages of a personnel dispute. The Board can provide neutrals who are already well versed in both ADR techniques and personnel law. The Board handles a diverse workload including removals, suspensions for more than 14 days, and other adverse actions, the resolution of which entails complex legal and factual questions.

SEC. 3. MERIT SYSTEMS PROTECTION BOARD ALTERNATIVE DISPUTE RESOLUTION PILOT PROGRAM.

(a) AMENDMENT TO CHAPTER 5 OF TITLE 5.—Chapter 5 of title 5, United States Code, is amended by adding immediately after section 584 the following:

''§ 585. Establishment of voluntary early intervention alternative dispute resolution pilot program for Federal personnel disputes

''(a) IN GENERAL.—

''(1) The Board is authorized under section 572 to establish a 3-year pilot program to provide Federal employees and agencies with voluntary early intervention alternative dispute resolution (in this section referred to as 'ADR') processes to apply to certain personnel disputes. The Board shall provide ADR services, upon joint request of the parties, in matters involving removals, suspensions for more than 14 days, other adverse actions under section 7512, and removals and other actions based on unacceptable performance under section 4303.

''(2) The Board shall test and evaluate a variety of ADR techniques, which may include—

''(A) mediation conducted by private neutrals, Board staff, or neutrals from appropriate Federal agencies other than the Board;

''(B) mediation through use of neutrals agreed upon by the parties and credentialed under subsection (c)(5); and

''(C) non-binding arbitration.

''(b) EARLY INTERVENTION ADR.—

''(1) AUTHORITY.—The Board is authorized to establish an early intervention ADR process, which the agency involved and employee may jointly request, after an agency has issued a notice letter of a proposed action to an employee under section 4303 or 7513 but before an appeal is filed with the Board.

''(2) NOTICE IN PERSONNEL DISPUTES.—During the term of the pilot program, an agency shall, in the notice letter of a proposed personnel action under section 4303 or 7513—

''(A) advise the employee that early intervention ADR is available from the neutral Board, subject to the standards developed pursuant to subsection (c)(1)(A), and that the agency and employee may jointly request it; and

''(B) provide a description of the program, including the standards developed pursuant to subsection (c)(1)(A).

''(3) REQUEST.—Any agency and employee may seek early intervention ADR from the Board by filing a joint request with the Board pursuant to the program standards adopted under subsection (c)(1)(A). All personnel dispute matters appealable to the Board under section 4303 or 7513 shall be eligible for early intervention ADR, upon joint request of the parties, unless the Board determines that the matter is not appropriate for the program subject to any applicable collective bargaining agreement established under chapter 71.

''(4) CONFIDENTIALITY AND WITHDRAWAL.—The consent of an agency or an employee with respect to an early intervention ADR process is confidential and shall not be disclosed in any subsequent proceeding. Either party may withdraw from the ADR process at any time.

''(5) ANCILLARY MATTER.—In any personnel dispute accepted by the Board for the ADR pilot program authorized by this section, the Board may attempt to resolve any ancillary matter which the Board would be authorized to decide if the personnel action were effected under section 4303 or 7513, including—

''(A) a claim of discrimination as described in section 7702(a)(1)(B);

''(B) a prohibited personnel practice claim as described in section 2302(b); or

''(C) a claim that the agency's action is or would be, if effected, not in accordance with law.

''(c) IMPLEMENTATION.—

''(1) PROGRAM DUTIES.—In carrying out the program under this section, the Board shall—

''(A) develop and prescribe standards for selecting and handling cases in which ADR has been requested and is to be used;

''(B) take such actions as may be necessary upon joint request of the parties, including waiver of all statutory, regulatory, or Board imposed adjudicatory time frames; and

''(C) establish a time target within which it intends to complete the ADR process.

''(2) EXTENSION.—The Board, upon the joint request of the parties, may extend the time period as it finds appropriate.

''(3) ADVOCACY AND OUTREACH.—The Board shall conduct briefings and other outreach, on a non-reimbursable basis, aimed at increasing awareness and understanding of the ADR program on the part of the Federal workforce—including executives, managers, and other employees.

''(4) RECRUITMENT.—The Chairman of the Board may contract on a reimbursable basis with officials from other Federal agencies and contract with other contractors or temporary staff to carry out the provisions of this section.

''(5) TRAINING AND CREDENTIALLING OF NEUTRALS.—The Board shall develop a training and credentialing program to ensure that all individuals selected by the Board to serve as program neutrals have a sufficient understanding of the issues that arise before the Board and are sufficiently skilled in the

practice of meditation or any other relevant form of ADR.

''(6) REGULATIONS.—The Board is authorized to prescribe such regulations as may be necessary to implement the ADR program established by this section.

''(d) EVALUATION.—

''(1) CRITERIA.—The Board's Office of Policy and Evaluation shall establish criteria for evaluating the ADR pilot program and prepare a report containing findings and recommendations as to whether voluntary early intervention ADR is desirable, effective, and appropriate for cases subject to section 4303 or 7513.

''(2) REPORT CONTENT.—The report, subject to subsection (b)(4) and section 574, shall include—

''(A) the number of cases subject to the ADR program, the agencies involved, the results, and the resources expended;

''(B) a comprehensive analysis of the effectiveness of the program, including associated resource and time savings (if any), and the effect on the Board's caseload and average case processing time;

''(C) a survey of customer satisfaction; and

''(D) a recommendation regarding the desirability of extending the ADR program beyond the prescribed expiration date and any recommended changes.

The recommendation under subparagraph (D) shall discuss the relationship between the Board's pilot ADR program and those workplace ADR programs conducted by other Federal agencies.

''(3) REPORT DATE.—The report shall be submitted to the President and the Congress 180 days before the close of the ADR pilot program.''.

(b) APPROPRIATIONS.—

(1) IN GENERAL.—For the purpose of carrying out the ADR pilot program established by this section, there are authorized to be appropriated such sums as may be necessary for each of the 3 fiscal years beginning after the date of enactment of this Act.

(2) NO REDUCTIONS.—The authorization of appropriations by paragraph (1) shall not have the effect of reducing any funds appropriated for the Board for the purpose of carrying out its statutory mission under section 1204.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect no later than the close of the 60th day after the enactment of appropriations authorized by subsection (b)(1) and shall remain in effect for 3 years from the effective date.

(d) CONFORMING AMENDMENT.—The table of sections for subchapter IV of chapter 5 of title 5, United States Code, is amended by adding after the item relating to section 584 the following new item:

''585. Establishment of voluntary early intervention alternative dispute resolution pilot program for Federal personnel disputes.''.

SEC. 4. MERIT SYSTEMS PROTECTION BOARD ADMINISTRATIVE JUDGES.

(a) AMENDMENT TO CHAPTER 53 OF TITLE 5.—Chapter 53 of title 5, United States Code, is amended by adding immediately after section 5372a the following:

''§ 5372b. Merit Systems Protection Board administrative judges

''(a) DEFINITIONS.—For the purposes of this section—

''(1) the term 'administrative judge (AJ)' means an employee of the Merit Systems Protection Board appointed to an administrative judge position and paid under the MSPB Administrative Judge Schedule established by subsection (b); and

''(2) the term 'administrative judge (GS)' means an employee of the Merit Systems Protection Board appointed to an administrative judge position and paid under the General Schedule described in section 5332 of this title.

''(b) IN GENERAL.—There is established the MSPB Administrative Judge Pay Schedule which shall have 4 levels of pay, designated as AJ–1, AJ–2, AJ–3, and AJ–4. Each administrative judge (AJ) shall be paid at one of those levels in accordance with subsection (c).

''(c) RATES OF PAY.—

''(1) BASIC PAY.—The rates of basic pay for the levels of the MSPB Administrative Judge Pay Schedule established by subsection (b) shall be as follows:

''(A) AJ–1: 70 percent of the next to highest rate of basic pay for the Senior Executive Service.

''(B) AJ–2: 80 percent of the next to highest rate of basic pay for the Senior Executive Service.

''(C) AJ–3: 90 percent of the next to highest rate of basic pay for the Senior Executive Service.

''(D) AJ–4: 92 percent of the next to highest rate of basic pay for the Senior Executive Service.

''(2) LOCALITY PAY.—Locality pay as provided by section 5304 shall be applied to the basic pay for administrative judges (AJ) paid under the MSPB Administrative Judge Pay Schedule.

''(d) APPOINTMENT AND ADVANCEMENT.—

''(1) INITIAL APPOINTMENT.—Except as provided in paragraph (5), an initial appointment of an administrative judge (AJ) to the AJ pay schedule shall be at the AJ–1 level.

''(2) CONVERSION TO MSPB ADMINISTRATIVE JUDGE PAY SCHEDULE.—An administrative judge (GS) who is serving as of the effective date of this section shall be eligible for conversion to the MSPB Administrative Judge Pay Schedule and appointment as an administrative judge (AJ) in accordance with subparagraph (A), (B), or (C) below:

''(A) If the administrative judge (GS) occupies a position at the grade 15 level of the General Schedule and has served for 3 or more years as of the effective date of this section, the judge shall be converted to the MSPB Administrative Judge Pay Schedule and appointed as an administrative judge (AJ) on the effective date of this section so long as the judge's last 3 performance appraisals of record are at the 'exceeds fully successful' level or higher. An administrative judge (AJ) so converted shall be placed in the appropriate pay level prescribed in paragraph (3), based on the amount of time the administrative judge (AJ) has served as an administrative judge (GS).

''(B) If the administrative judge (GS) occupies a position at the grade 15 level of the General Schedule and has served for less than 3 years as of the effective date of this section, the judge shall be converted to the MSPB Administrative Judge Pay Schedule and appointed as an administrative judge (AJ) on the date the judge completes 3 years of service at the grade 15 level so long as the judge's overall performance appraisal ratings for the 3-year period are at the 'exceeds fully successful' level or higher.

''(C) If the administrative judge (GS) occupies a position at a level below grade 15 of the General Schedule on the effective date of this section and is subsequently advanced to grade 15 of the General Schedule, the judge shall, after serving for 3 years at the grade 15 level, be converted to the MSPB Administrative Judge Pay Schedule and appointed as an administrative judge (AJ) so long as the judge's overall performance appraisal ratings for the 3-year period at the grade 15 level are at the 'exceeds fully successful' level or higher.

''(3) ADVANCEMENT.—An administrative judge (AJ) shall be advanced to the AJ–2 pay level upon completion of 104 weeks of service with an appraisal rating for such weeks at the 'exceeds fully successful' level or higher, to the AJ–3 pay level upon completion of 104 weeks of service at the next lower level with an appraisal rating for such weeks at the 'exceeds fully successful' level or higher, and to the AJ–4 pay level upon completion of 52 weeks of service at the next lower level so long as the judge's overall performance appraisal ratings for the period are at the 'exceeds fully successful' level or higher.

''(4) REVIEW BOARD.—If at any time the MSPB establishes a pass-fail or other performance appraisal system that does not include an overall performance appraisal rating of 'exceeds fully successful', upon completion of the applicable qualifying time-in-service requirement and receipt of a 'pass' or equivalent performance appraisal rating for the 3 most recent rating periods, an administrative judge (AJ) shall be eligible for consideration to advancement to the next pay level subject to the approval of a review board made up of senior MSPB officials, as designated by the Chairman.

''(5) EXCEPTIONS.—

''(A) Notwithstanding paragraph (1), the Chairman of the Merit Systems Protection Board may provide for initial appointment of an administrative judge (AJ) at a level higher than AJ–1 under such circumstances as the Chairman may determine appropriate.

''(B) Notwithstanding paragraph (2), the Chairman of the Merit Systems Protection Board may, in exceptional cases, provide for the conversion of an administrative judge (GS) to the MSPB Administrative Judge Pay Schedule under such circumstances as the Chairman may determine appropriate.''.

(b) TRANSITION PROVISIONS.—

(1) LIMITATION ON PAY INCREASES.—Notwithstanding the rates of basic pay prescribed under section 5372b(c) of title 5, United States Code, as added by subsection (a), the Chairman of the Merit Systems Protection Board may, on the effective date of this section and each year for a period of 7 years thereafter, limit the pay increase for each administrative judge (AJ) to an adjustment equal to—

(A) the percentage pay adjustment received by members of the Senior Executive Service under section 5382(c) of this title, if any;

(B) locality pay under section 5304; and

(C) an additional $3,000.

The Senior Executive Service percentage pay adjustment, if any, shall be included in basic pay. Annual adjustments in pay after the effective date of this section will be made on the first day of the first pay period of each calendar year. The limitation on pay increases under this subsection may continue during the time period prescribed by this subsection until such time as the pay of each administrative judge (AJ) reaches the appropriate rate of basic pay under section 5372b(c) of title 5, United States Code, as added by subsection (a). The Chairman may waive any limitation on pay under this subsection in the case of an administrative judge (AJ) serving as a chief administrative judge.

(2) PAY IN RELATION TO GRADE 15 OF THE GENERAL SCHEDULE.—In no case shall an administrative judge (AJ) who is converted in accordance with section 5372b(d)(2) of title 5, United States Code, or whose pay increase in any year is limited under paragraph (1), be paid after the effective date of this section at a rate that is less than the administrative judge's (AJ) rate of pay would have been had the administrative judge (AJ) remained as an administrative judge (GS) occupying the grade 15 level of the General Schedule.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term ''administrative judge (AJ)'' means an employee of the Merit Systems Protection Board appointed to an administrative judge position and paid under the MSPB Administrative Judge Pay Schedule established by the amendment made by subsection (a); and

(B) the term ''administrative judge (GS)'' means an employee of the Merit Systems Protection Board appointed to an administrative judge position and paid under the General Schedule described in section 5332 of title 5, United States Code.

(c) APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary for the purpose of carrying out this section.

(2) NO REDUCTION.—The authorization of appropriations by paragraph (1) shall not have the effect of reducing any funds appropriated for the Board for the purpose of carrying out its statutory mission under section 1204 of title 5, United States Code.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first pay period of the calendar year immediately following the date of enactment of appropriations authorized by subsection (c)(1).

(e) CONFORMING AMENDMENT.—The table of sections for subchapter VII of chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5372a the following new item:

''5372b. Merit Systems Protection Board administrative judges.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

GENERAL LEAVE

Mrs. BONO. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

The Committee on the Judiciary has reported H.R. 3312, a bill to establish a pilot, 3-year, early intervention alternative dispute resolution program at the Merit Systems Protection Board. Support for ADR enjoys a rare consensus among those knowledgeable with formal litigation and administrative dispute processes. Resulting savings redound to the benefit of those involved and are, more broadly, to the taxpayers at large.

The MSPB is an independent adjudicatory body that hears appeals from Federal agency personnel disputes. MSPB judges hear a broad range of complex personnel cases that affect thousands of Federal employees and the agencies for which they work. Over the last decade, MSPB judges have seen their jurisdictions steadily increase without a corresponding increase in resources. Last year, the board handled nearly 8,000 cases with a staff of only 71 administrative judges. H.R. 3312, as amended, would help reduce this caseload by encouraging Federal agencies and employees to explore alternatives to costly litigation before the board.

Until 1990, MSPB judges received compensation equivalent to that provided Immigration, Social Security and Administrative Law judges. Since 1990, however, the wage disparity between MSPB judges and other administrative judges has detrimentally affected the board's ability to attract and retain top judges. Over the last 4 years alone, the board has lost nearly 20 percent of its judges to other adjudicatory agencies.

The conference report to the 1999 Omnibus Appropriations Act recognized the need to accord pay equity to MSPB, Immigration and Administrative Law judges. Last year, H.R. 2946 was introduced to address this inequality. Like H.R. 2946, H.R. 3312, as amended, restores a measure of fairness to MSPB judge compensation vis-a-vis Immigration, Social Security and Administrative Law judges. H.R. 3312, as amended, is notable for the spirit of bipartisan cooperation that has surrounded its consideration. It enjoys the support of the Merit Systems Protection Board, Department of Justice, Federal Mediation and Conciliation Service, and Federal employees. The Committee on the Judiciary and Subcommittee on Commercial and Administrative Law, which is chaired by the gentleman from Pennsylvania (Mr. GEKAS), unanimously reported the bill. Finally, the distinguished chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), to whose committee H.R. 3312 was referred, has waived jurisdiction and indicated there is no objection to either H.R. 3312 or the provisions of H.R. 2946, also referred to the Committee on Government Reform.

Mr. Speaker, I enclose for the RECORD the letters of exchange concerning committee jurisdiction between the gentleman from Indiana (Mr. BURTON) and the gentleman from Illinois (Mr. HYDE).

Passage of H.R. 3312, as amended, will help combat debilitating MSPB attrition rates and further reduce costs to taxpayers by ensuring the retention of an experienced cadre of board judges to effectively implement the pilot program. Support for H.R. 3312, as amended, is broad and its advantages are clear. I urge support for this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 3, 2000.

Hon. DAN BURTON,
Chairman, Committee on Government Reform,
Washington, DC.

DEAR MR. CHAIRMAN: The Committee on the Judiciary favorably reported H.R. 3312 on September 20, 2000 and has requested to have it considered under suspension of the rules before the end of the session. The bill authorizes the Merit Systems Protection Board (MSPB) to conduct an alternative dispute resolution pilot program. Legislation (H.R. 2946) was earlier introduced by Mr. Gekas, Chairman of the Subcommittee on Commercial and Administrative Law, to establish such a program, but his measure contained additional language establishing an administrative judge pay schedule for administrative judges employed by the MSPB. Because this additional language contains a matter within the Rule X jurisdiction of your committee, the bill was referred to the Committee on Government Reform.

As we understand it, there is no objection by your committee to the matter proposed by that language, but action on it cannot be expected because of the lateness of the session. Recognizing your Rule X jurisdiction over the matter, we would therefore request that you waive that jurisdiction so that the matter can be considered by the House together with H.R. 3312.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, October 17, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3312, which the Committee on the Judiciary has ordered reported, and H.R. 2946, legislation that would, among other things, establish a new pay scale for administrative judges at the Merit Systems Protection Board. Both of these measures fall within the jurisdiction of the Committee on Government Reform under House Rule X, and I appreciate the close cooperation your staff has provided mine with respect to both bills.

We do not object to either the reported version of H.R. 3312. I understand that you wish to include in a manager's amendment to H.R. 3312 the pay language that has been agreed to by the Civil Service Subcommittee. We also have no objection to that language. Accordingly, in order to expedite floor consideration of this measure, we will not exercise our jurisdiction over either H.R. 3312 or the pay provisions that will be included in the manager's amendment.

Our decision not to exercise our jurisdiction over this measure is not intended or designed to waive or limit our jurisdiction over any future consideration of related matters.

Sincerely,

DAN BURTON,
Chairman.

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

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Washington (Mr. BAIRD) be permitted to manage the time allocated to this side.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3312, the Merit System Protection Board Administrative Dispute Resolution Act of 1999.

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This bipartisan legislation would establish a 3-year alternative dispute resolution pilot program. Under the terms of the bill, Federal agencies and employees would be given assistance in voluntarily resolving personnel action and disputes in administrative agencies through mediation, arbitration and mini trials or combinations of these procedures.

Although formal hearings and litigation are available to both Federal agencies and employees, these methods are often expensive and lengthy. By contrast, the voluntary dispute resolution process offers a potentially less costly alternative system that can encourage examine compromise and settlement. Under the legislation, matters such as removals, suspensions, reduction in pay and pay grade, furlough and performance actions may all be addressed outside the formal court system.

This legislation would not replace litigation but simply offer a voluntary early intervention program. It is the intent of the legislation to provide ADR on a voluntary basis and not compromise or modify contractual or collective bargaining rights of Federal employees.

This bipartisan bill is an excellent example of a method that will relieve the burdened legal system of matters that may be more easily and more effectively resolved using a nonadversarial approach.

I would also note that, under the manager's amendment, administrative judges of the Merit Systems Protection Board will receive an increase in compensation to account for their expanded duties under this bill. This is designed to help ensure that we can recruit and retain these highly qualified judicial officials.

I strongly support H.R. 3312 and urge my fellow Members to vote yes on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of HR 3312, the Merit Systems Protection Board Administrative Dispute Resolution Act of 2000. The bill rightly enjoys bipartisan support and my colleagues should be commended for reaching consensus on this issue.

HR 3312 would authorize the Merits Systems Protection Board to establish a 3-year pilot program that provides voluntary early intervention alternative disputes resolution (ADR) to assist federal agencies and employees in resolving certain personnel actions and disputes. The bill represents an important step forward in identifying innovative ways to resolve disputes that would be better kept outside the domain of the courts.

The Merit Systems Protection Board (''the Board'') is an independent adjudicatory agency established by the Civil Service Reform Act of 1978. It has served the nation well. Since its inception, the Board has heard tens of thousands of cases while providing federal employees with an impartial forum for resolving their employment disputes with federal agencies.

Nevertheless, the expanded responsibilities and heavy caseload of the Board is taking a toll. Congress has expanded the jurisdiction of the Board without a requisite level of judicial resources. In 1999, the Board's 71 administrative judges heard nearly 8,000 appeals, or 100 decisions each.

Alternative dispute resolution such as arbitration, facilitation, mini-trials are all used voluntarily to resolve significant issues in controversy. HR 3312 appropriately focuses on encouraging the agency and employee in a dispute to resolve disputes without litigation. The covered disputes include removal, a suspension of more than 14 days, a reduction in pay grade, a furlough of 30 days or less, and an action passed on unacceptable performance. According to the Findings and Purposes of HR 3312, ADR would be more successful if it were utilized earlier in the process. Voluntary early intervention is, of course, a sensible solution.

I share my colleagues enthusiasm for the changes made during a subcommittee markup of the bill; I supported the bill once when it reached the full committee. I am pleased that the changes to HR 3312 clarified the bill's voluntariness provisions. To accomplish this, the amendment makes absolutely clear that the parties in a dispute can only be subject to early intervention ADR by the Merit System Protection Board upon their joint request. As introduced, the bill required that the notice letter in personnel disputes advise the employees as the availability of ADR. The substitute supplements the bill's notice letter requirement to include a description of this pilot program and of standards the Board will use to select from among eligible cases. In addition, it is noteworthy that the amendment clarifies the bill's language regarding arbitration to make clear that it would be non-binding.

Indeed, to further emphasize the voluntary nature of the early intervention ADR offer by the Board under the bill, the substitute added the words ''upon joint request of parties'' or some variant. As a result of these changes, the only cases eligible for early intervention ADR by the Board are those which both agency and the employee request jointly.

Additionally, the original version of H.R. 3312 compels an agency to advise an employee as the availability of early intervention ADR in the notice letter of proposed personnel action. The substitute expanded this requirement to include (a) a description of this program and (b) a description of the standards the Board must develop for selecting and handling cases. This will clarify the two step process a dispute must entertain before early intervention ADR. First, the parties jointly request ADR from the Board. Then, the Board determines whether or not the matter is ''appropriate for the program.'' These are welcome improvements to the ADR process.

The bill further stipulates that the Board's acceptance of a case for ADR must be subject to any applicable collective bargaining agreement. We can never overestimate the importance of collective bargaining agreements—and the bill reinforces the importance of safeguarding this matter.

Mr. Speaker, I urge my colleagues to support this measure to make the voluntary nature of the ADR process more accessible and perhaps more efficient to potential litigants.

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

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentlewoman from California (Mrs. BONO) that the House suspend the rules and pass the bill, H.R. 3312, as amended.

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

The title of the bill was amended so as to read:

''A bill to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions.''

A motion to reconsider was laid on the table.

VESSEL WORKER TAX FAIRNESS ACT

Mrs. BONO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 893) to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

The Clerk read as follows:

S. 893

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

SECTION 1. AMENDMENT OF CHAPTER 111 OF TITLE 46, UNITED STATES CODE.

Section 11108 of title 46, United States Code, is amended—

(1) by inserting ''(a) WITHHOLDING.—'' before ''WAGES''; and

(2) by adding at the end the following:

''(b) LIABILITY.—

''(1) LIMITATION ON JURISDICTION TO TAX.—An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

''(2) APPLICATION.—This subsection applies to an individual—

''(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

''(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

GENERAL LEAVE

Mrs. BONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 893.

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

There was no objection.

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

Mr. Speaker, the right of States to tax economic activities within their borders is a key feature of federalism rooted in the Constitution and long recognized by Congress. State taxing power is not absolute, however, and

Congress and the courts protect residents from State taxes that discriminate against nonresidents and unduly burden interstate commerce.

Interstate transportation workers derive their income in multiple States in the course of regularly assigned duties. Through a patchwork of legislation spanning nearly three decades, Congress has exempted interstate rail, motor, and air carriers from having to pay income taxes in more than one State by making the income of these workers taxable only in the worker's State of residence. While these workers have escaped the onerous burden of multiple taxation, Congress has failed to provide similar relief to interstate water workers.

Under current law, interstate water workers may be taxed in both their State of residence and in any State in which they derive 50 percent or more of their income. This taxing requirement has had an acute impact on waterway workers who reside in Washington but work along the Columbia River in the Pacific Northwest.

Recently, Oregon taxing authorities have presented these workers with staggering tax bills for income they claim was derived in Oregon while working on the Columbia River, which separates Washington from Oregon. In response to this problem, the gentleman from Washington (Mr. BAIRD) introduced legislation that would exempt interstate waterway workers from multiple State income taxation.

The Committee on the Judiciary reported H.R. 1293, legislation nearly identical to S. 893. In order to facilitate prompt consideration of the measure, we are considering S. 893, which was introduced by the distinguished Senator from Washington, Mr. GORTON. Equalizing the taxing status of interstate water workers enjoys bipartisan support in both Houses of Congress. I urge the support of this bill.

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

Mr. SCOTT. Mr. Speaker I ask unanimous consent that the gentleman from Washington (Mr. BAIRD) be permitted to manage the time allotted to this side.

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

There was no objection.

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

Mr. Speaker, I am honored to be here today on the floor of the House as we take up this important legislation to provide tax fairness for thousands of hard-working Americans in my home State of Washington and throughout this Nation.

While most interstate transportation workers are exempt from taxation by States other than that of their residence, those working on vessels operating on interstate waterways are subject to contradictory laws that are difficult to apply. Consequently, a number of waterway employees who are residents of Washington have been sent notices from other States seeking to collect thousands of dollars in presumably delinquent taxes for which they may not be responsible under Federal law.

I am speaking today about river pilots, I am talking about men and women who work on barges, and I am talking about hard-working boat crew members who do an honest day's work and want a fair shake when it comes to paying their taxes.

Mr. Speaker, I am deeply concerned that, under current tax law, a significant number of interstate waterway employees who are employed on vessels that operate on the Columbia River or the Snake River and many other inland waterways throughout this Nation are being unfairly taxed for their labor.

When truck drivers, railway workers, or aviation employees go about their jobs, all of which require them to conduct work in States other than their home States, Congress has seen fit to grant them an exemption for this type of unfair taxation unless a majority of the work is performed in another State.

Interstate transportation workers, including those employed by interstate railway carriers, motor carriers, water carriers, and air carriers who are engaged in interstate commerce, were first protected from unfair taxation by multiple States in 1970.

In 1990, Congress took additional steps to prohibit States from taxing the income of interstate rail and motor carrier workers, except those States where the employee resides. A similar limitation exists on States' rights to tax employees of interstate air carriers engaged in interstate transportation duties.

An airline pilot, for example, is subject to taxation by the State in which the pilot resides, period. This restriction, for all practical purposes, exempts airline employees from multiple taxation. However, interstate water carriers, bargemen, tug boat operators, river boat pilots, ferry operators, et cetera, for some reason, these folks have been treated differently.

Mr. Speaker, we can fix this problem today. Over the past 30 years, Congress has addressed inequities in the Tax Code when it dealt with interstate transportation employees. I am asking my colleagues today to again take action to correct this problem.

The legislation we put forward is not complex legislation. It is very straightforward. It is not lengthy. It is a two-page bill. But it is good legislation, and it is needed legislation.

As we consider the legislation today, there is another voice I would like to bring to the floor, and that is the voice of Captain Robert Nelson. In late 1998, Captain Nelson got some bad news. He got several pieces of bad news. First, his wife was seriously injured in a car wreck. Then a couple months later, Captain Nelson himself was diagnosed with terminal lung and brain cancer. He was given, at the time, 3 months to live.

That is a heavy enough load. But on his way to the mailbox, he then received a letter from the Oregon Department of Revenue that he was to pay a $78,000 back tax bill to a State that he had not really set foot in the course of his work.

Captain Nelson was assessed those costs, not because he lived or worked in Oregon, but because he worked in a river system.

I would ask Members of this body to put themselves in that family's shoes for just a minute, to ask themselves how they would feel if, on top of worrying about their wife, their family, their own health, they had to then pay an exorbitant tax bill to a State they did not work in.

Things like that should not happen in America. Mr. Speaker, with my colleagues help, we can do something about it. I urge my colleagues to join me in passing this bipartisan bill to ensure tax fairness for transportation workers.

I am proud of the steps we have taken to get here today. This is a bipartisan bill. It is a fair and needed bill. I would like to thank those who have been involved.

Senator GORTON in the other body introduced legislation shortly after I dropped the bill in the House. Our bill also received a committee hearing from the Committee on the Judiciary, and I want to thank the gentleman from Pennsylvania (Chairman GEKAS) and the gentleman from New York (Mr. NADLER), ranking member, for their support and assistance, as well as the able staff, Rob Tracci and the committee's minority staffer, Dave Lachman. They also did a very good job of putting the hearing together, and I want to say thanks for their efforts.

I would like to thank the chairmen and ranking members of both full committees and subcommittees to which the bill was referred: the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) of the Committee on the Judiciary; and the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) of the Committee on Transportation and Infrastructure.

I would like to also particularly thank the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Maryland (Mr. GILCHRIST) also Mr. Ward McCarragher of the Committee on Transportation and Infrastructure for his work and Mr. Turton and Mr. Boyle for their work.

Today we have an opportunity to restore simple fairness to our Tax Code. I urge passage of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs.

BONO) that the House suspend the rules and pass the Senate bill, S. 893.

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

A motion to reconsider was laid on the table.

SENSE OF HOUSE THAT COMMUNITIES SHOULD IMPLEMENT AMBER PLAN FOR RECOVERY OF ABDUCTED CHILDREN

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 605) expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

The Clerk read as follows:

H. RES. 605

Whereas communities should implement an emergency alert plan such as the Amber Plan to expedite the recovery of abducted children;

Whereas the Amber Plan, a partnership between law enforcement agencies and media officials, assists law enforcement, parents, and local communities to respond immediately to the most serious child abduction cases;

Whereas the Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas;

Whereas in response to community concern, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas, created the Amber Plan;

Whereas, to date, the Amber Plan is credited with saving the lives of at least 9 children nationwide;

Whereas the National Center for Missing and Exploited Children endorses the Amber Plan and is promoting the use of such emergency alert plans nationwide;

Whereas the Amber Plan is responsible for reuniting children with their searching parents: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Amber Plan is a powerful tool in fighting child abductions and should be used across the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.Res. 605.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 605, introduced by the gentlewoman from New Mexico (Mrs. WILSON). This resolution will express the sense of the House of Representatives that communities across the United States should implement what has become known as the Amber Plan to help find and recover children who have been abducted.

Crimes committed against our children is a serious problem in the United States. Congress has played a significant role in our national struggle to protect children by providing grant money to the States to fight crime committed against children and by passing tough new Federal laws to prosecute criminals who victimize children. But of course most of the work to prevent these crimes and punish those who commit them occurs at the local level.

Today Congress has an opportunity to bring national attention to an effective program working at the local level called the Amber Plan. This program, begun in Dallas-Fort Worth, Texas, helps save the lives of children who have been kidnapped. The Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was tragically kidnapped and murdered in Arlington, Texas. Because of its success in Dallas-Fort Worth, it has been replicated in communities across the country.

The Amber Plan works by utilizing the national Emergency Alert System. When a child is reported abducted, the abduction, including the description of the alleged perpetrator, is immediately broadcast by local radio and television stations using the Emergency Alert System. These alerts get the word to everyone who might recognize the child or might recognize the abductor and then call the police. Since its inception, the Amber Plan has led to the safe recovery of at least nine children nationwide.

The use of the Emergency Alert System to blanket broadcast areas with the news that a child has been abducted is a wonderful idea. Any time a crime such as a kidnapping is committed, quick action can make all the difference in whether the criminal gets away with his crime or is apprehended.

I want to thank the gentlewoman from New Mexico (Mrs. WILSON) for her leadership on this issue. I urge all my colleagues to support the resolution.

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

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

Mr. Speaker, I rise in support of H. Res. 605 which would express the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

The Amber Plan provides for community law enforcement, radio and television stations to work together to alert the public of child abductions.

Under the plan, the law enforcement alerts the media which interrupt programs to broadcast notices seeking help from the public when child abductions are reported and confirmed.

The Amber Plan was created in December 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. Since its creation, the system has become a powerful tool, especially in the early hours of an abduction investigation, and is credited with saving the lives of at least nine children nationwide.

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The National Center for Missing and Exploited Children, a respected organization dedicated to assisting families in recovering missing children, has endorsed the Amber Plan and is directing its expansion. Versions of the plan have been adopted in several cities already, including Kansas City, Missouri; Memphis, Tennessee; Charlotte, North Carolina; and Cincinnati, Ohio.

Mr. Speaker, the Amber Plan deserves our wholehearted support. It provides for a partnership between law enforcement, the media, and the community which can mean the difference between life and death for a child. I commend those who developed the plan and urge my colleagues to vote for this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of House Resolution 605, which expresses the Sense of the House that communities should implement the Amber Plan to expedite the recovery of abducted children.

The Amber Plan is a partnership between law enforcement agencies and media officials, assists law enforcement, parents, and local communities to respond immediately to the most serious child abduction cases. The Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. In response to community concern, regarding the abduction of Amber Hagerman, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas created the Amber Plan. To date, the Amber Plan is credited with saving the lives of at least 9 children nationwide.

The National Center for Missing and Exploited Children endorses the Amber Plan and is promoting the use of such emergency alert plans nationwide. For this reason, I believe that the Amber Plan does offer useful tools to those who are in need of resources in the search for tools to fight child abductions and should be used across the United States.

Mrs. WILSON. Mr. Speaker, House Resolution 605 expresses the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

Mr. Speaker, when a child is abducted, the family's anguish and fear is beyond measure. The Amber Plan was created to quickly enlist the public as partners with law enforcement and the news media to intervene before an abduction ends in serious injury or death for an innocent child.

The plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. To date, the plan is credited with saving the lives of at least 9 children nationwide.

This is how the plan works: When a child is reported abducted, law enforcement notifies local television and radio stations. Both TV

and radio announcements are broadcast describing the child and other details. The public is given phone number to call if they see the child. House Resolution 605 calls upon communities across the U.S. to implement their own Amber Alert programs to assist locally in the recovery of abducted children. House Resolution 605 has been endorsed by the National center for Missing and Exploited Children. They are working to bring this program to cities and towns nationwide and I commended them for their efforts.

Mr. Speaker, I would also like to thank my colleague Mr. LAMPSON from Texas for his assistance with this resolution and commend him as the Chairman of the Missing and Exploited Children's Caucus.

Mr. LAMPSON. Mr. Speaker. I rise today in strong support of H. Res. 605, a resolution expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

Amber Hagerman, a 9-year-old from Arlington, Texas, was abducted in front of witnesses in 1996. Her body was found 4 days later. After this tragedy, police and local radio station developed the ''Amber Plan'', named in honor of Amber Hagerman—which was the first use of the Emergency Alert System (EAS), formerly the Emergency Broadcast System, to report a missing child. Under the plan, television and radio stations interrupt programming to broadcast information about a child abduction by using the EAS, a system typically used for weather or other civil emergencies. Since the Amber plan was established in Texas, many areas across the country have adopted a similar emergency alert plan on the local, regional, and even statewide-level. Between 1996 and 2000, these plans have been credited with the safe return of at least nine children.

The National Center for Missing and Exploited Children has endorsed the use of the ''AMBER Plan''—America's Missing: Broadcast Emergency Response—to assist in the recovery of missing children. The plan is simple—to alert the public as quickly as possible of a child abduction in hopes of gaining information leading to the safe recovery of that child and capture of the abductor.

Mr. Speaker, children are snatched off the street everyday in America. Tragically, some are never returned to their caretakers, and many are victims of assault and murder. A 1997 study by the Washington States Attorney indicated that 74 percent of children abducted and murdered by strangers were killed within three hours of being taken.

Realizing that time is of the essence in these cases, this resolution encourages states and communities to recognize that the abduction of a child is of the highest priority for response and investigation. In furtherance of this type of investigation, a carefully planned and quick notification of the public in the area of the abduction by commercial broadcast methods, the ''AMBER Plan'', can be a valuable tool in the quick recovery of abducted children.

I urge my colleagues to vote for this resolution.

Mr. FROST. Mr. Speaker, I rise in strong support of House Resolution 605, which recognizes the importance of the Amber Plan to families across the country, and encourages other communities to implement the plan. I want to thank Mrs. WILSON and NICK LAMPSON for their efforts in bringing this resolution to the floor.

Mr. Speaker, the Amber Plan was created in memory of Amber Hagerman, a nine-year-old girl from Arlington, Texas who was tragically abducted and murdered in 1996. Amber was bright and pretty and was riding her bike on January 13 when someone came along and took her away. This case occurred in my congressional district, but I am sure that events like this have happened—sadly—in every corner of our country, in our cities and in the heartlands.

This case caused the police and broadcasters in the North Texas area to look at how they could better protect our community's children. Now once police have received a report of child abduction, they fax information to area media outlets. Broadcast stations then sound an emergency tone during broadcasts—similar to a weather alert—which is followed by the information from police. It gives a description of the children who are missing, the vehicle that they were kidnapped in, and a description of the kidnappers. It also gives a number that people can call to report information. The Amber Plan treats a child abduction like the entire community's emergency, and enlists their help to find the kidnappers.

The success of the Amber Plan in North Texas has led several other communities to implement the plan. Just recently, I spoke with a radio station in Oklahoma, where the state's first use of the Amber Alert led to the successful recovery of two children during a car theft. The State of Florida just recently implemented the system statewide. And the National Center of Missing and Exploited Children is working on implementing the system in a number of other major metropolitan areas.

Last year, I hosted members of the Amber Plan Task Force at a meeting in the Capitol. They addressed Members of Congress about the effectiveness of the Amber Plan in North Texas, and how it can be expanded to their own congressional districts. The group also met with officials from the National Association of Broadcasters and encouraged them to inform their members about expanding the Amber Plan throughout the country.

Along with Mr. LAMPSON, Mr. FRANKS, and several other Members, I am one of the founding members of the Missing and Exploited Children's Caucus. Members of the Caucus know that each year hundred of thousands of American families are confronted with the tragedy of a missing child. This resolution helps remind us that we must constantly work to increase the awareness of these tragic occurrences and to introduce legislation to combat these heinous crimes.

Whoever took Amber didn't know and didn't care that she was an honor student who made all As and Bs. They didn't care that she was a Brownie who had lots of friends and who loved her little brother dearly. They didn't care that her whole life was ahead of her and that their parents wanted to watch her grow into the lovely young woman she promised to be.

Mr. Speaker, we all need to get involved—parents, relatives, politicians, police and other enforcement agencies—to direct attention to the problem of missing children. It is my hope, Mr. Speaker, that someday we will not need the Amber Plan to combat the growing epidemic of missing and exploited children. It is my hope that someday every child in America will feel safe. It is my hope that someday every child will feel secure while riding his or her bicycle in the neighborhood. It is my hope that someday no parent will ever have to face the tragedy that Amber Hagerman's parents had to face. But until that day comes, we need to support this resolution and work together to protect this country's greatest asset—our children.

Mr. GREEN of Texas. Mr. Speaker, I am proud to join my colleagues in support of this resolution. The Amber program is a great example of law enforcement, the local media and communities coming together to save lives. Today, our children face many obstacles and we need to do what ever we can to ensure their safety. In The Dallas-Fort Worth area Amber program has been successful in the recovery of abducted children.

While we cannot prevent every child abduction, it is important for local communities to respond immediately to child abduction cases and reunite them with their parents as soon as possible. In my district, a young girl was abducted recently. The abductor took the girl on a bicycle to a nearby bus station and then boarded a bus to Florida. This all happened within 20 or 30 minutes. Had the Amber plan been implemented, media outlets would have been interrupted immediately to report a description of the abductor and the location where the abduction took place. This would have saved time and possibly prevented the abductor from getting on that bus to Florida with the child. Fortunately, the young girl was found safely. Unfortunately, it doesn't always end this way.

Since last year, I have been working with law enforcement agencies in the Houston and Harris County area, and our local media, to establish a plan similar to the Amber program. The plan, which is still under development by the Amber Plan Subcommittee, should be operational by January 2001. It will be a cooperative public service effort between 36 law enforcement agencies in the five-county area Fort Bend, Galveston, Harris, Montgomery, and Waller counties and 40 local radio, television stations, cable systems.

Chuck Wolf, Chairman of the Emergency Alert System and Mark McCoy, station manager of KTRH radio station in Houston have been instrumental in the development of this program. It is important to point out that in order to activate the Houston Regional Amber Plan strict criteria must be met. It has to go through a screening process before it is activated. Once it is activated, we have to make sure that the emergency alert message is sent quickly and is easy to understand—it can only be activated if it passes a screening process.

Law enforcement, local media outlets, and communities will collaborate to make sure that the requirements are met and that the emergency alert is activated properly. However, we also need for the Federal Communications Commission to take part in this effort. Currently, broadcasters are limited by the types of codes they can use to describe the alert event. I urge the FCC to expand event codes that will specifically describe if it is an Amber Alert, hazardous and environmental disaster, or any other man made disaster. We must utilize our available technology effectively to protect our citizens and specially our children from all types of disasters and civil disturbances.

I strongly support this resolution and urge other Members to encourage their communities to implement similar programs.

Mr. HYDE. Mr. Speaker, I rise in support of H. Res. 605, which was introduced by the Gentlelady from New Mexico, Mrs. WILSON. H. Res. 605 expresses the sense of the House of Representatives that communities should implement the ''Amber Plan'' to expedite the recovery of abducted children. As we all know, the problem of missing and abducted children is a continuing national concern. Few things are as disturbing to us as crimes committed against kids, and Congress should do all it can to reduce the threat to our children.

H. Res. 605 is a simple resolution that highlights the ''Amber Plan,'' a very effective partnership between law enforcement and the media in Dallas-Fort Worth that has helped save the lives of kids who have been kidnaped. The resolution urges the replication of the Amber Plan in communities across America.

The Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman, who was tragically kidnaped and murdered in Arlington, Texas. Since then, many communities across the United States have put similar plans into effect. It is credited with the safe return of at least nine abducted children nationwide. Here's how it works. When a child is reported abducted, the abduction—including a description of the alleged perpetrator—is immediately flashed across local radio and television stations using the Emergency Alert System, what used to be known as the Emergency Broadcast System. This quick action alerts the community to the abduction, and it has apparently spooked child abductors into releasing their victims when they hear descriptions of themselves broadcast on the radio or TV.

Quick action is often necessary to thwart the commission of crime, and the Amber Plan is a great idea that ought to be put in place in every city and town across America. I want to thank the Gentlelady for her leadership on this issue, and I urge all my colleagues to support the resolution.

Mr. VISCLOSKY. Mr. Speaker; I rise today to express my strong support for House Resolution 605 introduced by Representative WILSON. I would also like to applaud the efforts of the Missing and Exploited Children Caucus for raising the awareness of such issues. H. Res. 605 expresses the sense of the House of Representatives that communities should implement the Amber Alert Plan to expedite the recovery of abducted children. The Amber Alert Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. The Alert has been credited with saving the lives of at least 9 children nationwide.

Last year in Northwest Indiana, more than 1,600 children were reported missing. When a child is abducted, time is the most important factor in determining whether that child will return home alive. Due to the Amber Plan's proven track record of success, I initiated the Alert in my district on April 4, 2000. The Amber Alert is a joint effort between media outlets and police departments that enlists the help of the public to put more eyes on the look out for a missing child. In the event of an abduction, radio, and television stations provide quick, police-generated reports on the child. The notification plan commonly beings with a high-pitched tone and is followed by detailed information about the missing child or kidnaping suspect. A phone number is then given for the public to call if they see either the child or the suspect. Police are careful not to overuse the Amber Plan, carefully evaluating the circumstances of a missing child report before sounding the alert. I truly believe that the Amber Alert will be a valuable resource in my district in the effort to assist localities in the timely return of any missing child.

I support the efforts of communities across the U.S. in implementing their own Amber Alert programs to assist in the recovery of abducted children. This resolution has been endorsed by the National Center for Missing and Exploited Children, which continues to work tirelessly to implement this program nationwide. I urge my colleagues to support this resolution in an effort to combat child abduction and protect our children.

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

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, House Resolution 605.

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

A motion to reconsider was laid on the table.

AMERICA'S LAW ENFORCEMENT AND MENTAL HEALTH PROJECT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1865) to provide grants to establish demonstration mental health courts.

The Clerk read as follows:

S. 1865

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 ''America's Law Enforcement and Mental Health Project''.

SEC. 2. FINDINGS.

Congress finds that—

(1) fully 16 percent of all inmates in State prisons and local jails suffer from mental illness, according to a July, 1999 report, conducted by the Bureau of Justice Statistics;

(2) between 600,000 and 700,000 mentally ill persons are annually booked in jail alone, according to the American Jail Association;

(3) estimates say 25 to 40 percent of America's mentally ill will come into contact with the criminal justice system, according to National Alliance for the Mentally Ill;

(4) 75 percent of mentally ill inmates have been sentenced to time in prison or jail or probation at least once prior to their current sentence, according to the Bureau of Justice Statistics in July, 1999; and

(5) Broward County, Florida and King County, Washington, have created separate Mental Health Courts to place nonviolent mentally ill offenders into judicially monitored in-patient and out-patient mental health treatment programs, where appropriate, with positive results.

SEC. 3. MENTAL HEALTH COURTS.

(a) AMENDMENT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part U (42 U.S.C. 3796hh et seq.) the following:

''PART V—MENTAL HEALTH COURTS

''SEC. 2201. GRANT AUTHORITY.

''The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—

''(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and

''(2) the coordinated delivery of services, which includes—

''(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;

''(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment;

''(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant's cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services; and

''(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.

''SEC. 2202. DEFINITIONS.

''In this part—

''(1) the term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—

''(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

''(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; and

''(2) the term 'preliminarily qualified offender with mental illness, mental retardation, or co-occurring mental and substance abuse disorders' means a person who—

''(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders; or

''(ii) manifests obvious signs of mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

''(B) is deemed eligible by designated judges.

''SEC. 2203. ADMINISTRATION.

''(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

''(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

''(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and

guidelines necessary to carry out this part which include, but are not limited to, the methodologies and outcome measures proposed for evaluating each applicant program.

''(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

''(1) include a long-term strategy and detailed implementation plan;

''(2) explain the applicant's inability to fund the program adequately without Federal assistance;

''(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

''(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

''(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program, including the State mental health authority;

''(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the mental health court program;

''(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

''(8) describe the methodology and outcome measures that will be used in evaluating the program; and

''(9) certify that participating first time offenders without a history of a mental illness will receive a mental health evaluation.

''SEC. 2204. APPLICATIONS.

''To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may reasonably require.

''SEC. 2205. FEDERAL SHARE.

''The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this part shall be limited to new expenses necessitated by the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.

''SEC. 2206. GEOGRAPHIC DISTRIBUTION.

''The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.

''SEC. 2207. REPORT.

''A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

''SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

''(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

''(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

''(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part U the following:

''PART V—MENTAL HEALTH COURTS

''Sec. 2201. Grant authority.
''Sec. 2202. Definitions.
''Sec. 2203. Administration.
''Sec. 2204. Applications.
''Sec. 2205. Federal share.
''Sec. 2206. Geographic distribution.
''Sec. 2207. Report.
''Sec. 2208. Technical assistance, training, and evaluation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:

''(20) There are authorized to be appropriated to carry out part V, $10,000,000 for each of fiscal years 2001 through 2004.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the Senate bill under consideration, S. 1865.

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

There was no objection.

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

A recent Bureau of Justice Statistics study estimates that there are over 283,000 mentally ill offenders incarcerated in Federal, State and local prisons and jails. In fact, according to that report, 7 percent of Federal offenders, 16 percent of State inmates, and 16 percent of those held in local jails are mentally ill. A similar percentage of persons on probation, approximately 547,000 people, also have a history of mental illness.

The Bureau of Justice Statistics also has a study that revealed that mentally ill offenders have a higher rate of prior physical and sexual abuse than other inmates. They have higher incidents of alcohol and drug abuse by parents and guardians while they were children. Mentally ill offenders were more likely than other offenders to have been unemployed and homeless prior to their arrest. And these offenders are more likely than other offenders to be involved in fights with other inmates and to be charged with breaking prison rules.

Over the last year, law enforcement and corrections officials, prosecutors, judges, and mental health officials have called and written to the Subcommittee on Crime to urge the subcommittee to address the problem of mentally ill offenders in the criminal justice system. In response, the Subcommittee on Crime held a hearing on this issue just last month. At that hearing representatives of all these groups urged Congress to develop a special program to address the needs of these offenders so that they will be incarcerated less often and so that they will be less likely to commit repeat crimes when they are released from custody.

The bill before the House today will help to do just that. This bill, introduced by Senator DEWINE, of my State of Ohio in the other body, is similar to a bill introduced in the House by the gentleman from Ohio (Mr. STRICKLAND). It authorizes the Attorney General to make grants to States, State courts, local courts, units of local government, and Indian tribal governments for up to 100 programs that involve specialized treatment for mentally ill offenders. These programs include continuing post-conviction judicial supervision of nonviolent and misdemeanor offenders, training for law enforcement and correction officials on how to appropriately handle mentally ill offenders in their custody, and centralized case management of cases involving mentally ill or mentally retarded defendants.

I believe this is a good bill. The testimony before the subcommittee from officials throughout the criminal justice system, from both Republicans and Democrats, was that by taking just a few minor steps, the government can have a great impact on the treatment of these offenders. Simply incarcerating the mentally ill is not going to address the underlying cause of their behavior, but if we deal with their illness, they are less likely to commit future crimes, and that is a result that benefits us all.

Mr. Speaker, I urge all my colleagues to support this bill.

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

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

Mr. Speaker, I rise in support of S. 1865. This bill will amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to States and localities and to Indian tribal governments to establish what is referred to as the mental health court programs. Such court programs would be similar to the successful drug courts and ASAP, the alcohol safety action programs, for substance abusers.

While I am in support of this bill as one of the neediest programs that are

available, because we did not have committee hearings and markups on the measure I am unable to have really the full confidence that I would like to have that it is drafted in such a way to best meet the needs of the public, the mental health, and the criminal justice systems. However, the Subcommittee on Crime did conduct a hearing on ''the impact of the mentally ill in the criminal justice system'' earlier this fall. The testimony at that hearing revealed, among other things, that our criminal justice system is serving as a primary caregiver for the mentally ill and that mental health courts have proven to be a useful tool for several communities that have such programs.

Additionally, this is a pilot program, not a nationwide initiative, so we will have the opportunity to see these programs and measure their effectiveness and have the opportunity to evaluate them in the context of other approaches to addressing mental health illnesses in the criminal justice system.

The program funded under the bill provides not only for a special court program but also for the continued judicial supervision of qualified offenders with mental illness, as well as grants for coordinated delivery of services. The coordinated services for which the grants would authorize funding include, among other things, specialized training for law enforcement and judicial personnel to identify and address the unique needs of mentally ill offenders, and the voluntary outpatient and inpatient treatment that carries with it the possibility of dismissal of charges or a reduced sentence upon successful completion of treatment and other activities. The bill authorizes $10 million each year for the fiscal years 2001 through 2004 to carry out the provisions of the legislation.

Since the 1960s, the State mental health hospitals have increasingly reduced their population of mentally ill individuals in response to a nationwide and appropriate call for deinstitutionalization. The movement toward deinstitutionalization has been based upon the fact that mentally ill individuals are constitutionally entitled to refuse treatment or at least have it provided in the least restrictive environment. Unfortunately, community mental health treatment centers have not been created at the rate necessary to meet the needs created by deinstitutionalization.

A recent study by the Department of Justice suggests that the criminal justice system has become, by default, the primary caregiver of the most seriously mentally ill. More specifically, the Department of Justice reported last July that at least 16 percent of the United States prison population is seriously mentally ill. The National Alliance for the Mentally Ill reports that on any given day, at least 284,000 seriously mentally ill individuals are incarcerated, while only 187,000 are in mental health facilities.

The bill before us would provide the grant money to help divert from the criminal justice system those who are mentally ill who would benefit more from treatment than by incarceration, and help law enforcement and correctional administrators provide appropriate services to offenders with mental illness. Since this is a pilot program, the information it develops can be used to develop a full-fledged program available to communities throughout the country. Such an approach is not only the right thing to do but it will ultimately reduce crime.

I want to particularly thank the delegation from Ohio, particularly the gentleman from Ohio (Mr. CHABOT), serving on the Committee on the Judiciary, and the other gentleman from Ohio (Mr. STRICKLAND) for their leadership on this bill. Accordingly, Mr. Speaker, I ask my colleagues to vote for the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. STRICKLAND), a leader on this bill who brought it to the committee's attention.

Mr. STRICKLAND. Mr. Speaker, I rise today in support of this bill which addresses the very serious problem of mentally ill people recycling through our criminal justice system.

As a psychologist, and perhaps the only Member of Congress who has ever worked in a maximum security prison, I have personally treated individuals who will live out the rest of their lives behind bars because they have committed crimes that they most likely would not have committed had they been able to receive adequate mental health treatment.

I have seen the ravaging effect that a prison environment has upon the mentally ill and the destabilizing effect that the mentally ill have upon the prison environment. Inmates, families, correctional officers, judges, prosecutors, and the police are in unique agreement that our broken system of punting the most seriously mentally ill to the criminal justice system must be fixed.

The jails have become America's new mental asylums. Our court systems, our prisons, and our jails are being clogged, literally clogged, with mentally ill individuals who should be taking part in mental health treatment. Law enforcement and correctional officers, who are charged with apprehending and incarcerating the most dangerous criminals in our society, cannot always do their jobs because they are forced to provide makeshift mental health services to hundreds of thousands of mentally ill individuals. Squad cars, jail cells, and courtrooms are being filled with the mentally ill taking up resources that should be directed toward catching real criminals.

Mental illness does not discriminate between Republicans or Democrats, rich or poor, black or white, man or woman, none of the dividing lines that so often create partisan politics. That is why I am especially gratified to be working on legislation with distinguished Members from both sides of the aisle and both sides of the Hill to create mechanisms that will bridge the gap between the mental health and the criminal justice systems, the gap through which so many of the mentally ill defendants currently fall.

I would like to thank especially Senators DEWINE, DOMENICI, KENNEDY and WELLSTONE, as well as the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from California (Mr. WAXMAN), the gentlewoman from California (Mrs. CAPPS), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentlewoman from Ohio (Ms. KAPTUR), and my friend and colleague, the gentleman from Ohio (Mr. CHABOT), for taking the lead on this legislation to provide criminal justice and mental health professionals the resources they need to work together to keep mentally ill defendants in treatment rather than in jail.

In conclusion, I would like to say that I am thankful that this Congress is willing to look closely at a problem from which many of us too often turn away. I believe that there is a welcome consensus among a broad spectrum of stakeholders and political ideologies that there are very practical steps that we can take to stop the criminal justice system from being this country's primary caregiver of the seriously mentally ill. The truth is that law enforcement and correctional officers are not and should not be psychiatrists, psychologists, social workers or nurses with guns.

Mr. Speaker, I support my colleagues' support of this legislation, with deep appreciation for all who have worked on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 1865, American's Law Enforcement and Mental Health Project. As a member of the House Judiciary Subcommittee on Crime I know that nearly 1.8 million individuals are incarcerated in our nation's jails and prisons; an increase of 125 percent since 1985.

It is long overdue that this body should address the issue of those who are mentally ill and in our nation's state and federal prison systems. At the end of 1999, 283,800 persons with mental illness were held in federal, state prisons and local jails—making these the largest facilities for people with mental illness in the United States; Jails and prisons have become by default psychiatric facilities. These make shift mental health wards go without the benefit of adequate medical staff, medication, or proper training of guards, who should be medical personal.

The Senate-passed bill authorizes $10 million in each of fiscal years 2001 through 2004 for technical assistance and grants to states, local governments and Indian tribal governments for the delivery of judicial services to mentally ill and mentally retarded offenders. Unfortunately, this bill limits the number of programs that could be funded under this act to 100. The program created by the bill would cover only cases involving mentally ill or mentally retarded persons who are charged with misdemeanors or nonviolent offenders.

Programs funded under the bill would provide specialized training of law enforcement and judicial personnel to identify and address the unique needs of mentally ill or mentally retarded offenders. The programs would also provide voluntary outpatient and inpatient mental health treatment—in the least restrictive manner appropriate—as determined by the court, with the possibility that the charges would be dismissed or reduced if the treatment is successfully completed. These programs would also provide centralized case management and continuing supervision for these individuals.

This is not the Dark Ages, but you could not tell that by looking at how our society treats mentally ill people. The United States is supposed to be the most advanced nation on Earth, but in many ways we are one of most undeveloped nations when considering our approach to mental health and the mentally ill.

Today's hearing is a step forward to highlight and address many of the things that are wrong with a system that the most vulnerable among us are locked up in jails and prisons without adequate health services—while our country enjoys the greatest economic boom in thirty years. Our nation's unemployment rate is at its lowest point in 30 years; core inflation has fallen to its lowest point in 34 years; and the poverty rate is at its lowest since 1979. The last seven years we have seen the Federal budget deficit of $290 billion give way to a $124 billion surplus.

The statistics on our Nation's incarcerated mentally ill is as depressing as the good news of our nation's economy is joyful. The facts are that men and women with mental illness spend on average, 15 months longer in state prisons and five times longer in jails. Research has supported many of the effective strategies that work for people with mental illness in the criminal justice system, yet the corresponding leadership and funding to replicate these strategies have not been provided. According to Ron Honberg, executive director for legal affairs for the National Alliance for the Mentally Ill (NAMI), health care programs, such as Medicaid, will not provide treatment services to those who are incarcerated. This means that any treatment an inmate receives must be subsidized by the penal facility. Dr. Honberg added that the criminal justice system is slow and complicated meaning that few prisoners who really need help will ever get it.

In June 1995, approximately 9.8 million people are booked into jails across the country annually. Seven percent of jail detainees have acute and serious mental illnesses upon booking. In addition, more than 50 percent have other mental health diagnoses, including dysthmia (8 percent, anxiety disorders (11 percent), and anti-social personality disorders (45 percent). The report ''Criminalizing the Seriously Mentally Ill: The Abuse of Jails as Mental Hospitals, Washington, DC,'' that was prepared by Public Citizen's Health Research Group in 1992 found that the four most common offenses committed by the mentally ill were: assault and/or battery, theft, disorderly conduct, and drug and alcohol-related crimes. In total, 63 percent of jail detainees have a mental illness or a substance disorder and 5 percent have both. These figures indicate that 320,000 jail inmates are affected by mental health or substance abuse problems on any given day, of whom 25,350 people have serious mental illnesses and co-occurring substance disorders.

This situation is costing states when families of the mentally ill sue when their loved ones do not receive proper medical attention. In May 1999, a Federal judge in the State of Texas approved a $1.18 million settlement award to eight mentally ill individuals who were previously confined at the Hidalgo County Jail in Edinburg. The inmates had filed a lawsuit in 1994 that claimed the jail violated their civil rights and failed to provide humane conditions and legal services. One of the plaintiffs, suffering from schizophrenia, had been arrested for hitting his father and confined in the facility where he remained for four years without a trial. Upon release, mental health officials determined his condition had deteriorated significantly due to his incarceration. As part of the settlement approved by U.S. District Judge Ricardo H. Hinojosa, Hidalgo County agreed to several provisions for improving jail mental health services, including immediate classification of mentally ill inmates; psychiatric evaluation and regular treatment of individuals suffering from mental illness; and separation of the mentally ill from general population inmates.

Approximately 13 percent of the prison population have both a serious mental illness and a co-occurring substance abuse disorder. Thus an estimated 642,500 inmates are affected by mental health or substance abuse problems on any given day—of which 132,000 have a serious mental illness and a co-occurring substance abuse disorder. The one-year prevalence rate of serious mental illnesses among prisoners was 5 percent with schizophrenia, 6 percent with bipolar disorder, and 9 percent with depression; which are treatable if discovered and addressed by mental health professionals.

EFFECTIVE STRATEGIES

People with serious mental illness require a comprehensive community-based treatment approach that ensures public safety and reduces recidivism in criminal justice institutions. We must work to help communities and families recognize the importance of identification of mental illness and remove the stigma of medical treatment. We must work to educate people especially in the African American and Hispanic Communities who are highly sensitized regarding the attitudes of the group and maintaining a sense of community in the face of mental illness. In many minority communities there is a sense that to admit mental illness is to acknowledge a spiritual flaw or character deficit.

Effective strategies that work for people with mental illness in the criminal justice system should consist of: Diversion programs that assist people with serious mental illness and substance abuse disorders avoid the criminal justice system, such as mental health courts; it has been recognized by mental health professionals for some time that many people who engage in taking illegal drugs are attempting to self medicate for a mental health disorder. It is sad to admit that in our society there is greater acceptance of addictions to alcohol and drugs than mental illness. Screening and assessing individuals with mental illness upon entry into the criminal justice system is vital to addressing the problems that many penal facilities face. It is human and just that this country have the compassion and common sense to openly offer medical assistance to those in need.

A commitment to treatment for individuals with mental health and substance abuse disorders would go a long way in addressing our pressing need to cut the level of demand for illegal drugs coming into our country.

Successful transition program that will implement appropriate support services (such as, housing arrangements, vocational and educational needs, mental health and addiction treatment), to ensure fewer problems for people reentering the community.

Further, we should provide training to law enforcement and criminal justice system personnel to identify persons with mental health and substance abuse disorders. Therefore, it is important that this Congress increased funding for jail diversion initiatives funded through the Substance Abuse and Mental Health Services Administration (SAMHSA) Jail Diversion Knowledge Dissemination Application (KDA) Initiative which is a partnership between the Center for Mental Health Services (CMHS) and the Center for Substance Abuse Treatment (CSAT).

In the State of Texas the Crisis Intervention Teams, or ''CIT'' is a professional diversion program started in Memphis, Tennessee 10 years ago, teaches a voluntary team of patrol officers a safe way to interact with the mentally ill in crisis. Police officers receive 40 hours of experiential training in mental health issues and communication/de-escalation techniques. For example, officers learn how to deal with individuals who might be suicidal, delusional, or are experiencing side effects from medication. Officers are also trained to ask pertinent questions to better recognize persons with a mental illness.

CIT is expanding across the state and across the nation. The Mental Health Association of Houston, Texas established the CIT initiative in 1997, with the Houston Police Department.

As a result of the Houston CIT initiative, 50 Houston police officers a month are trained in CIT. These officers comprise 25 percent of the patrol force, which comes to about 725 officers. The $300,000 Houston CIT initiative is funded through the federal Center for Mental Health, Knowledge Development and Application (KDA) Jail Diversion Initiative.

As a result of the program's dramatic success, all outlying Houston police departments, including all of the 48 incorporated towns, will begin implementing CIT. Starting in January 2000, the Houston MHA will be training 100 officers a month.

However, I believe that we must do more—earlier in the lives of potential offenders. That is why I introduced H.R. 3455, the Give a Kid a Chance Omnibus Mental Health Services Act of 1999. To amend the Public Health Service Act with respect to mental health services for children, adolescents and their families.

I would only ask that my colleagues join me in finding a way to assist our nation's mentally ill, by addressing the problems that have been documented regarding the treatment of the mentally ill in the judicial system.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the Senate bill, S. 1865.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SUDAN PEACE ACT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1453) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, as amended.

The Clerk read as follows:

S. 1453

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 ''Sudan Peace Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) With clear indications that the Government of Sudan intends to intensify its prosecution of the war against areas outside of its control, which has already cost nearly 2,000,000 lives and has displaced more than 4,000,000, a sustained and coordinated international effort to pressure combatants to end hostilities and to address the roots of the conflict offers the best opportunity for a comprehensive solution to the continuing war in Sudan.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and Congress finds that internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is increasingly utilizing and organizing militias, Popular Defense Forces, and other irregular troops for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(13) At a cost which can exceed $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the front-line sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war, including—

(A) the maintenance and multilateralization of sanctions against the Government of Sudan with explicit linkage of those sanctions to peace;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas;

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends; and

(F) the use of any and all possible unilateral and multilateral economic and diplomatic tools to compel Ethiopia and Eritrea to end their hostilities and again assume a constructive stance toward facilitating a comprehensive solution to the ongoing war in Sudan.

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT OF SUDAN.—The term ''Government of Sudan'' means the National Islamic Front government in Khartoum, Sudan.

(2) IGAD.—The term ''IGAD'' means the Inter-Governmental Authority on Development.

(3) OLS.—The term ''OLS'' means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as ''Operation Lifeline Sudan''.

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND NEW TACTICS BY THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice; and

(D) the Government of Sudan's increasing use and organization of ''murahalliin'' or ''mujahadeen'', Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.

(a) SENSE OF CONGRESS.—Congress hereby—

(1) declares its support for the efforts by executive branch officials of the United States and the President's Special Envoy for Sudan to lead in a reinvigoration of the IGAD-sponsored peace process;

(2) calls on IGAD member states, the European Union, the Organization of African Unity, Egypt, and other key states to support the peace process; and

(3) urges Kenya's leadership in the implementation of the process.

(b) UNITED STATES DIPLOMATIC SUPPORT.—The Secretary of State is authorized to utilize the personnel of the Department of State for the support of—

(1) the secretariat of IGAD;

(2) the ongoing negotiations between the Government of Sudan and opposition forces;

(3) any peace settlement planning to be carried out by the National Democratic Alliance and IGAD Partners' Forum (IPF); and

(4) other United States diplomatic efforts supporting a peace process in Sudan.

SEC. 6. INCREASED PRESSURE ON COMBATANTS.

It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) sponsor a resolution in the United Nations Security Council to investigate the practice of slavery in Sudan and provide recommendations on measures for its eventual elimination;

(2) sponsor a condemnation of the human rights practices of the Government of Sudan at the United Nations conference on human rights in Geneva in 2000;

(3) press for implementation of the recommendations of the United Nations Special Rapporteur for Sudan with respect to human rights monitors in areas of conflict in Sudan;

(4) press for UNICEF, International Committee of the Red Cross, or the International Federation of Red Cross and Red Crescent Societies, or other appropriate international organizations or agencies to maintain a registry of those individuals who have been abducted or are otherwise held in bondage or servitude in Sudan;

(5) sponsor a condemnation of the Government of Sudan each time it subjects civilian populations to aerial bombardment; and

(6) sponsor a resolution in the United Nations General Assembly condemning the human rights practices of the Government of Sudan.

SEC. 7. SUPPORTING SANCTIONS AGAINST SUDAN.

(a) SANCTIONS.—Until the President determines, and so certifies to Congress, that the Government of Sudan has—

(1) fully committed to and has made verifiable progress toward a comprehensive, peaceful solution to the war or has otherwise committed to and made verifiable progress in a good faith effort with both northern and southern opposition toward a comprehensive solution to the conflict based on the Declaration of Principles reached in Nairobi Kenya, on July 20, 1994,

(2) made substantial and verifiable progress in controlling the raiding and slaving activities of all regular and irregular forces, including Popular Defense Forces and other militias and murahalliin,

(3) instituted credible reforms with regard to providing basic human and civil rights to all Sudanese, and

(4) ceased aerial bombardment of civilian targets,

the following are prohibited, except to the extent provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this section:

(A) The facilitation by a United States person, including but not limited to brokering activities of the exportation or reexportation of goods, technology, or services from Sudan to any destination, or to Sudan from any location.

(B) The performance by any United States person of any contract, including a financing contract, or use of any other financial instrument, in support of an industrial, commercial, public utility, or governmental project in Sudan.

(C) Any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this section.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the sanctions in subsection (a), and in the President's Executive Order of November 4, 1997, should be applied to include the sale of stocks in the United States or to any United States person, wherever located, or any other form of financial instruments or derivatives, in support of a commercial, industrial, public utility, or government project or transaction in or with Sudan.

(c) NATIONAL SECURITY WAIVER.—The President may waive the application of any of the sanctions described in subsection (a) if he determines and certifies to Congress that it is important to the national security of the United States to do so.

(d) REPORT.—Beginning 3 months after the date of enactment of this Act, and every 3 months thereafter, the President shall submit a report to Congress on—

(1) the specific sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines;

(2) the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) such financing's relation to the sanctions described in subsection (a) and the Executive Order of November 4, 1997;

(4) the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage;

(5) the number, duration, and locations of air strips or other humanitarian relief facilities to which access is denied by any party to the conflict; and

(6) the status of the IGAD-sponsored peace process or any other ongoing efforts to end the conflict, including the specific and verifiable steps taken by parties to the conflict, the members of the IGAD Partners Forum, and the members of IGAD toward a comprehensive solution to the war.

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall prohibit—

(1) transactions for the conduct of the official business of the Federal Government or the United Nations by employees thereof;

(2) transactions in Sudan for journalistic activity by persons regularly employed in such capacity by a news-gathering organization; or

(3) legitimate humanitarian operations.

(f) DEFINITIONS.—In this section—

(1) the term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization;

(2) the term ''Government of Sudan'' includes the Government of Sudan, its agencies, instrumentalities and controlled entities, and the Central Bank of Sudan;

(3) the term ''person'' means an individual or entity; and

(4) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).

It is the sense of Congress that the President should organize and maintain a formal consultative process with the European Union, its member states, the members of the United Nations Security Council, and other relevant parties on coordinating an effort within the United Nations to revise the terms of OLS to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights.

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) FINDING.—Congress recognizes the progress made by officials of the executive branch of Government toward greater utilization of non-OLS agencies for more effective distribution of United States relief contributions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit a detailed report to Congress describing the progress made toward carrying out subsection (b).

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a detailed and implementable contingency plan to provide, outside United Nations auspices, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) ELEMENT OF PLAN.—The plan developed under subsection (a) shall include coordination of other donors in addition to the United States Government and private institutions.

(c) REPORT.—Not later than 2 months after the date of enactment of this Act, the President shall submit a classified report to Congress on the costs and startup time such a plan would require.

(d) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION ASSISTANCE FOR REHABILITATION (STAR) PROGRAM.

(a) SENSE OF CONGRESS.—Congress hereby expresses its support for the President's ongoing efforts to diversify and increase effectiveness of United States assistance to populations in areas of Sudan outside of the control of the Government of Sudan, especially the long-term focus shown in the Sudan Transition Assistance for Rehabilitation (STAR) program with its emphasis on promoting future democratic governance, rule of law, building indigenous institutional capacity, promoting and enhancing self-reliance, and actively supporting people-to-people reconciliation efforts.

(b) ALLOCATION OF FUNDS.—Of the amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq:, relating to development assistance) for the period beginning on October 1, 2000, and ending on September 30, 2003, $16,000,000 shall be available for development of a viable civil authority, and civil and commercial institutions, in Sudan, including the provision of technical assistance, and for people-to-people reconciliation efforts.

(c) ADDITIONAL AUTHORITIES.—Notwithstanding any other provision of law, the President is granted authority to undertake any appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implementation of any programs in support of any viable peace agreement at the local, regional, or national level.

(d) IMPLEMENTATION.—It is the sense of Congress that the President should immediately and to the fullest extent possible utilize the Office of Transition Initiatives at the Agency for International Development in an effort to pursue the type of programs described in subsection (c).

(e) SENSE OF CONGRESS.—It is the sense of Congress that enhancing and supporting education and the development of rule of law are critical elements in the long-term success of United States efforts to promote a viable economic, political, social, and legal basis for development in Sudan. Congress recognizes that the gap of 13–16 years without secondary educational opportunities in southern Sudan is an especially important problem to address with respect to rebuilding and sustaining leaders and educators for the next generation of Sudanese. Congress recognizes the unusually important role the secondary school in Rumbek has played in producing the current generation of leaders in southern Sudan, and that priority should be given in current and future development or transition programs undertaken by the United States Government to rebuilding and supporting the Rumbek Secondary School.

(f) PROGRAMS IN AREAS OUTSIDE GOVERNMENT CONTROL.—Congress also intends that such programs include cooperation and work with indigenous groups in areas outside of government control in all of Sudan, to include northern, southern, and eastern regions of Sudan.

SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUNTAINS AND OTHER AREAS SUBJECT TO BANS ON AIR TRANSPORT RELIEF FLIGHTS.

(a) FINDING.—Congress recognizes that civilians in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan are not receiving assistance through OLS due to restrictions by the Government of Sudan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) conduct a comprehensive assessment of the humanitarian needs in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan;

(2) respond appropriately to those needs based on such assessment; and

(3) report to Congress on an annual basis on efforts made under paragraph (2).

SEC. 13. OPTIONS OR PLANS FOR NONLETHAL ASSISTANCE FOR NATIONAL DEMOCRATIC ALLIANCE PARTICIPANTS.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, detailing possible options or plans of the United States Government for the provision of nonlethal assistance to participants of the National Democratic Alliance.

(b) CONSULTATIONS.—Not later than 30 days after submission of the report required by subsection (a), the President should begin formal consultations with the appropriate congressional committees regarding the findings of the report.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

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

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on this measure, S. 1453.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, this measure, sponsored by Senator FRIST, passed the Senate Committee on Foreign Relations in November of last year. Sudan has been independent for some 44 years. For 34 of those years, it has been engaged in civil war. Entire generations of Sudanese, in both north and south, have grown up with war as a regular part of their lives.

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Several national governments, military and civilian, have come and gone. Some, like the current regime, have been militant Islamists. Others have been moderate, the historical norm for Islam in Sudan. All, however, attempted, without much success, to subdue the rebellious south with military force.

The cost in human life has been enormous, approximately 2 million southern Sudanese dead in the past 17 years. There is no way to estimate the death toll of the first 17 years of that war, from 1956 to 1973.

Sudan has been implicated in an American death toll, as well. In August 1998, two of our U.S. embassy buildings in Africa were attacked by terrorists with Sudanese support. The World Trade Center in New York was attacked in February 1993 with Sudanese support.

Sudan is a Pandora's box of maladies: humanitarian suffering, civil war, human rights violations, religious persecution, modern-day slavery, and international terrorism. Most of it goes along largely unnoticed by the rest of the world.

This measure attempts to focus the attention of our Nation on this tragedy and report to the Congress on a regular basis. Three decades of war is much too long. It is time to end this war and end the suffering that it has caused.

I urge my colleagues to support this measure.

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

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

Mr. Speaker, first I want to commend my distinguished colleague, the gentleman New York (Mr. GILMAN), and all the sponsors of this resolution both in the House and in the Senate.

During the last 17 years, the civil war in the Sudan has resulted in 2 million people being killed or starving to death. It is long overdue that this incredibly bloody and brutal conflict come to an end.

Our legislation condemns the most heinous atrocities perpetrated by the government of Sudan and its allied rebel groups. We specifically condemn the use of raiding and making slaves of vast numbers of innocent men, women, and children.

The government of Sudan obviously will have to be pressured by the international community to negotiate a peace agreement with opposing groups. Unfortunately, Sudan continues to receive huge oil revenues, given the current high prices of oil; and they may not be willing to negotiate peace unless international pressure is brought to bear on them.

If Sudan would like to see an end to its international isolation, the time is long overdue, Mr. Speaker, to stop killing innocent civilians and to get about the serious business of making peace.

I urge all of my colleagues to support this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of S. 1453, the Sudan Peace Act. At the outset, I would like to commend the principal Senate sponsor, Senator FRIST, as well as our colleague J.C. WATTS who introduced the companion measure, H.R. 2906.

The Government of Sudan's genocidal religious war against the non-Muslim peoples of southern Sudan have turned the south into—in the words of one Sudanese priest—''the hell of the earth.'' Enslavement, calculated starvation, forced conversion, and the aerial bombardment of civilian targets such as schools, churches, and hospitals, are still methods of terror favored by the National Islamic Front government. Unfortunately, Khartoum has also begun generating the revenue it needs to extend its self-described jihad by developing Sudanese oil resources.

S. 1453 is an important first step toward addressing the crisis in that war-torn region. Among other things, the bill:

Condemns slavery and the other human rights violations perpetrated by the Khartoum regime;

Expresses support for the ongoing peace process in that region;

Expresses the sense of the Congress relating to the improvement of relief services in the south of Sudan;

Authorizes an additional $16 million for rehabilitation assistance to areas of Sudan not controlled by the government in the north; and

Requires the President to report to Congress on several aspects of the conflict, as well as on options available to the United States for providing non-lethal assistance to members of the National Democratic Alliance.

These are all good things. But the horrors of Sudan—which have already claimed more than 2 million lives—demand more than expressions of concern and new reporting requirements. They require concrete action.

For this reason, I offered an amendment at Subcommittee markup that reinstated certain sanctions language that was present in both the House- and Senate-introduced versions of the bill. Unless the President can certify that Khartoum has made significant progress toward peace and respect for human rights, the language prohibits U.S. corporations and individuals from brokering goods, technology, or services to or from Sudan. It also prohibits U.S. corporations and individuals from performing contracts or using financial instruments in support of the Government of Sudan's industrial or commercial projects. It expresses the sense of Congress that these provisions should apply to the sale of stocks and other financial instruments in the United States or to U.S. persons. In sum, these provisions are meant to keep the Khartoum regime from using U.S. capital markets to underwrite its genocide.

We have already expressed the sense of the House this Congress, when we voted 416 to 1 to condemn the Khartoum regime's genocide against the south. it's time to act on those convictions and pass S. 1453.

Mr. TANCREDO. Mr. Speaker, I rise today in strong support of S. 1453, the Sudan Peace Act. Since coming to Congress, I have devoted a substantial amount of time with my colleagues in the House International Relations Subcommittee on Africa to finding solutions to the horrible current situation in Sudan. Over the last 2 years we have held hearings and passed House Concurrent Resolution 75 condemning the government of Sudan which has continued to harass, bomb, murder and enslave the mainly Christian population in the south. But now is the time for real action.

The Sudan Peace Act addresses the humanitarian concerns that are devastating this nation and also calls for the administration to take a more active role in addressing the peace process and condemning the actions of the government of Sudan. The bill will hopefully make the situation in Sudan more marketable for this administration.

The bill condemns the human rights violations and overall human rights record of the government of Sudan. It condemns the ongoing slave trade and the role of the government in organizing raiding and slaving parties on the people of the South.

The current ban of Operation Lifeline Sudan, imposed by the government of Sudan, and humanitarian relief has resulted in the deaths of thousands of Sudanese and medical epidemics of astounding proportions. The population of the largest displaced camps doubled and, overall, the number of those who have fled just the Blue Nile region increased from 63,000 in May to near 80,000 by the end of June. This adds to the almost 2 million that have already died in the war-torn country.

On November 19, 1999 the Senate passed the bill—whose centerpiece is a provision calling for the President to take actions through our U.N. envoy to pressure the government of Sudan and develop a comprehensive solution to the problems in Sudan. The House version of this bill introduced last September and passed by the International Relations Committee this month was the same as the Senate version but included a substantial difference. We felt very strongly that without language levying sanctions against Sudan, we would continue down the path we have pursued for the last couple of years, namely passing resolutions and holding hearings but having no change in the government of Sudan's policies. We now have a bill that has real teeth and has a chance to send a message to the government of Sudan. It is time for the leaders of Sudan to get the message and stop persecuting Christians and other minorities in the South.

If you think the situation in Sudan will fade away or somehow correct itself, you are sadly mistaken. In fact, a recent U.N. report accused the Sudanese Government of using an airfield built with Chinese assistance to bomb schools and hospitals in the South. In addition, we have recently learned that Sudan has acquired 34 new jet fighters from China, doubling the size of the country's air force. We can no longer turn our head when it comes to the situation in Sudan. I would encourage this Congress and this administration to act now before the government of Sudan continues to evolve and before the Chinese increase their foothold in Sudan. The longer we wait without substantive changes to our policy in Sudan, the more innocent people will get killed and the more the government of Sudan will court friends to help them in their evil bidding.

I would encourage my colleagues to accept the House version of S. 1453 the Sudan Peace Act, and pass it here today. The time has come for this Congress and this administration to act on Sudan.

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

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 1453, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

CONDEMNING ASSASSINATION OF FATHER JOHN KAISER AND OTHERS IN KENYA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 410) condemning the assassination of Father John Kaiser and others who worked to promote human rights and justice in the Republic of Kenya.

The Clerk read as follows:

H. CON. RES. 410

Whereas Father John Kaiser, a Catholic of the Order of the Mill Hill Missionaries and a native of Minnesota who served as a missionary in the Kisii and Ngong Dioceses in the Republic of Kenya for 36 years advocating the rights of all Kenyans, was shot dead on August 23, 2000;

Whereas Father Kaiser was a frequently outspoken advocate on issues of human rights and against the injustice of government corruption in Kenya;

Whereas fellow priests have stated that Father Kaiser had told them the night before he was killed that he feared for his life;

Whereas the brutal murders of Father Stallone, Father Graiff, and Father Luigi Andeni, all of the Marsabit Diocese, and the circumstances of the murder of Brother Larry Timons of the Nakuru Diocese, and that of Father Martin Boyle of the Eldoret Diocese have not yet been satisfactorily investigated nor have the perpetrators of the murders been brought to justice, raising growing concern over the rule of law and the justice system in Kenya;

Whereas Father Kaiser's death is one more example of the hostile actions being directed against Kenyan civil society and in particular human rights groups and advocates;

Whereas the report of a Kenyan governmental commission, known as the Akiwumi Commission, on the investigation into the politically motivated ethnic violence between 1992–1997 in Kenya's Great Rift Valley, has not yet been released, in spite of several requests by numerous church leaders and human rights organizations to have the Commission's findings released to the public;

Whereas documents were found on Father Kaiser's body that he had intended to hand over to the Akiwumi Commission;

Whereas the Kenyan Human Rights Commission has expressed the fear that the progress in the struggle for democracy, the rule of law, respect for human rights, and the basic needs of all Kenyans achieved during the last few years is jeopardized by the current Kenyan Government;

Whereas the Kenyan Human Rights Commission has expressed concern over the continued blatant violations of the rule of law and the constitution, acts of torture, and murder and rape by the Kenyan security forces;

Whereas private armies that work with the police are known to exist in Kenya and the Government of Kenya encourages informal repression as a means of intimidating and denying citizens their rights; and

Whereas the human rights movement in Kenya is in need of international support and solidarity for the important work they are doing: Now, therefore, be it

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

(1) condemns the violent deaths of Father John Kaiser and others who worked to promote human rights and justice in the Republic of Kenya and expresses its outrage with respect to such deaths;

(2) calls for an independent investigation of such deaths, in addition to the initiatives of the Government of Kenya;

(3) calls on the Secretary of State, acting through the Assistant Secretary for Democracy, Human Rights, And Labor, to prepare and submit to the Congress, not later than December 15, 2000, a report on the progress of the independent investigation and initiatives of the Government of Kenya described in paragraph (2);

(4) calls for the findings of such independent investigation to be made public; and

(5) calls on the President to support such independent investigation through all diplomatic means.

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

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 410.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise in support of this resolution. An outspoken and passionate defender of the poor, the weak and the oppressed, Father John Kaiser was shot and killed just 1 month ago. His killer still remains at large.

Although Father Kaiser knew that he was in danger, his courage and compassion never left him. He is one of a distressingly long line of clergy who have been murdered in Africa.

Eight years ago, five American nuns from Illinois were killed by Charles Taylor's NPFL soldiers in Liberia. We are still waiting for their killers to be brought to justice. We must not let 8 years slip by with no resolution of Father Kaiser's case. We owe it to him and to the voiceless on whose behalf he spoke with such energy, devotion, and commitment. We also owe it to the future of democracy and the rule of law in Kenya.

As the theologian, Reinhold Niebuhr, wrote, ''Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary.''

Accordingly, I urge my colleagues to fully support this measure.

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

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

Mr. Speaker, I speak with great feeling on this legislation because I introduced this legislation; and obviously, I rise in strong support of the measure.

This measure condemns the assassination of Father John Kaiser and others who fought for human rights and justice in Kenya.

Father Kaiser worked as a missionary in Kenya for over 30 years, was highly respected by all Kenyans whose lives he touched. He was an outspoken champion of human rights and justice in Kenya. But the government arrested him, placed him under house arrest, and eventually contributed to his assassination.

Prior to his death, Mr. Speaker, Father Kaiser confided in family and friends that he feared for his life. On August 23, 2000, just a few months ago, his body was found shot to death on a road not far from his home. Kenyan police immediately ruled out suicide, but there are few clues regarding his mysterious death.

I strongly applaud our Federal Bureau of Investigation for becoming involved in the effort to solve the crime, which took away one of the finest Americans ever to serve in Africa.

I strongly urge all of my colleagues to support H. Con. Res. 410 in memory of Father Kaiser.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 410.

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

A motion to reconsider was laid on the table.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 146) condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 146

Whereas Father John Kaiser, a Catholic of the Order of the Mill Hill Missionaries and a native of Minnesota, who for 36 years served as a missionary in the Kisii and Ngong Dioceses in the Republic of Kenya and advocated the rights of all Kenyans, was shot dead on Wednesday, August 23, 2000;

Whereas Father Kaiser was a frequently outspoken advocate on issues of human rights and against the injustice of government corruption in Kenya;

Whereas fellow priests report that Father Kaiser spoke to them of his fear for his life on the night before his assassination;

Whereas the murders of Father Stallone, Father Graife, and Father Luigi Andeni, all of Marsabit Diocese in Kenya, the circumstances of the murder of Brother Larry Timors of Nakaru Diocese in Kenya, the murder of Father Martin Boyle of Eldoret Diocese, and the murders of other local human rights advocates in Kenya have not yet been fully explained, nor have the perpetrators of these murders been brought to justice;

Whereas the report of a Kenyan governmental commission, known as the Akiwumi Commission, on the government's investigation into tribal violence between 1992 and 1997 in Kenya's Great Rift Valley has not yet been released in spite of several requests by numerous church leaders and human rights organizations to have the Commission's findings released to the public;

Whereas, after Father Kaiser's assassination, documents were found on his body that he had intended to present to the Akiwumi Commission;

Whereas the nongovernmental Kenyan Human Rights Commission has expressed fear that the progress achieved in Kenya during the last few years in the struggle for democracy, the rule of law, respect for human rights, and meeting the basic needs of all Kenyans is jeopardized by the current Kenyan government; and

Whereas the 1999 Country Report on Human Rights released by the Bureau of Democracy, Human Rights, and Labor of the Department of State reports that the Kenyan Government's ''overall human rights record was generally poor, and serious problems remained in many areas; while there were some signs of improvement in a few areas, the situation worsened in others.'': Now, therefore, be it

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

(1) condemns the violent deaths of Father John Kaiser and others who have worked to promote human rights and justice in the Republic of Kenya and expresses its outrage at those deaths;

(2) calls for a thorough investigation of those deaths that includes other persons in addition to the Kenyan authorities;

(3) calls on the Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor, to prepare and submit to Congress, by December 15, 2000, a report on the progress made on investigating these killings, including, particularly, a discussion of the actions taken by the Kenyan government to conduct an investigation as described in paragraph (2);

(4) calls on the President to support investigation of these killings through all diplomatic means; and

(5) calls for the final report of such an investigation to be made public.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar concurrent resolution (H. Con. Res. 410) was laid on the table.

RELATING TO REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 414) relating to the reestablishment of representative government in Afghanistan, as amended.

The Clerk read as follows:

H. CON. RES. 414

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 House of Representatives (the Senate concurring), That the United States—

(1) supports democratic efforts that respect the human and political rights of all ethnic and religious groups in Afghanistan, including the effort to establish a ''Loya Jirgah'' process that would lead to the people of Afghanistan determining their own destiny through a democratic process and 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 a Loya Jirgah—

(A) to reestablish a representative government in Afghanistan that respects the rights of all ethnic groups, including the right 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, illicit drug production, and human rights abuses in Afghanistan.

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

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 414.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from California (Mr. CAMPBELL) for crafting this important initiative. I wish to commend the gentleman from California (Mr. ROHRABACHER) for his expertise regarding Afghanistan and the Loya Jirgah process.

I strongly endorse H. Con. Res. 414, legislation that expresses the sense of Congress that the United States supports the former Afghan king, Mohammed Zahir Shah's, initiative to convene an emergency Loya Jirgah, a Grand Assembly, to establish a democratic government in Afghanistan.

During the times of Afghan national crises, it is traditional to hold a Grand Assembly to democratically consider means and methods to tackle significant problems. The power behind the Loya Jirgah is its assurance that all groups within Afghanistan will be equally represented in a historic effort to resolve the crisis at hand.

As the Taliban has extended its sway over Afghanistan, it has grown increasingly extremist and anti-Western, with its leaders proclaiming that virtually every aspect of Western culture violates their version of Islam.

In addition to restrictions against women, such as barring them from holding jobs or traveling unaccompanied by a male relative, ancient and cruel forms of punishment, such as stoning, have been revived.

The Taliban also continues to give refuge to Osama bin Laden, the Saudi terrorist who plots against American citizens and who may have been responsible for the bombing of the destroyer U.S.S. *Cole.*

Disturbingly, Taliban leaders, who have made narcotics the economic base of their regime, view the drug trade itself as a potential weapon. Viewing the West and the many pro-Western countries in the Muslim world as corrupt, the Taliban have no compunction against trafficking in narcotics.

The United States should firmly support this Grand Assembly process so that Afghanistan can begin again to play a constructive role in the world and so that the Afghan people can live in peace.

Accordingly, I fully urge our colleagues to support H. Con. Res. 414.

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

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

Mr. Speaker, I first want to commend my colleagues, the gentleman from California (Mr. CAMPBELL) and the gentleman from California (Mr. ROHRABACHER), for taking the lead on this most important issue.

Afghanistan has existed as an independent and sovereign nation from the middle of the 18th century. But in recent times, under the rule of the Taliban, it has sunk to unprecedented levels of depth in all aspects of everyday living.

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Afghanistan today is the country on the face of this planet where the rights of women are least observed and most abused. Afghanistan has given haven to some of the worst terrorist groups on the face of this planet. The former king of Afghanistan, who ruled his country peacefully for 40 years, is now asking for a grand assembly, which is the traditional method in Afghanistan for settling policy issues. I strongly support this call, although the chances of its success are certainly not assured, but clearly the goal of this grand assembly would be to restore to the Afghan people their fundamental human rights; to reestablish representative government in that country; to rebuild civil institutions; to bring stability; and most importantly, to end the terrorist activities and the appalling human rights abuses which prevail in Afghanistan today.

I call on all of my colleagues to join us in approving this resolution.

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

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS) for his strong support of this measure. I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of our Committee on International Relations and chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I begin by thanking the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, as a cosponsor of H. Con. Res. 414, this Member is pleased to rise in strong support of this measure and to commend the distinguished gentleman from California (Mr. CAMPBELL) for introducing the resolution.

The Committee on International Relations considered this resolution on October 3, 2000, and this Member wishes to express appreciation to the distinguished gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for expeditiously moving this measure to the floor and thank the minority for their cooperation.

Unfortunately, the situation in Afghanistan largely has disappeared from the U.S. Government's collective radar screen in recent years. This is despite the fact that Afghanistan has become a haven for terrorist activity, including Osama bin Laden; that it seems to have become a major drug producing country; and that the Taliban are extraordinarily intolerant toward women, minorities, and non-Muslims.

It is also important to understand that Afghanistan has been the scene of a lengthy and devastating civil war, one which has resulted in millions of casualties. In the past few days, a renewed Taliban offensive resulted in an estimated 135,000 Afghans fleeing north into Tajikistan in the aftermath of a battle where the Taliban was victorious. Moreover, the violence in Afghanistan is spilling over into its neighboring countries. Uzbekistan, Tajikistan, Kyrgyzstan, and others are fighting armed Islamic militants who have become trained over the years in Afghanistan. To the south, individuals seeking to turn Pakistan into a militant Islamic state, a nuclear-armed one at that, are on the rise. In addition, there are stories of Afghan fighters traveling as far as Chechnya to battle anyone who disagrees with their extreme social and religious views.

There are courageous individuals who are trying to help Afghanistan find a way out of this circle of violence. A number of Afghans from around the world have looked to Afghanistan's history and are seeking to convene a grand council, or Loya Jirgah. This is a forum where leaders from around Afghanistan would be allowed to air their views and to resolve their differences. It is not clear whether this effort would succeed. Clearly, the Taliban opposes the convening of a grand council; but it certainly is a long-shot effort worth trying in order to end this violence that has plagued Afghanistan for decades.

Mr. Speaker, this Member urges this body to approve H. Con. Res. 414.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER), the sponsor of this resolution, who has a very special expertise in matters of Afghanistan.

Mr. ROHRABACHER. Mr. Speaker, the Taliban represent one of the great threats to stability and peace and civility on this planet. They, in fact, represent an aspect of Islam that if accepted and if influencing other areas of the world will have a tremendously, tremendously negative impact on the peace of the world but also the well-being of women who are in these Muslim countries who would then become chattel and treated like slaves, which is what happens under the Taliban's rule.

The Taliban is anti-Western beyond belief. They treat their own people like tyrants, and vicious tyrants at that. They are engaged in terrorism against the West. They are involved up to their eyeballs in the drug trade. One-third of all of the world's heroin is grown in Taliban-controlled territory in Afghanistan. These people are evil, and they

pose a threat to the Western world; but also they pose a threat to those positive elements among the Muslim world that would seek to be part of the world community and are responsible in their behavior and believe in the Western-style democracy or at least Western-style freedom for their people.

Unfortunately, over the years, as I have worked with the pro-Western elements within Afghanistan, I have been undermined over and again by our own State Department. This administration, and I really am sorry that I have to say this on the floor, this administration I honestly believe has had a policy, a covert policy, of supporting the Taliban, believing that the Taliban will at least create stability in Afghanistan. This is like the stability that Adolf Hitler brought to Europe, or the stability that prison guards bring to a prison. Yet we know that the Taliban's repression, their involvement with drugs and terrorism, is almost unconscionable.

Now, why do I say this administration has failed on this point? Because the administration has time and again undermined efforts on this Congressman's part to support those people who are opposing the Taliban in Afghanistan. My efforts and the efforts of other moderate Muslims have been undermined over and over again. In fact, this administration disarmed the opposition, was part and parcel of disarming the opposition to the Taliban, who then moved forward and wiped out their opposition in northern Afghanistan. It is a horrendous, horrendous legacy that we have to deal with now that this administration's policies have led to bolstering this horrible regime.

I would ask that this resolution be supported because it does offer another alternative. There is a king of Afghanistan who is pro-Western and a very reasonable person and tried to lead his country, where women had their rights respected under the former king. He was overthrown at a time just before the Soviet Union invaded Afghanistan. We need to work with that former king to bring about a democratic government. The people are not fanatics in Afghanistan. They are devoted Muslims, but they are not fanatics like the Taliban. They are dedicated people who love their families; yet they have been abandoned after their fight with the Soviet Union; they have been abandoned to forces like the Taliban.

Let me just say that the Taliban, by and large, and I know this very well because I, probably the only Member of this body now, was in Afghanistan during the war, fighting the Russians with the Mujadin, and I was there in 1988 with the Mujadin and I know the commanders. The Taliban are not the Mujadin who fought the Russians. Unfortunately, once the Mujadin had defeated the Russians, the United States walked away and we did not support the type of elements that would have created a more positive country in Afghanistan, and other anti-Western Muslim countries moved in to get control of the drug trade and to create this monstrous regime.

We need to reassert ourselves and to become a positive force for the people of Afghanistan so they can determine their own destiny through elections, and this Loya Jirgah would be the first step in doing that. That is part of their culture.

I would like to commend the gentleman from New York (Chairman GILMAN), who over the years of me trying to find peace and getting rid of this horrible Taliban regime, he has been so active and supportive of my efforts, and over and over again he joined with me in calling for the State Department to provide me the documents to find out if indeed our State Department had this horrible policy of supporting the Taliban, and the State Department has not provided us the documents that we need to determine whether or not these charges are false or not.

What does that say if the State Department is unwilling to provide those documents? So I would like to commend the gentleman from New York (Chairman GILMAN). He has done so much for the cause of peace and justice in this part of the world and to create a more stable world, especially concerning the Taliban.

I would ask for my colleagues to support H. Con. Res. 414.

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

Mr. Speaker, I want to thank the gentleman from California (Mr. ROHRABACHER) for his strong support of this measure and for his kind words. I thank the gentleman from Indiana (Mr. BEREUTER) and the gentleman from California (Mr. ROHRABACHER) for coming to the floor in support of this measure.

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

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 414, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

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

CONCERNING VIOLENCE IN MIDDLE EAST

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 426) concerning the violence in the Middle East.

The Clerk read as follows:

H. CON. RES. 426

Whereas the Arab-Israeli conflict must be resolved by peaceful negotiation;

Whereas since 1993 Israel and the Palestinians have been engaged in intensive negotiations over the future of the West Bank and Gaza;

Whereas the United States, through its consistent support of Israel and the cause of peace, made the current peace process possible;

Whereas the underlying basis of those negotiations was recognition of the Palestine Liberation Organization (PLO) by Israel in exchange for the renunciation of violence by the PLO and its Chairman Yasser Arafat, first expressed in a letter to then-Israeli Prime Minister Yitzhak Rabin dated September 9, 1993, in which Mr. Arafat stated: ''[T]he PLO renounces the use of terrorism and other acts of violence, and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators.'';

Whereas as a result of those negotiations, the Palestinians now fully control over 40 percent of the West Bank and Gaza, with over 95 percent of the Palestinian population under the civil administration of the Palestinian Authority;

Whereas as a result of peace negotiations, Israel turned over control of these areas to the Palestinian Authority with the clear understanding and expectation that the Palestinians would maintain order and security there;

Whereas the Palestinian Authority, with the assistance of Israel and the international community, created a strong police force, almost twice the number allowed under the Oslo Accords, specifically to maintain public order;

Whereas the Government of Israel made clear to the world its commitment to peace at Camp David, where it expressed its readiness to take wide-ranging and painful steps in order to bring an end to the conflict, but these proposals were rejected by Chairman Arafat;

Whereas perceived provocations must only be addressed at the negotiating table;

Whereas it is only through negotiations, and not through violence, that the Palestinians can hope to achieve their political aspirations;

Whereas even in the face of the desecration of Joseph's Tomb, a Jewish holy site in the West Bank, the Government of Israel has made it clear that it will withdraw forces from Palestinian areas if the Palestinian Authority maintains order in those areas; and

Whereas the Palestinian leadership not only did too little for far too long to control the violence, but in fact encouraged it: Now, therefore, be it

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

(1) expresses its solidarity with the state and people of Israel at this time of crisis;

(2) condemns the Palestinian leadership for encouraging the violence and doing so little for so long to stop it, resulting in the senseless loss of life;

(3) calls upon the Palestinian leadership to refrain from any exhortations to public incitement, urges the Palestinian leadership to vigorously use its security forces to act immediately to stop all violence, to show respect for all holy sites, and to settle all grievances through negotiations;

(4) commends successive Administrations on their continuing efforts to achieve peace in the Middle East;

(5) urges the current Administration to use its veto power at the United Nations Security Council to ensure that the Security

Council does not again adopt unbalanced resolutions addressing the uncontrolled violence in the areas controlled by the Palestinian Authority; and

(6) calls on all parties involved in the Middle East conflict to make all possible efforts to reinvigorate the peace process in order to prevent further senseless loss of life by all sides.

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

PARLIAMENTARY INQUIRY

Mr. RAHALL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) will state his parliamentary inquiry.

Mr. RAHALL. Mr. Speaker, would not somebody in opposition have time allotted to them in opposition to the resolution?

The SPEAKER pro tempore. Is the gentleman from California (Mr. LANTOS) opposed to the resolution?

Mr. LANTOS. No, Mr. Speaker. I favor the resolution.

The SPEAKER pro tempore. Does the gentleman from West Virginia (Mr. RAHALL) oppose the resolution?

Mr. RAHALL. Mr. Speaker, yes, I do, in its current form.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) will control the time in opposition.

Mr. RAHALL. How much time, Mr. Speaker?

The SPEAKER pro tempore. Twenty minutes.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 426.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 426. The past several weeks have seen the situation in the Middle East spiral almost out of control. The underlying cause is that PLO Chairman Yassir Arafat is attempting to dictate Israeli concessions at the negotiating table through the unbridled use of violence; but this Congress, together with our friends in Israel and elsewhere, must join in saying no to that sort of violence.

As Israeli Prime Minister Ehud Barak said today, at the moment the Palestinian Authority and Arafat have chosen the path of conflict. With violence they will not gain a thing. We will know how to operate and stand united against violence to win, closed quote.

The current massive and fundamental violations of the Oslo Accords is apparently intentional, as underscored when the leaders of the Palestinian Tanzim paramilitary forces in the West Bank said last week that his organization would escalate the confrontations with Israel and not try to calm the situation. Marwan Barghuti said, and I quote, ''This blessed Intifada is looking ahead and the mass activity is moving forward,'' closed quote.

Mr. Speaker, it has been especially troubling to see the reaction to these troubles in the Arab world and the broader international community. An Arab summit fixed all the blame for the current violence on Israel.

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It called for rollbacks and freezes in Arab relationships with Israel and made no reference to any of the concessions that Israel has made in the peace process. It implicitly endorses the use of force by the Palestinians.

In the United Nations, things are little better. Countries whose leaders should know better, such as France and Spain, which have faced violence in their own streets, ganged up against Israel in endorsing an awful, one-sided resolution.

I was gratified that Israel, the administration and its friends, including Members of Congress phoning ambassadors, succeeded in persuading 46 member states to abstain, even though only four joined the United States and Israel in voting ''no.''

I want to commend those nations which could see their way to either abstaining or voting ''no.'' I am submitting a list of those nations voting on all sides of the issue for printing in the RECORD at the close of my remarks.

Mr. Speaker, I believe it is time that the Congress go on record on one side or the other on this issue. That is why I felt compelled to introduce this resolution on behalf of myself; the gentleman from Connecticut (Mr. GEJDENSON), the ranking minority member on the Committee on International Relations; our distinguished majority leader, the gentleman from Texas (Mr. ARMEY); and our distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), condemning this Palestinian violence and expressing congressional support for the people of Israel in this time of crisis. On this measure we now have nearly 160 cosponsors.

This measure is also sponsored by a lengthy bipartisan list of Members of this body, which is a significant indication to the Palestinians that you cannot have if both ways. The government of Israel has made it clear to the world with regard to its commitment to peace time and time again, and yet we see that the Palestinian response has been more violence.

The facts on the ground also make it absolutely clear at this time that the Palestinians are in no position to be trusted as the custodian of another religion's holy sites.

I believe it is patently clear that Israel today does not have a peace partner, and that Prime Minister Barak is right to call for a time out until the true intentions of the Palestinians can be understood.

Accordingly, the resolution we are now considering finds that the Palestinian leadership not only did far too little for far too long to stop the violence, but in fact encouraged that violence. The resolution therefore condemns those actions, and urges the Palestinian leadership to vigorously use its security forces to stop all violence, to show respect for all holy sites, and to settle all grievances through negotiations, something our President has been attempting to do.

I must register my great disappointment that the administration merely abstained during the latest Palestinian-inspired U.N. Security Council resolution, which blamed everything on Israel. Our congressional response urges the administration to use its veto power at the U.N. Security Council to make certain that such appeasement does not again pass unchallenged.

Accordingly, Mr. Speaker, I urge all of my colleagues to support the pending resolution.

Mr. Speaker, I am pleased to yield 10 minutes to the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be permitted to yield time.

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

There was no objection.

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

Mr. Speaker, I thank my friend for yielding me time, and I want to thank him for introducing this resolution, which I strongly support.

At the outset, Mr. Speaker, let me express on behalf of all of us in this body our regret at the tragic deaths which have resulted from the violence that broke out in the Middle East. As a grandfather of 17, I particularly regret the death of children, although I recognize that there was a reckless and cynical exploitation of children by the Palestinian leadership. Children have no place in such violent demonstrations, and their reckless exploitation I think stands self-condemned.

Mr. Speaker, once again the situation in the Middle East has turned from efforts to resolve the conflict peacefully to a new wave of violence that undermines the basis for peace between Israelis and Palestinians.

No one is more supportive of the Middle East peace process than I am, Mr. Speaker. I also support the efforts to assist the Palestinians in their attempt towards moving towards self-government, increasing their economic well-being, and facilitating their cooperation in all areas with the Israelis.

The current wave of violence, however, Mr. Speaker, is simply unacceptable. It is undermining the very basis for peace, the notion that Palestinians and Israelis can live together.

In 1993, at Oslo, the principle of reconciliation was that the Palestinian leadership renounce violence as a means of achieving their political aims. In the last few weeks it has become obvious that Arafat and his group are unwilling to live up to this commitment.

At Camp David, the government of Israel made sweeping proposals that moved the two sides closer than they have ever been in reaching a historic agreement and reconciliation. Instead of making a counterproposal to this most important move, Arafat has encouraged, promoted, and abetted violence and refused to engage in further negotiations.

Even after an international summit prescribed the way of winding down this violence, the Palestinians continued their violent actions. These actions now show dangers of spilling over into other countries and have the potential of becoming a regional crisis. I therefore believe, Mr. Speaker, it is important that our resolution move forward at this time.

Under our resolution, Congress expresses its solidarity with the state and people of Israel, condemns the Arafat leadership for doing so little to stop the violence, calls upon that leadership to refrain from further encouragement of violence and to show respect for all holy sites, and to settle all grievances through negotiations. Our resolution commends past and present administrations in their effort to find balanced resolutions to this longstanding conflict.

Now all the parties in the region need to step back and to try to find the way to end this violence and to return to the negotiating table. That will not come very fast. We need to pass this resolution today to ensure that the Congress of the United States sends a clear message in support of peace and the State of Israel.

Mr. Speaker, I urge all of my colleagues to support H. Con. Res. 426.

Mr. Speaker, I submit for the RECORD the results of the General Assembly vote on Israeli actions in occupied territory.

ANNEX TO MR. GILMAN'S REMARKS

[SOURCE: GENERAL ASSEMBLY PLENARY PRESS RELEASE GA/9793 EMERGENCY SPECIAL SESSION 20 OCTOBER 2000 14TH MEETING (PM)]

''Vote on Israeli Actions in Occupied Territory''

''The Assembly adopted the resolution on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory (document A/ES–10/L.6) by a recorded vote of 92 in favour to 6 against, with 46 abstentions, as follows:''

''In favour: Algeria, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cape Verde, Chile, China, Colombia, Cote d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gambia, Ghana, Greece, Guinea, Guyana, India, Indonesia, Iran, Ireland, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Oman, Pakistan, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal Singapore, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.''

''Against: Federated States of Micronesia, Israel, Marshall Islands, Nauru, Tuvalu, United States.''

''Abstain: Albania, Antigua and Barbuda, Australia, Barbados, Benin, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Germany, Grenada, Guatemala, Haiti, Hungary, Iceland, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Netherlands, New Zealand, Nicaragua, Norway, Poland, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Sweden, The former Yugoslav Republic of Macedonia, Tonga, United Kingdom.''

''Absent: Afghanistan, Angola, Bahamas, Belarus, Bhutan, Cambodia, Chad, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Eritrea, Gabon, Honduras, Kiribati, Lesotho, Malawi, Nigeria, Palau, Panama, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Solomon Islands, Trinidad and Tobago, Turkmenistan, Uganda, Uzbekistan, Vanuatu.''

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

Mr. RAHALL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong opposition to H. Con. Res. 426 concerning the violence in the Middle East. If this body wishes to pass a resolution of support for Israel, then let us do it honestly, straightforwardly; not this way. Not through a resolution that is rife with bias and prejudice against the Palestinian people.

This resolution could have a lasting adverse impact upon our goal of peace in the Middle East. We are talking about peace between two peoples here, not between political factions in Israel and Palestine; factions that never want peace in the first place.

Regrettably, the language of this resolution is not balanced. It is not a straightforward vote of solidarity in support for Israel. If it were, I would not be standing here today. In sum, by passing this resolution, we abandon our role as an honest broker and take a step that undermines negotiations between Israel and the Palestinians.

Our words and our actions do bear consequences. In the past, we have passed resolutions in this body that do not reflect our greater interest and evenhandedness, and, as a result, people have suffered.

We should be standing here today, Mr. Speaker, urging both parties instead to return to the negotiating table and help them find their way back on a path toward peace. Instead, we have a resolution before us that is an indictment of the Palestinian people's desire for peace; and, indeed, it is an indictment of the Israeli people's desire for peace as well. This resolution condemns one side, and it inflames passions to do the opposite of continuing the peace process.

The true heirs to peace in the region, the peoples of Israel and Palestine, want the killing to stop. I know there is a deep despair, if you will, among Palestinians that they will never be able to live as a free and independent people. There is a feeling of frustration among the Palestinians that their lives mean less than Israeli lives. I know that the people of Israel have their legitimate concerns about the security of their borders.

We as Americans know and Israelis and Palestinians know that there is no military solution to the terribly difficult solutions that have made the Middle East a region of tension and conflict for so long. In today's climate, when at this very moment sees our security forces in parts of the Middle East on the highest of security alerts, this body must act in a manner that is in the best interests of our country and the security interests of America, Mr. Speaker, instead of passing provocative resolutions of this nature.

This resolution is about bashing the Palestinians as though they have not lost more than 130 lives in the conflict, as though innocent Palestinian fathers and sons have not been gunned down as they walked home, innocent of the conflict around them. We cannot ignore the fact that an American Red Cross worker was gunned down when he tried to intervene to save the child and his father.

I condemn these excessive and brutal actions, just as I strongly condemn the mob-lynching mentality of Israeli soldiers by Palestinians. I would note that Chairman Arafat said that he would conduct an investigation, and those responsible for this grueling act are in custody.

There is a line in this resolution that says perceived provocation should be subject only to negotiation, not violence. That line, of course, refers to the fact that Ariel Sharon deliberately timed his visit to the Nobel Sanctuary, accompanied by more than 1,000 Israeli security units. Sharon made his trip because he wanted to create strife among Palestinians, because creating strife among Palestinians would help him and those who follow him get rid of Prime Minister Barak's efforts toward peace, putting the Likud back in power in Israel.

It is about politics, not about peace, and, after all, the Israeli Knesset does return to session this Sunday, and the usual blackmailers in that country are at work.

This resolution only helps the extremes on both sides, those who never wanted the peace process to succeed in

the first place. It plays directly in the hands of Prime Minister Barak's enemies, enemies of peace in the Middle East. He knows it, and I would even have my serious doubts whether Prime Minister Barak would want to see this resolution pass in its present form.

For 7 long years, hard years, the U.S. has been the proud father of the peace process. We have worked as an honest broker in the Middle East. But we all know that to be an honest broker, you must be without bias. This resolution will do more to silence the proud U.S. role as an honest broker than all of the conflict of the region can do, for there is no honesty in the biased language of this resolution.

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

Mr. LANTOS. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from California (Mr. BERMAN).

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

Mr. Speaker, I want to commend the chairman of the committee and our ranking member, the gentleman from Connecticut (Mr. GEJDENSON), as well as the leadership of both Houses for introducing this resolution and bringing it up for a vote at this time.

This is the time for this House to express its solidarity with the state and the people of Israel. Back in September of 1993, Chairman Arafat wrote in a letter to Prime Minister Yitzak Rabin, the PLO renounces the use of terrorism and other acts of violence, and will assume responsibility over all the PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators.

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In July of 2000, Prime Minister Barak made a proposal to the Palestinian Authority, the successor to the PLO, providing for statehood for the Palestinians, for withdrawal and secession of 90 percent of the land to the Palestinian state, for removal of jurisdiction of Israel and sovereignty of Israel from a substantial number of settlements now occupied by Israelis and, where the Israelis are now living, for substantial control in the city of Jerusalem, including two of the four quarters of the old city of Jerusalem, as well as a number of Palestinian areas within the municipal boundaries of Jerusalem.

That offer was rejected. As the gentleman from California (Mr. LANTOS), my friend, pointed out, no counterproposal was made. There is a mythology going on here. There are two myths, which I would like to deal with. One is that the violence that we are seeing now was triggered by the trip, by Ariel Sharon to the Temple Mount. There are quotes throughout July and throughout August from Palestinian leaders, from officials in the Palestinian authority, which indicate that now is the time as Yasser Arafat found that world opinion was against his rejection and failure to make a counter to the Israeli proposal at Camp David, that now is the time to resume the Intifada. Those quotes included references to the fact that this Intifada will not simply be an Intifada of stones, but that the substantial amount of weaponry now held in the hands of Palestinians and the Palestinian Fatah militia would be utilized in this Intifada.

Sharon's trip was a pretext. It was not a reason for this violence. This violence had been planned. The quotations are out there, and the people of this Chamber, and the people of this country should understand that.

The tragedy of this, the young people who have died, in some cases the innocent people have died. But another one of the myths is that this is caused by rock-throwing young people with an excessive Israeli response.

Read yesterday's U.S. Today, ambulance drivers bringing rocks and ammunition to Palestinian militia, ambulance drivers claiming to be on a humanitarian mission, getting out of their ambulance and shooting assault weapons at Israeli troops. The fact is the general conventional belief about what is going on there is not accurate.

Mr. Speaker, I urge people to look more closely at what is happening and at this effort to try an armed uprising. This is the time for this resolution. I urge the body to adopt it.

Mr. RAHALL. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to House Concurrent Resolution 426, and I do so reluctantly out of my deep respect for the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations. I, in fact, originally cosponsored this bill at the request of the gentleman from New York (Chairman GILMAN), because of my deep admiration for how he has handled himself and he had done a fair, very fair job in being the chairman of our committee; and I was hoping that I would have the opportunity possibly to amend the bill to correct some of the unevenness parts of this legislation.

Unfortunately, I will not have a chance to amend it, and so I have to oppose it. It is appropriate, as I am certain was the intent of the gentleman from New York (Chairman GILMAN), for the United States to be a force for peace in the Middle East, but we cannot do this by just at this time declaring that we are totally in favor of one side, which is what this bill does.

This bill unamended will not further the cause of peace. Instead of reaching out to those in Israel and Palestine who are committed to compromise and finding a just peace for all people in the region, this legislation simply and unequivocably backs up one side of the conflict. That is not how peace will be achieved.

America should be an even-handed peacemaker. Our goal should be a secure Israel living at peace with its neighbors; but in achieving this noble, yet difficult goal, justice for the Palestinian people has to be part of the formula. And that is why this has been able to go on for so long, because no one has been willing to accept that the Palestinians and their rights have to be brought into consideration.

All of these years, they have been ignored and treated as nonhuman beings; and they have legitimate claims that need to be addressed and honestly addressed. And, as I say, for so long, it was total intransigence even dealing with them.

Mr. Speaker, passing a resolution that condemns the Palestinian authority for the current violence on the West Bank, yet ignores the fact that of the 110 people killed that only 2 have been Israeli and over 100 have been Palestinian. This will not help the cause of peace. Ignoring that Ariel Sharon, a former Israeli defense minister, incited the current violence, he knew what would happen if he went there. And he went there anyway.

Any of the information that the gentleman from California (Mr. BERMAN), my good friend, said was available, to say there was a potential for violence, he knew. Yet, this defense minister arrogantly and irresponsibly went on this provocative trip to a Muslim Holy site.

This will not help our country to end the cycle of violence by simply ignoring that this act took place and that was what sparked this violence. There are people of good will on both sides, and we should be siding with them, the people of good will on both sides, rather than unconditionally backing up one side.

The policy of unquestioning support has undermined the willingness to compromise, which is what has kept this dispute festering for decades. Just as we should condemn the United Nations resolution, which was one sided, as this bill would do, let us not commit the same offense by passing one-sided resolutions that take us out of the role of being an even-handed peacemaker.

Seeking a secure Israel and justice for the Palestinian people is an enormously difficult endeavor, but one that deserves our best effort. This resolution does not further that cause, and I will have to oppose it.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER)

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me the time, and I first want to associate myself with the remarks of all who have said that we ought to condemn violence wherever we find it.

Mr. Speaker, I think everybody in this House agrees with that premise. I think we ought to also agree with the premise that the United States really is the best hope for resolution of the peace process as an honest broker. I agree with that premise, but agreeing with that premise does not, in my opinion, adopt another premise, and, that is, that the United States ought not to call things as it sees it.

That we do not adopt the facts as we find them. I find the facts to be as have been stated on this floor, that the two parties share a great enmity for one another, but I believe that one of those parties, Israel, has accepted the premise that they will exist in an area with Palestinians and with Arabs.

Regrettably, however, I must say to my friends that I am not sure that the Palestinians have accepted the premise that they will live in a neighborhood with the Israelis. It is my view that that is the nub of the problem.

Mr. Speaker, because that is the nub of the problem, it is appropriate for us to say so, and it is appropriate for us to urge both sides, but particularly, Mr. Arafat—and I say to my friend, the gentleman from West Virginia (Mr. RAHALL), who is a dear and good friend of mine—that I think Mr. Arafat does have a responsibility, and to exercise that responsibility, to articulate to his people whom he leads, that peace is the only avenue to bring resolution, and that the 40,000 police force that he commands should, in fact, make a greater effort to maintain peace.

We know they cannot do it perfectly, but we would urge them, and do so in this resolution, to accomplish peace in the Middle East through reconciliation and not violence.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), our dean of the House of Representatives, and my dear friend.

Mr. DINGELL. Mr. Speaker, I do thank my good friend, the gentleman from West Virginia, for yielding me this time.

Mr. Speaker, I rise in very sad opposition to this legislation out of respect for my dear friend, the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, who is one of the great chairmen of the history of this institution, particularly of the Committee on International Relations.

I am satisfied that those who have spoken for this resolution do so in the best of good faith, and I express my respect and my affection for each of them, Mr. Speaker. But this resolution is not in the interests of the United States. It is not in the interests of Israel. It is not in the interests of the Palestinians, and it is not in the interests of peace. I think that the United States has to look to see what its purposes in this area of the Middle East, which has had so much trouble for so long, are.

The United States has one goal and one purpose here, peace, and, very frankly, the continued existence of the state of Israel. But without a recognition of the role which we must play in this area, there will be no peace. And unless the United States has the courage to recognize that we have to be an honest broker in the area, trusted by all parties there and visible working for peace in the most objective and fair fashion, there will probably be no peace and we will see to peace and there will be no success for the United States in carrying out this great purpose.

The simple fact of the matter is, if we look at this legislation, the language of it makes it very plain, it condemns one side. I am not going to rise to say who is at fault here. I think that is something that needs a greater amount of time and debate. I want to rise to urge my colleagues to recognize the proper function of the United States, that of an honest, impartial respected, independent, honest broker. Unless we accept that responsibility, we will not be able to achieve the necessary trust in the area.

As I speak and as we sit here and as this matter is debated, the Middle East, Israel and Palestine are slipping towards a war. That war is not in the interests of the world, in the interests of Israel or in the interests of the Palestinians, and it is assuredly not in the interests of the United States.

I would urge my colleagues, reflect, first of all, as to whether it is in the interests of the United States to take sides in this matter, and very much so, whether it is in the interests of the United States to take sides in a matter on which we are the only Nation in the world who can speak as honest brokers, who can convene the parties to work together to eliminate a threatened war and a conflict. Hundreds of people have already died. More will die unless this country does something about it.

But to take sides, to ship weapons, to engage in support or castigation of one side, is not the way that we serve our purpose, the purposes of the world, the purposes of peace or the purposes of the Palestinians or the purposes of the Israelis.

Mr. Speaker, I urge my colleagues to stand really for peace, to recognize the responsibility of the ability and the interests of the United States require us to be an honest broker, not a partisan, not a participation in castigation of one side or another, but rather leader in an attempt to see to it that the parties convene and talk.

Ask yourself if someone were to put out a resolution like this when we had a border difficulty with your neighbor, if that would engage you to accept them as the impartial mediator of the differences between you and that neighbor. I think the answer is very simple. It would not. If we have listened to the discussions today, the discussions have said one thing amongst those who support the legislation, and, that is, that the supporters of the legislation as well as the resolution castigate the Palestinians. Ask yourself if that works for peace, ask yourself if that enables us to function as honest brokers.

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Ask yourself if that is going to enable us to speak with the respect and the trust of both sides to them about the need for peace, and ask yourself whether you could expect to function as an honest broker and to encourage the parties to work together.

Mr. Speaker, there is little enough goodwill in the area now. There is hatred and ill will on both sides, and people are dying. I am not going to say who is at fault in this matter, because I do not believe that that is the function of this debate, nor is it in the interest of the United States to get ourselves in a position where we are obvious partisans of one side. But, if we read the language, if we listen to the remarks, ask ourselves, have these discussions talked about how we can, through this resolution, fulfill the great purposes and functions which can be those of the United States, by working for a meaningful, lasting peace; by achieving the trust of both sides; by holding the willingness of both sides to work together to resolve the differences.

It is with a very heavy heart that I see the killings over there, and I observe the numbers of people who have died. It is also with a very heavy heart that I see how many people are going to die, and when I see how the United States is throwing away, with this kind of resolution, the opportunity to achieve lasting peace for Israel and for the Palestinians, for the Middle East, and for the United States.

Mr. Speaker, I rise in strong opposition to the legislation before us. I do not question the sincerity of the authors of this resolution. Like me, they watched the bloodshed in the Occupied Territories and Israel with heavy hearts. However, this legislation seems much more to do with the American electoral process than with the crisis in the Middle East. I do not want any of my colleagues to think that by opposing this legislation you oppose Israel. This is not a referendum on the American relationship with Israel.

Viewed objectively, this legislation is simply not in the best interest of the United States, Israel, or the Palestinians, and is damaging to the prospects of peace in the Middle East. It focuses on assigning blame for violence rather than stopping it. It is unfair and biased, and in condemning only one side of this conflict, it jeopardizes the American ability to negotiate peace as a fair and honest broker. It also endangers American lives and economic interests, and places our Arab allies in a precarious position. It is precisely reactionary measures like the one before us that builds up so much ill-will toward America, the only nation with the ability to negotiate peace between Israel and its neighbors. This places Israel in a much more dangerous, isolated position.

Mr. Speaker, it is irresponsible to be debating and voting on this measure as President Clinton, Prime Minister Barak and President Arafat work to end the violence. It will already be difficult enough for Barak and Arafat to calm their people; this resolution throws rhetorical fuel on the fire that is dangerously close to burning out of control.

When the violence abates, the Palestinian Authority, Israel and the world will rely on the United States to get the peace process back on track. We must not let our personal emotions cloud our judgment. It is our duty, and our government's duty, to work as a peace facilitator, not as a judge or partisan.

The Palestinians and Israelis have much to resolve without fighting for the sympathy of the American government and public. The Israelis must realize that the Palestinians have a legitimate right to an independent state and to return to their homes, just as the Palestinians must realize Israel has a right to exist and desires safety and security. Both sides must recognize that the status of Jerusalem is profoundly important to Palestinians and Israelis alike, and that the holy sites are sacred to Jews, Muslims, and Christians. It must be known that the sanctity of life is a shared value. America can help the parties understand their differences and similarities only if all parties trust us.

I do wonder why this legislation, in pinning blame solely on the Palestinians, fails to explain why Palestinians are angry, mention Ariel Sharon's provocation march through al-Haram as-Sharif, or note the tactics employed by Israeli soldiers, who have been criticized by the United Nations and the Israeli press for responding to rocks with bullets. We must not treat this as a black and white issue.

The jobs of President Clinton, Ehud Barak, and Yasser Arafat are not easy. I do not envy them. As Yitzhak Rabin stated moments before he was assassinated, ''Without partners for peace, there can be no peace.'' President Clinton must, despite all that has been said and done, keep Barak and Arafat together as partners in peace. Barak and Arafat must convince highly skeptical publics that the other is a partner. We must not undermine their efforts by passing this resolution. I would urge my colleagues to act responsibility for the sake of the United States, Israel, the Palestinian Authority, and the peace process. Vote down this resolution.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH), a senior member of our Committee on International Relations.

Mr. LEACH. Mr. Speaker, this is clearly the most difficult time for Israel since the 1967 war. It is the most difficult time for the United States in the Middle East since the Gulf War, and perhaps ever. In circumstances like these, one of the great questions is: What are the basics? I think the basics are threefold.

One is that we are a bedrock ally of Israel and always will be. The second is that we have to be a committed facilitator for peace. The third is that we have to be respectful of differing views, philosophies, and religions.

The problem at the moment and the reason fundamentally behind this resolution is that the third aspect, the respect for differing views, is harder in a circumstance where the most progressive proposal for change was placed on the table, turned back, and no counterproposal was put forth. This spring, we were all hopeful that we would see resolution of these extraordinary issues come in an early time frame, based on the fact that Mr. Barak was clearly placing his political life on the line for progressive change, given the fact that the Palestinians and Mr. Arafat seemed in a mood to compromise, and given the fact that an American President had committed himself to be a peace facilitator.

Now the question is, is there any alternative to the peace process? Obviously, there is only one, and that is war. So, while this resolution, I believe, will receive the general support of this body, although with respectful opposition, it is clear that the Congress has to go on very strong record in the context of this resolution of saying that above all, we only want peace, that there is no desire for increased conflict between the Muslim world and the Judeo-Christian traditions, and above all, there is no desire for anything except a fair and reasoned compromise on all sides for the issues of the day, a compromise that can allow people in the region to live in harmony. That is what the Congress desires.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent, so that the debate will not be stifled, that the gentleman from New York (Mr. GILMAN) and the gentleman from West Virginia (Mr. RAHALL) each be granted 5 additional minutes.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the gentleman from New York (Mr. GILMAN) and the gentleman from West Virginia (Mr. RAHALL) each will have an additional 5 minutes.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) will now have 7½ minutes remaining, and the gentleman from West Virginia (Mr. RAHALL) has 10 minutes remaining.

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

Mr. GILMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Does it help us move toward peace in the Middle East for the United States to deny the reality of what is happening today in the Middle East and to turn its back on our staunchest ally, the only democracy in the Middle East? I have to tell Members of this Chamber that we should not, in the earnest hope for peace, turn our backs on Israel. We ought to adopt this resolution and stand in solidarity with the people of Israel.

Let us look at the events. A peace process brought, through our efforts, the head of the Palestinian Authority and the Prime Minister of Israel together to try to work out a settlement. Prime Minister Barak offered the most generous settlement that anyone ever imagined he would; and he was rejected by Arafat, the President of the Palestinian Authority. Chairman Arafat was unresponsive to this proposal and then went home and, either because he did not have the ability to stop it or the conviction to rein it in, permitted the paramilitary forces to engage in mob fury. Chairman Arafat's unresponsiveness to the tremendous proposals put forth indicates that he has very little credibility as a partner for peace.

What else did he do? He opened up the prison doors and let 100 Hamas and Islamic Gihad prisoners out, which is a green light for them to strap bombs on their backs, go into civilian populations and blow up people, to engage in the worst kind of terrorism.

Mr. Speaker, the loss of life on both sides has been tragic, but the refusal of Chairman Arafat to do anything now except to run to international organizations that have always been biased against Israel and urge them to adopt resolutions to internationalize the conflict, to try to point fingers at Israel alone, makes it incumbent on us in the United States, the only superpower in the world, the only country that says to people around the world, follow us into democracy, stick with us and we will stick with you; it is incumbent upon us to stand with Israel and to urge the parties to go back to the table if they can, but only understanding that the United States supports Israel's right to exist and supports them in this terrible conflict.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I say to my colleagues, America's number one ally in the Middle East, our strategic partner and our dear friend for 52 years, the State of Israel, is today fighting for its very life. Our friend, the State of Israel, who helped us in the Persian Gulf War against Saddam Hussein and in so many other crises in the region and on a day-to-day basis when, as our military is described, America's aircraft carrier in a sea of trouble, is fighting for its very life.

We remember who fought against us in the Persian Gulf War. Chairman Arafat and the Palestinian Authority supported Saddam Hussein against America and its allies. Chairman Arafat rejected an offer for an independent state for the Palestinian people just a few months ago, an offer made by Prime Minister Barak of Israel. He did not like the terms. What did he do? He was supposed to, under the Oslo Accords, continue negotiating. Instead, he walked out, made no counteroffer, left the negotiating table. Days later, violence ensued and lots of innocent people have been killed.

The Palestinian people deserve a leader who will negotiate peace without resorting to violence. Until they get such a leader, the people of the United States need to stand with their friend, the only democracy in the region, America's strategic partner; the only democracy in the region who was traditionally called Satan by the people of the region, along with America, as the Great Satan. We wish peace for all of the peoples of the region. They are all good people; they deserve peace

and democracy. Until the Palestinian Authority gets leaders who are committed to peace and can rein in their extremists, just as Israel needs to rein in their extremists, we will not have peace.

Support America's friend until the other side is willing to come back to the negotiating table and negotiate a peace and not send their children into the street to be killed for CNN's purposes.

Mr. RAHALL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as we conclude this debate, certainly I have no illusions as to the outcome, just as I believe nobody in this body or in the region or in the world has any illusions about the outcome if, truly, as the previous speaker has said, that Israel is fighting for its very life. That is certainly speaking from emotions, and this is an emotional moment in the region. But who can deny the outcome of gun ships and helicopter gunfire and smart bombs, precision targeting, pinpoint targeting, one of the most well-equipped armies in the world, against the Palestinian people? Who could deny that outcome? Who even thinks that this truly is a war of all wars?

I understand a lot of the accusations that have been made and leveled by my friends and supporters of this resolution, and a lot of that cannot be completely denied. If there is one accurate statement that can be said about this part of the world and the way of life in this region, it is the fact that no side is without their share of the blame, no side is without their share of miscalculations, no side is without their share of inflammatory statements, pandering to their domestic opponents. All of these statements could describe all sides of the fighting in this region.

Mr. Speaker, I truly believe that we in this body have a higher responsibility, not to get involved in internal divisions of any country in the region, not to point fingers, not to take so obvious a side at so obvious an emotional moment; not to speak and take actions that can be perceived in some parts of the world, although not reality, but can be perceived as the law of the Congress when we take actions. We have a responsibility not to take those provocative actions in this body. Granted, we have taken and passed a number of resolutions over the decades, some of which I have supported, that have jumped up at the moment to address what many of us feel is the best sense of peace in the Middle East.

However, we are not secretaries of state in this body. I believe that we have a responsibility, while recognizing what is truly in our hearts, while recognizing our support, as I have today and in the past for our ally, Israel and the region, recognizing our legitimate concerns for the security of its borders; but we have a responsibility. We have a responsibility at this particular time to take action that reflects the thinking in our heads.

As I noted earlier, today we see our armed forces in parts of the Middle East on the highest state of security alert than we have seen in several years. Now, for us to come through with an action of this nature could very well be misinterpreted by some in the region who do not understand that this is merely a resolution and does not carry the force of law, but it is still perceived as an expression of this body that can have devastating effects in the minds of those who in the region have only violence in their heads, who have only suicide missions on their agenda, and who truly have never been for the peace process to begin with.

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There are those extremists on all sides in the region who have never been for the peace process. If we are to support this administration and their role as an honest broker and President Clinton's Herculean efforts day in and day out, continuous without fatigue, as he works nonstop to bring the sides to the negotiating table, our role today should be to call for a cessation of violence in a nonpartisan, in a truly objective manner, and urge the parties to come back to the peace process.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, as the senior Member of this body said earlier, the United States and we, as Members of Congress, must not abandon our role as an honest broker and take a step that this resolution would do that undermines negotiations between Israel and the Palestinians. We must heed the advice of the executive branch that has urged opposition to this resolution, both the National Security Council and the Department of State.

Because although our words may seem removed from the violence that has engulfed the region, they do matter, and people listen. Instead of passing resolutions that condemn one side and further inflame passions, we should urge both parties to return to the negotiating table and to help them find their way back on a path toward peace. This resolution does not do that.

We should offer words of consolation for all the loss of life and injuries. We should call for acts of violence to be halted on all sides in the conflict and call upon all parties to find ways back to the negotiating table no matter how difficult that task may be. We should not be engaging in taking sides and thereby further inflaming the rage and the despair.

Mr. Speaker, I would remind my colleagues of the United Nations Security Council resolution that was adopted on October 7, dealing with the violence in the Middle East. The United States did not veto that. It chose to abstain because it felt that preserving the greater U.S. interests of remaining neutral in the conflict would, in fact, bring us further toward the peace that we all desire.

We also need to keep a number of things in mind. There have been over 130 deaths in this region of the world, almost all of them Palestinians, more than a quarter of them under the age of 18, and almost all of them in an area that was supposed to be under the control of the Palestinian Authority.

The reason for this conflict, Mr. Speaker, is because the Oslo Accords were not implemented. The Israeli Army still controls over 60 percent of the West Bank, a considerable amount of the Gaza Strip. It was clear that, unless we fully implemented the Oslo Accords, there was going to be conflict.

In fact, we ought to recognize as well, if we were to do an evenhanded resolution, that the deliberately provocative act of Ariel Sharon in going to al-Haram al-Sahrif, or otherwise known as the Temple Mount, was a deliberate, conscious act. He was warned against doing that, yet, he took an entourage of more than 1,000 soldiers.

The Secretary of State, Madeline Albright, criticized that visit as extremely provocative. But to many Palestinians, that visit was a show of military might, a blatant reminder of military solutions sought in the past. It was a humiliating message of disrespect to Palestinians and the Arab world. That is not how we bring about peace in the world and particularly in the Middle East.

We as Americans, the rest of the international community, the Israelis, and the Palestinians should know that there is no military solution to these terribly difficult issues that have made the Middle East a region of tension and violence for far too long.

In fact, the presence of Israeli tanks and helicopter gunships in Palestinian territories has only reinforced the despair among Palestinians that they will never be able to live free and independently. That is the source of the violence. That must be addressed.

The Oslo Accords should have been implemented. In fact, since the Oslo Accords 7 years ago, the roads that have been built that have not been opened to Palestinians has further constrained their lives. Parameters are set upon their lives, around their lives that show that there is no hope for the future. It is out of that desperation that we see people sacrificing their lives, that we see people exhibiting real hatred for the situation that they have been put under.

We have a responsibility to address that hatred, to try to find a common goal for the Middle East, one of peace and reconciliation, economic independence. We could only do that if we try to serve, as the gentleman from Michigan (Mr. DINGELL) said, the gentleman from West Virginia (Mr. RAHALL) has said, if we try to serve as an honest broker, representing the views of both sides in this conflict.

This resolution accomplishes nothing except to make Members of the Congress look good. That is not our objective. What we should be trying to do is

creating a better life for all people around the world in a fair and honest manner so that we can have a sustainable and just peace.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Speaker, I rise in support of the resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, there have been many calls for the United States to be an honest broker. I share those calls. We have been an honest broker since President Carter brought the parties together at Camp David, but there were two willing parties. We can be an honest broker when both sides are eager to move towards peace, as President Sadat and Prime Minister Begin did.

Arafat's latest contribution to this dialogue was to tell the Prime Minister of Israel to go to hell. It is difficult to be an honest broker under those circumstances. Under those circumstances, our job is to stand up with the only political democracy in the entire Middle East that has gone way beyond anything that anybody in this body thought would be offered the Palestinians and, as a reward, had a walkout by Arafat and the fermenting of an uprising. This resolution must be passed as the overwhelming voice of the conscience.

We all grieve for every single person who lost his life. All lives are of equal value. But the cynical exploitation of little children who are sent into harm's way with financial rewards is not very impressive. It is the most cynical exploitation of the young who do not know any better.

Peace has to come, but in order for peace to come, both parties must be willing to return to the negotiating table with good intentions and the determination that was present at Camp David.

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

Mr. Speaker, in conclusion, let me again say that there is enough blame to go around on all sides in this part of the world. There is a lot of finger pointing today. But it is incumbent upon this body at this crucial time in the region to step back to urge the party to stop the inflammatory statements on both sides, on all sides, and there have been those statements as I referred to earlier, in order to show the bravo, in order to play to the factions within one's own side in that region.

But this body has a higher responsibility not to get involved in that, but, rather, to urge the parties to get back to the negotiating table, as President Clinton and Secretary of State Albright have so excellently tried to do in Egypt and continue to do this very hour. Let us support this administration and their efforts.

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

Mr. Speaker, permit me to remind my colleagues that our resolution, H. Con. Res. 426, begins with the statement that the Arab-Israeli conflict must be settled peacefully and through negotiations. But the question is how do we bring about this kind of peaceful negotiations in the Middle East in the current situation?

We have observed in the past few weeks shocking violence in the Middle East. Shall we not take a stand with regard to that violence?

We have a situation where the General Assembly is passing resolutions that our ambassador, the UN Ambassador Holbrooke called, and I quote, unbalanced and unhelpful. That is not the way to bring about peaceful negotiations. We need to focus on the violence, on the parties responsible for the violence. We need to send a firm message to them and send a strong message for peace and of the solidarity of our closest friends in the Middle East, the State of Israel.

Accordingly, I urge my colleagues to pass this resolution.

Mr. WEINER. Mr. Speaker, I rise today in strong support of H. Con. Res. 426. Today, when the U.N. issues resolutions faulting Israel, when the Arab world convenes a summit in order to condemn Israel, is the appropriate time for this House to speak with one voice on the side of our ally. Israel did not start the current violence, the Palestinian Authority did. And while each and every one of us hopes for a peaceful resolution to a conflict that has been ongoing for tens, if not thousands, of years, we must also use this opportunities to express our solidarity with the state and people of Israel. The Resolution before us states unequivocally that the Congress condemns the Palestinian leadership for encouraging the violence and doing nothing to stop it. It urges the Administration to use its veto power to stop biased U.N. resolutions from going into effect, and it encourages the parties to settle their grievances through negotiations.

The time has come to stand with our friend Israel and to stand up against those who would lay the blame for the recent unfortunate events at her feet. Indeed, in many respects the Resolution does not go far enough. The American people continue to contribute to the Palestinian Authority in the form of foreign aid, and I would suggest that that aid be suspended pending a Presidential determination that the Palestinian Authority is doing all it can to stop the violence. But until that more significant step is taken, I welcome the House's passage today of H. Con. Res. 426. It sends an important message from the members of this body that while we stand on the side of peace, more importantly we stand on the side of Israel. I urge my colleagues to support the Resolution.

Mr. CROWLEY. Mr. Speaker, I rise today to express my support for House Concurrent Resolution 426. I commend the distinguished Chairman of the International Relations committee, Mr. GILMAN, along with 152 cosponsors, for bringing this important and timely resolution to the floor. I watched the events unfold during the past several weeks with extreme concern. I watched as Chairman Arafat remained silent while Palestinians and Israelis alike, were being killed in Ramallah and Nablus. It was not simply the silence that was so troubling. Mr. Arafat took active steps to fuel the fire by meeting with representatives of Hamas and Hizbollah. These groups have made it their mission to undermine the peace process and destroy the state of Israel. Dealing with such groups calls into question the goals of Chairman Arafat.

I was encouraged by the Palestinian and Israeli commitment to meet at Sharm-El-Sheikh to work out the terms of a cease fire agreement. Unfortunately, Chairman Arafat, once again, failed to fulfill his obligations to the peace process. The agreement called for an immediate and public denunciation of the violence. The statement made by Mr. Arafat to the Palestinian public to that effect was ambiguous and unenthusiastic. It fell far short of what was agreed to in Egypt.

As a result, the violence has persisted and has cast serious doubt over achieving peace in the region. In addition the United Nations General Assembly recently passed a one-sided resolution condemning the use of force by the Israeli security forces. At this crucial time, it is essential that the State of Israel knows that we will stand alongside her in her quest for peace. To that end, I am a proud cosponsor of this resolution.

House Concurrent Resolution 426 expresses Congressional solidarity with the state and people of Israel. In addition, it condemns the Palestinian leadership not only for inciting further violence, but for failing to take the necessary steps to prevent it.

Mr. Arafat, the United States, Israel and the Palestinian people have all recognized you as the leader of the Palestinian Authority. It is time for you to step up and lead. Tell your people, there will be no intifada, only salaam. If you cannot wholeheartedly support the peace process, the United States can no longer support you. Therefore, I urge my colleagues to join me in supporting this process. Let there be no ambiguity as to position the United States will take in this process.

Mr. PRICE of North Carolina. Mr. Speaker, I will be voting for H. Con. Res. 426 to express support for the resolution of Arab-Israeli differences by peaceful negotiation and to condemn the violence that has engulfed the region. In doing so, I am mindful of the special relationship our country has and must maintain with our ally, Israel, and of the heroic efforts of our President to bring about a ceasefire and to restart negotiations. I also commend Prime Minister Barak for the path-breaking proposals he put forward during the negotiations at Camp David. It is now even clearer than it was then how unfortunate, indeed tragic, it is that the parties were not able to refine and build upon those proposals to achieve final agreement.

The resolution before us, however, falls considerably short of the kind of expression that might best contribute to stopping the violence and resuming negotiations. I therefore support it with great ambivalence. Some have suggested that the tone and content of this resolution is justified by the one-sidedness of the anti-Israeli resolutions adopted at the United Nations. I disagree. This House should not be primarily reactive, nor should we see our main purpose as the affixing of blame. We should

not second-guess the difficult decision the administration took, to abstain from using its veto in the Security Council in order to maintain its leverage in bringing the conflicting parties together. I am aware of the particular responsibility Chairman Arafat has to condemn and contain the violence and can only hope that he has the ability as well as the will to do so. But it is critically important that our government be absolutely clear and absolutely fair in demanding that both sides refrain from reckless provocation, end the cycle of violence, reject extremist elements who stoke the violence and block the path to accommodation, and earnestly attempt to restart the negotiations that alone can resolve this conflict.

I regret, Mr. Speaker, that the resolution before us falls so far short. But in its last sentence it captures a sentiment which I believe all of us share, calling on ''all parties involved in the Middle East conflict to make all possible efforts to reinvigorate the peace process in order to prevent further senseless loss of life by all sides.'' May we as a body and as a government find ways to tirelessly advance this goal in the critical days and weeks ahead.

Mr. MCCOLLUM. Mr. Speaker, I rise today in strong support of this resolution and urge my colleagues to vote for this important statement on the ongoing events in the Middle East. The events in the Middle East have revealed to all Americans the asymmetrical relationship that has existed in the peace process. I have been a strong supporter of that process, and was willing to lend it my full support so long as it was clear that both sides were equally committed to fair and compromise peace. We see now that the peace process was not mutual.

Israel, a staunch and loyal friend that shares our democratic values was seeking honest compromise. At Camp David, Prime Minister Barak made compromises far bolder and more sweeping than any Israeli prime minister had dared to go. Under his proposal, 90% of the West Bank and 92% of the Palestinian population would have been ruled by a Palestinian government. Jerusalem's Holy Places would have been placed under joint administration and a part of the city made the capital of an independent Palestine. Mr. Speaker, to these sweeping proposals, Chairman Arafat offered not even counter-proposals.

Mr. Speaker, this resolution is a balanced and appropriate response to the events in the Middle East. It calls for a restoration of the peace. It does not relinquish hope that compromise might yet be achieved. Yet it strongly and rightly condemns the Palestine Authority and Mr. Arafat for their incitement of the current round of violence and for their failure to put a stop to it. It properly calls upon Mr. Arafat to renounce violence, and it recognizes that Israel remains a friend of the United States. In a similar vein, it calls for the United States ''to insure that the Security Council does not again adopt unbalanced resolutions addressing the uncontrolled violence in the areas controlled by the Palestine Authority.''

Mr. Speaker, we should adopt this resolution and we should make clear that as between a democratic Israel and an autocratic Palestine Authority there is no choice. I therefore urge my colleagues to vote for this bill.

Mrs. MORELLA. Mr. Speaker, I am deeply concerned by the outbreak of violence and the abdication of responsibility by Palestinian authorities for restoring the peace. We must make clear that peace may be achieved only through peaceful and negotiated means.

I am pleased to be an original cosponsor of H. Con. Res. 426, which expresses solidarity with the state and the people of Israel, condemns Palestinian authorities for encouraging violence and urges them to act to restore calm, states that peace in the region may be achieved only through negotiations, and calls for a U.S. Veto of biased U.N. Security Council resolutions.

Should Arafat continue to pursue violence instead of negotiations, or should he declare a Palestinian state absent an agreement, we should cut off all assistance to the Palestinian Authority.

I hope that there will be a return to the peace process. However, if Arafat rejects a negotiated solution and continues supporting an armed uprising, we must be clear. We will stand with Israel.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Con. Res. 426. This important resolution expresses the solidarity of the Congress with the sate and people of Israel at this time of crisis. As a cosponsor of the resolution, I urge its passage by the House. Only a few short months ago at Camp David, the Israeli Government demonstrated the willingness to make sweeping concessions. The world would not have dreamed of how far Israel was willing to go. Not 10 years ago, 1 year ago, or even 6 months ago. It was the Palestinian leadership that rejected compromise and showed that it was not interested in peace. Not only did they reject Barak's offer, but they did not even counter-offer in response.

The violent Palestinian riots we are witnessing result directly from the fact that Yasir Arafat did not prepare his people for peace. As Barak was restraining the expectations—preparing the Israeli people for compromise—Arafat was pumping up the Palestinian demands—preparing them for conflict. We must today say that Arafat is not a partner for peace.

Although Israel has today taken a time out from the peace process, it remains as willing as ever to make peace with its neighbors. However, Israel must have a real partner. One that does not engage in incitement to violence; one that does not look the other way when their people are destroying ancient shrines, such as Joseph's tomb in Nablus; one that does not allow their people to beat innocent Israelis to death, as happened recently in Ramallah; and one that does everything in its power to set the conditions for peace.

The underlying basis of negotiations was the recognition of the PLO by Israel in exchange for the renunciation of violence by the PLO and Chairman Arafat. In his September 9, 1993 letter to the late Prime Minister Yitzhak Rabin, Chairman Arafat ''renounced the use of terrorism and other acts of violence'' and pledged to ''prevent violence and discipline violators.''

Unless the Palestinian leader calls on his people to halt their fanatical, hostile public violence and directs his security services to maintain order—as he promised—the Palestinians will be in violation of not only the text of the peace agreements, but the basic understanding which underlay the process. Furthermore, as the Palestinian rock and molotov cocktail throwers, and gun-men continue to rage, Israel will be within its rights as a sovereign nation to take whatever actions it needs to protect its people and frontiers.

Now, there is a moral imperative to stand our ground. Israel is not only our closest friend and ally in the Middle East, they are in the right. Israel has demonstrated its willingness to make peace and is now under attack by thousands of violent rioters. It is time for Congress to express its solidarity with the people of Israel and, stand with them in the days to come. The resolution on the floor of the House today does just that.

Furthermore, we must condemn the Palestinian leadership for its cowardly encouragement of mass riots and for doing so little to halt the hysterical rampagers. We must also demand that Arafat and his lieutenants use their security services to restrain unnecessary acts of violence, show respect for all holy sites, and settle grievances only through negotiations.

In the days to come, I expect new challenges to U.S. policy. In particular, we must be prepared to firmly and without hesitation reject a unilateral declaration of Palestinian statehood. Such a question can only be settled at the peace table. We must pass the bill which would deny any assistance to the Palestinians if they unilaterally declare statehood.

We must also consider other actions, including, once again, putting the PLO on the list of groups responsible for acts of terrorism. For the Palestinians to engage in violent riots today after they rejected what all reasonable observers thought was a far-reaching and statesman-like offer from Prime Minister Barak, is only leading the world to see that Yassir Arafat and his PLO cohorts prefer conflict to negotiation, and taking land through violence and coercion rather than agreeing on exchanges at the bargaining table.

Mr. Speaker, I would like to commend the chairman and ranking minority member of the House International Relations Committee who wrote this excellent resolution. I urge my colleagues to give it their strong support.

Mr. GEJDENSON. Mr. Speaker, once again the situation in the Middle East has turned from efforts to resolve the conflict peacefully to a new wave of violence that undermines the basis for peace between Israelis and Palestinians.

Mr. Speaker, there is no one more supportive of the Middle East Peace Process than I am. I also support efforts to assist the Palestinian peoples, and to facilitate exchanges and other programs to promote reconciliation between Israelis and Palestinians.

The current wave of violence, however, is simply unacceptable. It is undermining the very basis for peace, the notion that Palestinians and Israelis can trust each other and live together. In 1993, a key principle of reconciliation was that the Palestinian leadership renounced violence as a means of achieving their political aims. The last few weeks have proven that the Palestinians have not lived up to this commitment.

At Camp David, the Government of Israel and Prime Minister Barak made sweeping proposals that moved the two sides closer than they have ever been in reaching a historic agreement ending the Israeli Palestinian violence. Instead of making a counterproposal to this important move, the Palestinian side has allowed and even promoted, violence on a huge scale.

I can only conclude that the Palestinians have decided that they need to resort to violence in order to create more pressure on

Israel to make further concessions. Even after an international summit prescribed a way of winding this violence down, the Palestinians continue their violent actions. These actions are spilling over to other countries both inside and outside the region, and have the potential to become increasingly widespread.

I therefore believe that it is important that this resolution move forward at this time. Under this resolution, Congress expresses its solidarity with the state and people of Israel, condemns the Palestinian leadership for doing so little to stop the violence, and calls upon the leadership to refrain from exhortations to violence, to stop all violence, to show respect for all holy sites and to settle all grievances through negotiations.

It also commends the current and past administrations for their efforts to find Middle East peace, urges the Clinton administration to stop future unbalanced resolutions, and calls on all parties involved in the Middle East conflict to make all possible efforts to reinvigorate the peace process to prevent further senseless loss of life by all sides.

Mr. Speaker, despite my disappointment and outrage at this developing violence, I remain convinced that there is no alternative to a peaceful settlement between Israel, the Palestinians and its Arab neighbors. The sooner that all parties in the region not only recognize that Israel is here to stay, but also truly internalize that reality and negotiate on that basis, real peace cannot be achieved.

Now, all the parties in the region need to step back and to try to find a way to end this violence and return to the negotiating table. We need to pass this resolution today to ensure that the U.S. Congress sends a clear message of its support for Israel during this crisis.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 426.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

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

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1452) to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes, as amended.

The Clerk read as follows:

S. 1452

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Homeownership and Economic Opportunity Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Sec. 101. Short title.
Sec. 102. Grants for regulatory barrier removal strategies.
Sec. 103. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Sec. 201. Reduced downpayment requirements for loans for teachers, public safety officers, and other uniformed municipal employees.
Sec. 202. Home equity conversion mortgages.
Sec. 203. Law enforcement officer homeownership pilot program.
Sec. 204. Assistance for self-help housing providers.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.
Sec. 302. Pilot program for homeownership assistance for disabled families.
Sec. 303. Funding for pilot programs.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Sec. 401. Short title.
Sec. 402. Changes in amortization schedule.
Sec. 403. Deletion of ambiguous references to residential mortgages.
Sec. 404. Cancellation rights after cancellation date.
Sec. 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.
Sec. 406. Definitions.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Sec. 501. Lands title report commission.
Sec. 502. Loan guarantees.
Sec. 503. Native American housing assistance.

Subtitle B—Native Hawaiian Housing

Sec. 511. Short title.
Sec. 512. Findings.
Sec. 513. Housing assistance.
Sec. 514. Loan guarantees.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 601. Short title; references.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Federal manufactured home construction and safety standards.
Sec. 605. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 606. Public information.
Sec. 607. Research, testing, development, and training.
Sec. 608. Prohibited acts.
Sec. 609. Fees.
Sec. 610. Dispute resolution.
Sec. 611. Elimination of annual reporting requirement.
Sec. 612. Effective date.
Sec. 613. Savings provisions.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Sec. 701. Guarantees for refinancing of rural housing loans.
Sec. 702. Promissory note requirement under housing repair loan program.
Sec. 703. Limited partnership eligibility for farm labor housing loans.
Sec. 704. Project accounting records and practices.
Sec. 705. Definition of rural area.
Sec. 706. Operating assistance for migrant farmworkers projects.
Sec. 707. Multifamily rental housing loan guarantee program.
Sec. 708. Enforcement provisions.
Sec. 709. Amendments to title 18 of United States Code.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Sec. 801. Short title.
Sec. 802. Regulations.
Sec. 803. Effective date.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

Sec. 811. Prepayment and refinancing.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

Sec. 821. Supportive housing for elderly persons.
Sec. 822. Supportive housing for persons with disabilities.
Sec. 823. Service coordinators and congregate services for elderly and disabled housing.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

Sec. 831. Eligibility of for-profit limited partnerships.
Sec. 832. Mixed funding sources.
Sec. 833. Authority to acquire structures.
Sec. 834. Use of project reserves.
Sec. 835. Commercial activities.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

Sec. 841. Eligibility of for-profit limited partnerships.
Sec. 842. Mixed funding sources.
Sec. 843. Tenant-based assistance.
Sec. 844. Use of project reserves.
Sec. 845. Commercial activities.

PART 3—OTHER PROVISIONS

Sec. 851. Service coordinators.

Subtitle D—Preservation of Affordable Housing Stock

Sec. 861. Section 236 assistance.

Subtitle E—Mortgage Insurance for Health Care Facilities

Sec. 871. Rehabilitation of existing hospitals, nursing homes, and other facilities.
Sec. 872. New integrated service facilities.
Sec. 873. Hospitals and hospital-based integrated service facilities.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Sec. 901. Extension of loan term for manufactured home lots.
Sec. 902. Use of section 8 vouchers for opt-outs.
Sec. 903. Maximum payment standard for enhanced vouchers.
Sec. 904. Use of section 8 assistance by ''grand-families'' to rent dwelling units in assisted projects.

TITLE X—BANKING AND HOUSING AGENCY REPORTS

Sec. 1001. Short title.
Sec. 1002. Amendments to the Federal Reserve Act.
Sec. 1003. Preservation of certain reporting requirements.
Sec. 1004. Coordination of reporting requirements.
Sec. 1005. Elimination of certain reporting requirements.

TITLE XI—NUMISMATIC COINS

Sec. 1101. Short title.

Sec. 1102. Clarification of Mint's authority.
Sec. 1103. Additional report requirement.
TITLE XII—FINANCIAL REGULATORY RELIEF
Sec. 1200. Short title.
Subtitle A—Improving Monetary Policy and Financial Institution Management Practices
Sec. 1201. Repeal of savings association liquidity provision.
Sec. 1202. Noncontrolling investments by savings association holding companies.
Sec. 1203. Repeal of deposit broker notification and recordkeeping requirement.
Sec. 1204. Expedited procedures for certain reorganizations.
Sec. 1205. National bank directors.
Sec. 1206. Amendment to National Bank Consolidation and Merger Act.
Sec. 1207. Loans on or purchases by institutions of their own stock; affiliations.
Sec. 1208. Purchased mortgage servicing rights.
Subtitle B—Streamlining Activities of Institutions
Sec. 1211. Call report simplification.
Subtitle C—Streamlining Agency Actions
Sec. 1221. Elimination of duplicative disclosure of fair market value of assets and liabilities.
Sec. 1222. Payment of interest in receiverships with surplus funds.
Sec. 1223. Repeal of reporting requirement on differences in accounting standards.
Sec. 1224. Agency review of competitive factors in Bank Merger Act filings.
Subtitle D—Miscellaneous
Sec. 1231. Federal Reserve Board buildings.
Sec. 1232. Positions of Board of Governors of Federal Reserve System on the Executive Schedule.
Sec. 1233. Extension of time.
Subtitle E—Technical Corrections
Sec. 1241. Technical correction relating to deposit insurance funds.
Sec. 1242. Rules for continuation of deposit insurance for member banks converting charters.
Sec. 1243. Amendments to the Revised Statutes of the United States.
Sec. 1244. Conforming change to the International Banking Act of 1978.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the priorities of our Nation should include expanding homeownership opportunities by providing access to affordable housing that is safe, clean, and healthy;

(2) our Nation has an abundance of conventional capital sources available for homeownership financing;

(3) experience with local homeownership programs has shown that if flexible capital sources are available, communities possess ample will and creativity to provide opportunities uniquely designed to assist their citizens in realizing the American dream of homeownership; and

(4) each consumer should be afforded every reasonable opportunity to access mortgage credit, to obtain the lowest cost mortgages for which the consumer can qualify, to know the true cost of the mortgage, to be free of regulatory burdens, and to know what factors underlie a lender's decision regarding the consumer's mortgage.

(b) PURPOSE.—It is the purpose of this Act—

(1) to encourage and facilitate homeownership by families in the United States who are not otherwise able to afford homeownership; and

(2) to expand homeownership through policies that—

(A) promote the ability of the private sector to produce affordable housing without excessive government regulation;

(B) encourage tax incentives, such as the mortgage interest deduction, at all levels of government; and

(C) facilitate the availability of flexible capital for homeownership opportunities and provide local governments with increased flexibility under existing Federal programs to facilitate homeownership.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Housing Affordability Barrier Removal Act of 2000''.

SEC. 102. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

''(a) FUNDING.—There is authorized to be appropriated for grants under subsections (b) and (c) such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

(b) CONSOLIDATION OF STATE AND LOCAL GRANTS.—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking ''STATE GRANTS'' and inserting ''GRANT AUTHORITY'';

(2) in the matter preceding paragraph (1), by inserting after ''States'' the following: ''and units of general local government (including consortia of such governments)'';

(3) in paragraph (3), by striking ''a State program to reduce State and local'' and inserting ''State, local, or regional programs to reduce'';

(4) in paragraph (4), by inserting ''or local'' after ''State''; and

(5) in paragraph (5), by striking ''State''.

(c) REPEAL OF LOCAL GRANTS PROVISION.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) APPLICATION AND SELECTION.—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking ''and for the selection of units of general local government to receive grants under subsection (f)(2)''; and

(2) by inserting before the period at the end the following: ''and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act''.

(e) SELECTION OF GRANTEES.—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

''(f) SELECTION OF GRANTEES.—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).''.

(f) TECHNICAL AMENDMENTS.—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting ''and'' after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 103. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''receive, collect, process, and assemble'' and inserting ''serve as a national repository to receive, collect, process, assemble, and disseminate'';

(B) in paragraph (1)—

(i) by striking '', including'' and inserting ''(including''; and

(ii) by inserting before the semicolon at the end the following: ''), and the prevalence and effects on affordable housing of such laws, regulations, and policies'';

(C) in paragraph (2), by inserting before the semicolon the following: '', including particularly innovative or successful activities, strategies, and plans''; and

(D) in paragraph (3), by inserting before the period at the end the following: '', including particularly innovative or successful strategies, activities, and plans'';

(2) in subsection (b)—

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

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

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

''(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

''(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

''(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted.''; and

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

''(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

''(d) TIMING.—The clearinghouse under this section (as amended by section 09 of the Housing Affordability Barrier Removal Act of 2000) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of Housing and Urban Development may comply with the requirements under this section by reestablishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.''.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

SEC. 201. REDUCED DOWNPAYMENT REQUIREMENTS FOR LOANS FOR TEACHERS, PUBLIC SAFETY OFFICERS, AND OTHER UNIFORMED MUNICIPAL EMPLOYEES.

(a) IN GENERAL.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

''(11) REDUCED DOWNPAYMENT REQUIREMENTS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a mortgage described in subparagraph (B)—

''(i) the mortgage shall involve a principal obligation in an amount that does not exceed the sum of 99 percent of the appraised value of the property and the total amount of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) paid in connection with the mortgage;

''(ii) no other provision of this subsection limiting the principal obligation of the mortgage based upon a percentage of the appraised value of the property subject to the mortgage shall apply; and

''(iii) the matter in paragraph (9) that precedes the first proviso shall not apply and the mortgage shall be executed by a mortgagor who shall have paid on account of the property at least 1 percent of the cost of acquisition (as determined by the Secretary) in cash or its equivalent.

''(B) MORTGAGES COVERED.—A mortgage described in this subparagraph is a mortgage—

''(i) under which the mortgagor is an individual who—

''(I) is employed on a part- or full-time basis as: (aa) a teacher or administrator in a public or private school that provides elementary or secondary education, as determined under State law, except that elementary education shall include pre-Kindergarten education, and except that secondary education shall not include any education beyond grade 12; (bb) a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), except that such term shall not include any officer serving a public agency of the Federal Government); or (cc) a uniformed employee of a unit of general local government, including sanitation and other maintenance workers; and

''(II) has not, during the 12-month period ending upon the insurance of the mortgage, had any present ownership interest in a principal residence located in the jurisdiction described in clause (ii);

''(ii) made for a property that is located within the jurisdiction of—

''(I) in the case of a mortgage of a mortgagor described in clause (i)(I)(aa), the local educational agency (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) for the school in which the mortgagor is employed (or, in the case of a mortgagor employed in a private school, the local educational agency having jurisdiction for the area in which the private school is located);

''(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction served by the public law enforcement agency, firefighting agency, or rescue or ambulance agency that employs the mortgagor; or

''(III) in the case of a mortgage of a mortgagor described in clause (i)(I)(cc), the unit of general local government that employs the mortgagor; and

''(iii) that is closed on or before September 30, 2003.''.

(b) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (3) and notwithstanding''; and

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

''(3) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—In the case of any mortgage described in subsection (b)(11)(B):

''(A) Paragraph (2)(A) of this subsection (relating to collection of up-front premium payments) shall not apply.

''(B) If, at any time during the 5-year period beginning on the date of the insurance of the mortgage, the mortgagor ceases to be employed as described in subsection (b)(11)(B)(i)(I) or pays the principal obligation of the mortgage in full, the Secretary shall at such time collect a single premium payment in an amount equal to the amount of the single premium payment that, but for this paragraph, would have been required under paragraph (2)(A) of this subsection with respect to the mortgage, as reduced by 20 percent of such amount for each successive 12-month period completed during such 5-year period before such cessation or prepayment occurs.''.

SEC. 202. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMS.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(A) by redesignating subsection (k) as subsection (m); and

(B) by inserting after subsection (j) the following new subsection:

''(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

''(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

''(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of: (A) the total cost of the refinancing; and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

''(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

''(A) the mortgagor has received the disclosure required under paragraph (2);

''(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

''(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

''(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

''(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

''(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

''(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

''(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

''(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary.''.

(2) REGULATIONS.—The Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) HOUSING COOPERATIVES.—Section 255(b) of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (2), by striking '' 'mortgage',''; and

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

''(4) MORTGAGE.—The term 'mortgage' means a first mortgage or first lien on real estate, in fee simple, on all stock allocated to a dwelling in a residential cooperative housing corporation, or on a leasehold—

''(A) under a lease for not less than 99 years that is renewable; or

''(B) under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

''(5) FIRST MORTGAGE.—The term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate or all stock allocated to a dwelling unit in a residential cooperative housing corporation, under the laws of the State in which the real estate or dwelling unit is located, together with the credit instruments, if any, secured thereby.''.

(c) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES USED TO FUND LONG-TERM CARE INSURANCE.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

''(l) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES TO FUND LONG-TERM CARE INSURANCE.—

''(1) IN GENERAL.—In the case of any mortgage insured under this section under which the total amount (except as provided in paragraph (2)) of all future payments described in subsection (b)(3) will be used only for costs of a qualified long-term care insurance contract that covers the mortgagor or members of the household residing in the property that is subject to the mortgage, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

''(2) AUTHORITY TO REFINANCE EXISTING MORTGAGE AND FINANCE CLOSING COSTS.—A mortgage described in paragraph (1) may provide financing of amounts that are used to satisfy outstanding mortgage obligations (in accordance with such limitations as the Secretary shall prescribe) and any amounts used for initial service charges, appraisal, inspection, and other fees (as approved by the Secretary) in connection with such mortgage, and the amount of future payments described in subsection (b)(3) under the mortgage shall be reduced accordingly.

''(3) DEFINITION.—For purposes of this subsection, the term 'qualified long-term care insurance contract' has the meaning given such term in section 7702B of the Internal Revenue Code of 1986 (26 U.S.C. 7702B)), except that such contract shall also meet the requirements of—

''(A) sections 9 (relating to disclosure), 24 (relating to suitability), and 26 (relating to contingent nonforfeiture) of the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000); and

''(B) section 8 (relating to contingent nonforfeiture) of the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000).''.

(2) APPLICABILITY.—The provisions of section 255(l) of the National Housing Act (as added by paragraph (1) of this subsection) shall apply only to mortgages closed on or after April 1, 2001.

(d) STUDY OF SINGLE NATIONAL MORTGAGE LIMIT.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act;

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act. Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 203. LAW ENFORCEMENT OFFICER HOMEOWNERSHIP PILOT PROGRAM.

(a) ASSISTANCE FOR LAW ENFORCEMENT OFFICERS.—The Secretary of Housing and Urban Development shall carry out a pilot program in accordance with this section to assist Federal, State, and local law enforcement officers purchasing homes in locally-designated high-crime areas.

(b) ELIGIBILITY.—To be eligible for assistance under this section, a law enforcement officer shall—

(1) have completed not less than 6 months of service as a law enforcement officer as of the date that the law enforcement officer applies for such assistance; and

(2) agree, in writing, to use the residence purchased with such assistance as the primary residence of the law enforcement officer for not less than 3 years after the date of purchase.

(c) MORTGAGE ASSISTANCE.—If a law enforcement officer purchases a home in locally-designated high-crime area and finances such purchase through a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.), notwithstanding any provision of section 203 or any other provision of the National Housing Act, the following shall apply:

(1) DOWNPAYMENT.—

(A) IN GENERAL.—There shall be no downpayment required if the purchase price of the property is not more than the reasonable value of the property, as determined by the Secretary.

(B) PURCHASE PRICE EXCEEDS VALUE.—If the purchase price of the property exceeds the reasonable value of the property, as determined by the Secretary, the required downpayment shall be the difference between such reasonable value and the purchase price.

(2) CLOSING COSTS.—The closing costs and origination fee for such mortgage may be included in the loan amount.

(3) INSURANCE PREMIUM PAYMENT.—There shall be one insurance premium payment due on the mortgage. Such insurance premium payment—

(A) shall be equal to 1 percent of the loan amount;

(B) shall be due and considered earned by the Secretary at the time of the loan closing; and

(C) may be included in the loan amount and paid from the loan proceeds.

(d) LOCALLY-DESIGNATED HIGH-CRIME AREA.—

(1) IN GENERAL.—Any unit of local government may request that the Secretary designate any area within the jurisdiction of that unit of local government as a locally-designated high-crime area for purposes of this section if the proposed area—

(A) has a crime rate that is significantly higher than the crime rate of the non-designated area that is within the jurisdiction of the unit of local government; and

(B) has a population that is not more than 25 percent of the total population of area within the jurisdiction of the unit of local government.

(2) DEADLINE FOR CONSIDERATION OF REQUEST.—Not later than 60 days after receiving a request under paragraph (1), the Secretary shall approve or disapprove the request.

(e) LAW ENFORCEMENT OFFICER.—For purposes of this section, the term ''law enforcement officer'' has such meaning as the Secretary shall provide, except that such term shall include any individual who is employed as an officer in a correctional institution.

(f) SUNSET.—The Secretary shall not approve any application for assistance under this section that is received by the Secretary after the expiration of the 3-year period beginning on the date that the Secretary first makes available assistance under the pilot program under this section.

SEC. 204. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) REAUTHORIZATION.—Subsection (p) of section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended to read as follows:

''(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.''.

(b) ELIGIBLE EXPENSES.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: '', which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land''.

(c) DEADLINE FOR RECAPTURE OF FUNDS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking ''if the organization or consortia has not used any grant amounts'' and inserting ''the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used'';

(B) by striking ''(or,'' and inserting '', except that such period shall be 36 months''; and

(C) by striking ''within 36 months), the Secretary shall recapture such unused amounts'' and inserting ''and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts''; and

(2) in subsection (j), by inserting after ''carry out this section'' the following: ''and grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts''.

(d) TECHNICAL CORRECTIONS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (b)(4), by striking ''Habitat for Humanity International, its affiliates, and other''; and

(2) in subsection (e)(2), by striking ''consoria'' and inserting ''consortia''.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) DOWNPAYMENT ASSISTANCE.—

''(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

''(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

(a) IN GENERAL.—A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled

family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by one or more members of the disabled family and will be occupied by the disabled family, if the disabled family—

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) DETERMINATION OF AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—

(A) MONTHLY EXPENSES NOT EXCEEDING PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) 30 percent of the monthly adjusted income of the disabled family.

(ii) 10 percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) CALCULATION OF AMOUNT.—

(A) LOW-INCOME FAMILIES.—A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) INCOME BETWEEN 81 AND 89 PERCENT OF MEDIAN.—A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) INCOME BETWEEN 90 AND 99 PERCENT OF MEDIAN.—A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) INCOME MORE THAN 99 PERCENT OF MEDIAN.—A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) INSPECTIONS AND CONTRACT CONDITIONS.—

(1) IN GENERAL.—Each contract for the purchase of a dwelling unit to be assisted under this section shall—

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) of section 8 of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) ASSISTANCE PAYMENTS SENT TO LENDER.—The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS.—Assistance under this section shall not be subject to the requirements of the following provisions:

(1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.

(2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.

(3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.

(4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.

(5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.

(g) REVERSION TO RENTAL STATUS.—

(1) NON-FHA MORTGAGES.—If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) ALL MORTGAGES.—A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by 1 or more members of the disabled family.

(3) EXCEPTION.—This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section.

(i) DEFINITION OF DISABLED FAMILY.—For the purposes of this section, the term ''disabled family'' has the meaning given the term ''person with disabilities'' in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under to section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276; 112 Stat. 2613).

(b) USE.—Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) MATCHING REQUIREMENT.—The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Private Mortgage Insurance Technical Corrections and Clarification Act''.

SEC. 402. CHANGES IN AMORTIZATION SCHEDULE.

(a) TREATMENT OF ADJUSTABLE RATE MORTGAGES.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(B) in paragraph (16)(B), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) AMORTIZATION SCHEDULE THEN IN EFFECT.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

''(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

''(B) the unpaid balance of the loan after each such scheduled payment is made.''; and

(2) in section 3(f)(1)(B)(ii), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect''.

(b) TREATMENT OF BALLOON MORTGAGES.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: ''A residential mortgage that (A) does not fully amortize over the term of

the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.''.

(c) TREATMENT OF LOAN MODIFICATIONS.—

(1) IN GENERAL.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

''(d) TREATMENT OF LOAN MODIFICATIONS.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.''.

(2) CONFORMING AMENDMENTS.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)'';

(ii) in subparagraph (A)(ii)(IV), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(iii) in subparagraph (B)(iii), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(B) in paragraph (2), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)''.

SEC. 403. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) TERMINATION OF PRIVATE MORTGAGE INSURANCE.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting ''on residential mortgage transactions'' after ''imposed''; and

(2) in subsection (g) (as so redesignated by the preceding provisions of this title)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''mortgage or'';

(B) in paragraph (2), by striking ''mortgage or''; and

(C) in paragraph (3), by striking ''mortgage or'' and inserting ''residential mortgage or residential''.

(b) DISCLOSURE REQUIREMENTS.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''mortgage or'' the first place it appears; and

(ii) by striking ''mortgage or'' the second place it appears and inserting ''residential''; and

(B) in paragraph (2), by striking ''mortgage or'' and inserting ''residential'';

(2) in subsection (c), by striking ''paragraphs (1)(B) and (3) of subsection (a)'' and inserting ''subsection (a)(3)''; and

(3) in subsection (d), by inserting before the period at the end the following: '', which disclosures shall relate to the mortgagor's rights under this Act''.

(c) DISCLOSURE REQUIREMENTS FOR LENDER-PAID MORTGAGE INSURANCE.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''a residential mortgage or''; and

(B) in paragraph (2), by inserting ''transaction'' after ''residential mortgage''; and

(2) in subsection (d), by inserting ''transaction'' after ''residential mortgage''.

SEC. 404. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after ''cancellation date'' the following: ''or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) is current on the payments required by the terms of the residential mortgage transaction; and''; and

(2) in subsection (e)(1)(B) (as so redesignated by the preceding provisions of this title), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(4)''.

SEC. 405. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) GOOD PAYMENT HISTORY.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''the later of (i)'' before ''the date''; and

(B) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the semicolon; and

(2) in subparagraph (B)—

(A) by inserting ''the later of (i)'' before ''the date''; and

(B) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the period at the end.

(b) AUTOMATIC TERMINATION.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

''(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.''

(c) PREMIUM PAYMENTS.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

''(h) ACCRUED OBLIGATION FOR PREMIUM PAYMENTS.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.''.

SEC. 406. DEFINITIONS.

(a) REFINANCED.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after ''refinanced'' the following: ''(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))''.

(b) MIDPOINT OF THE AMORTIZATION PERIOD.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by the preceding provisions of this title) the following new paragraph:

''(7) MIDPOINT OF THE AMORTIZATION PERIOD.—The term 'midpoint of the amortization period' means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.''.

(c) ORIGINAL VALUE.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by the preceding provisions of this title) is amended—

(1) by inserting ''transaction'' after ''a residential mortgage''; and

(2) by adding at the end the following new sentence: ''In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.''.

(d) PRINCIPAL RESIDENCE.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by the preceding provisions of this title) by striking ''primary'' and inserting ''principal''; and

(2) in paragraph (15) (as so redesignated by the preceding provisions of this title) by striking ''primary'' and inserting ''principal'';

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

SEC. 501. LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the ''Commission'') to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the Chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than eight of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall

be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary, and any amounts appropriated pursuant to this subsection shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 502. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year.''; and

(2) in paragraph (7), by striking ''each of fiscal years 1997, 1998, 1999, 2000, and 2001'' and inserting ''each fiscal year''.

SEC. 503. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking ''if the Secretary'' and all that follows through the period at the end and inserting the following: ''for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.''.

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: ''The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).''.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

''(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.''.

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

''(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

''(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

''(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

''(4) may be corrected through the sole action of the recipient.''.

(e) ELIGIBILITY OF LAW ENFORCEMENT OFFICERS FOR HOUSING ASSISTANCE.—Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) LAW ENFORCEMENT OFFICERS.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a law enforcement officer on an Indian reservation or other Indian area, if—

''(A) the officer—

''(i) is employed on a full-time basis by the Federal Government or a State, county, or tribal government; and

''(ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and

''(B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

(f) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

''SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

''If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).''.

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

''SEC. 405. REVIEW AND AUDIT BY SECRETARY.

''(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

''(b) ADDITIONAL REVIEWS AND AUDITS.—

''(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

''(A) determine whether the recipient—

''(i) has carried out—

''(I) eligible activities in a timely manner; and

''(II) eligible activities and certification in accordance with this Act and other applicable law;

''(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

''(iii) is in compliance with the Indian housing plan of the recipient; and

''(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

''(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

''(c) REVIEW OF REPORTS.—

''(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

''(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

''(A) may revise the report; and

''(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

''(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.''.

(g) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking ''The formula,'' and inserting the following:

''(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula''; and

(2) by adding at the end the following:

''(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.''.

(h) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking ''Except as provided'' and inserting the following:

''(1) IN GENERAL.—Except as provided'';

(3) by striking ''If the Secretary takes an action under paragraph (1), (2), or (3)'' and inserting the following:

''(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

''(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

''(i) provide notice to the recipient at the time that the Secretary takes that action; and

''(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

''(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.''.

(i) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary'';

(2) by striking ''(1) is not'' and inserting the following:

''(A) is not'';

(3) by striking ''(2) is a result'' and inserting the following:

''(B) is a result'';

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: '', if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement''; and

(5) by adding at the end the following:

''(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

''(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

''(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

''(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

''(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).''.

(j) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b) is amended—

(1) in paragraph (1), by striking ''Davis-Bacon Act (40 U.S.C. 276a–276a–5)'' and inserting ''Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)''; and

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

''(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.''.

(k) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

''209. Noncompliance with affordable housing requirement.''.

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: ''Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).''.

Subtitle B—Native Hawaiian Housing

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Hawaiian Homelands Homeownership Act of 2000''.

SEC. 512. FINDINGS.

The Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3

percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (as added by this subtitle), eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479; 73d Congress; 12 U.S.C. 1701 et seq.);

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 513. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

''TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

''SEC. 801. DEFINITIONS.

''In this title:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

''(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

''(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

''(i) for an elderly family, an elderly person; or

''(ii) for a near-elderly family, a near-elderly person.

''(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

''(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

''(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

''(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920(42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(5) HOUSING AREA.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

''(6) HOUSING ENTITY.—The term 'housing entity' means the Department of Hawaiian Home Lands.

''(7) HOUSING PLAN.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

''(8) MEDIAN INCOME.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

''(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

''(B) the median income for the State of Hawaii.

''(9) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

"SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

''(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

''(b) PLAN REQUIREMENT.—

''(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

''(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

''(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

''(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

''(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

''(d) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

''(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

''(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

''(B) expenses incurred in preparing a housing plan under section 803.

''(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

"SEC. 803. HOUSING PLAN.

''(a) PLAN SUBMISSION.—The Secretary shall—

''(1) require the Director to submit a housing plan under this section for each fiscal year; and

''(2) provide for the review of each plan submitted under paragraph (1).

''(b) FIVE-YEAR PLAN.—Each housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

''(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

''(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

''(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

''(c) ONE-YEAR PLAN.—A housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

''(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

''(I) the geographical needs of those families; and

''(II) needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all families to be served by the Department.

''(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

''(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

''(ii) the uses to which the resources described in clause (i) will be committed, including—

''(I) eligible and required affordable housing activities; and

''(II) administrative expenses.

''(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

''(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

''(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

''(I) rental assistance;

''(II) the production of new units;

''(III) the acquisition of existing units; or

''(IV) the rehabilitation of units;

''(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

''(I) the involvement of private, public, and nonprofit organizations and institutions;

''(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

''(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

''(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

''(v) a description of—

''(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vi) a description of—

''(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vii) a description of—

''(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

''(aa) transitional housing;

''(bb) homeless housing;

''(cc) college housing; and

''(dd) supportive services housing; and

''(II) the requirements and assistance available under such programs;

''(viii)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for that demolition or disposition; and

''(III) any other information required by the Secretary with respect to that demolition or disposition;

''(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

''(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

''(I) promote the safety of residents of the affordable housing;

''(II) facilitate the undertaking of crime prevention measures;

''(III) allow resident input and involvement, including the establishment of resident organizations; and

''(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

''(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

''(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

''(i) a certification that the Department of Hawaiian Home Lands will comply with—

''(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

''(II) other applicable Federal statutes;

''(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

''(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

''(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

''(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

''(B) to an eligible family on the basis that the family is a Native Hawaiian family.

''(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

''(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 804. REVIEW OF PLANS.

''(a) REVIEW AND NOTICE.—

''(1) REVIEW.—

''(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

''(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

''(2) NOTICE.—

''(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

''(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

''(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

''(ii) the Director shall be considered to have been notified of compliance.

''(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

''(1) the reasons for noncompliance; and

''(2) any modifications necessary for the plan to meet the requirements of section 803.

''(c) REVIEW.—

''(1) IN GENERAL.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

''(A) set forth the information required by section 803 to be contained in the housing plan;

''(B) are consistent with information and data available to the Secretary; and

''(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

''(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

''(d) UPDATES TO PLAN.—

''(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

''(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

''(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2001.

''SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

''(a) PROGRAM INCOME.—

''(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

''(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

''(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

''(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

''(A) whether the Department retains program income under paragraph (1); or

''(B) the amount of any such program income retained.

''(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

''(b) LABOR STANDARDS.—

''(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

''(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

''(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494; chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

''(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

''SEC. 806. ENVIRONMENTAL REVIEW.

''(a) IN GENERAL.—

''(1) RELEASE OF FUNDS.—

''(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

''(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

''(ii) to the public undiminished protection of the environment.

''(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

''(B) CONTENTS.—The regulations issued under this paragraph shall—

''(i) provide for the monitoring of the environmental reviews performed under this section;

''(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

''(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

''(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

''(b) PROCEDURE.—

''(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of

Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

''(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

''(c) CERTIFICATION.—A certification under the procedures under this section shall—

''(1) be in a form acceptable to the Secretary;

''(2) be executed by the Director of the Department of Hawaiian Home Lands;

''(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

''(4) specify that the Director—

''(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

''(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

''SEC. 807. REGULATIONS.

''The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2001.

''SEC. 808. EFFECTIVE DATE.

''Except as otherwise expressly provided in this title, this title shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

''SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

''(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

''(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

''(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

''(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

''(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

''(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

''(E) to—

''(i) promote the development of private capital markets; and

''(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

''(2) ELIGIBLE FAMILIES.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

''(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

''(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

''(I) section 810(b);

''(II) model activities under section 810(f); or

''(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

''(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

''(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

''(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

''(ii) the need for housing for the family cannot be reasonably met without the assistance.

''(D) PREFERENCE.—

''(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

''(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

''(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

''(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

''(1) develop or to support affordable housing for rental or homeownership; or

''(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

''(b) ACTIVITIES.—The activities described in this subsection are the following:

''(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

''(A) real property acquisition;

''(B) site improvement;

''(C) the development of utilities and utility services;

''(D) conversion;

''(E) demolition;

''(F) financing;

''(G) administration and planning; and

''(H) other related activities.

''(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

''(A) housing counseling in connection with rental or homeownership assistance;

''(B) the establishment and support of resident organizations and resident management corporations;

''(C) energy auditing;

''(D) activities related to the provisions of self-sufficiency and other services; and

''(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

''(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

''(A) the preparation of work specifications;

''(B) loan processing;

''(C) inspections;

''(D) tenant selection;

''(E) management of tenant-based rental assistance; and

''(F) management of affordable housing projects.

''(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

''(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

''(A) designed to carry out the purposes of this title; and

''(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

''SEC. 811. PROGRAM REQUIREMENTS.

''(a) RENTS.—

''(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

''(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

''(b) MAINTENANCE AND EFFICIENT OPERATION.—

''(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

''(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

''(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

''(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

''(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

"SEC. 812. TYPES OF INVESTMENTS.

"(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

"(1) the discretion to use grant amounts for affordable housing activities through the use of—

"(A) equity investments;

"(B) interest-bearing loans or advances;

"(C) noninterest-bearing loans or advances;

"(D) interest subsidies;

"(E) the leveraging of private investments; or

"(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

"(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

"(b) INVESTMENTS.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

"SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

"(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

"(1) each dwelling unit in the housing—

"(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

"(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

"(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

"(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

"(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

"(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

"(I) avoid termination of low-income affordability, in the case of foreclosure; or

"(II) transfer ownership in lieu of foreclosure; and

"(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

"(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

"SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

"(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

"(1) do not contain unreasonable terms and conditions;

"(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

"(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

"(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

"(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

"(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

"(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

"(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

"(C) is criminal activity (including drug-related criminal activity) on or off the premises.

"(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

"(1) are consistent with the purpose of providing housing for low-income families;

"(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

"(3) provide for—

"(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

"(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

"SEC. 815. REPAYMENT.

"If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

"(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

"(2) require repayment to the Secretary of any amount equal to those grant amounts.

"SEC. 816. ANNUAL ALLOCATION.

"For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

"SEC. 817. ALLOCATION FORMULA.

"(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

"(b) FACTORS FOR DETERMINATION OF NEED.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

"(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

"(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

"(3) any other objectively measurable conditions that the Secretary and the Director may specify.

"(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

"(1) geographic distribution within Hawaiian Home Lands; and

"(2) technical capacity.

"(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

"SEC. 818. REMEDIES FOR NONCOMPLIANCE.

"(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—

"(1) IN GENERAL.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

"(A) terminate payments under this title to the Department;

"(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

"(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(2) ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

"(b) NONCOMPLIANCE BECAUSE OF A TECHNICAL INCAPACITY.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

"(1) is not a pattern or practice of activities constituting willful noncompliance; and

"(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

"(c) REFERRAL FOR CIVIL ACTION.—

"(1) AUTHORITY.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

"(2) CIVIL ACTION.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United

States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

''(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

''(B) for mandatory or injunctive relief.

''(d) REVIEW.—

''(1) IN GENERAL.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

''(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

''(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

''(2) PROCEDURE.—

''(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

''(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

''(3) DISPOSITION.—

''(A) COURT PROCEEDINGS.—

''(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

''(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

''(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

''(B) SECRETARY.—

''(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

''(I) may—

''(aa) modify the findings of fact of the Secretary; or

''(bb) make new findings; and

''(II) shall file—

''(aa) such modified or new findings; and

''(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

''(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

''(I) supported by substantial evidence on the record; and

''(II) considered as a whole.

''(4) FINALITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

''(i) the jurisdiction of the court shall be exclusive; and

''(ii) the judgment of the court shall be final.

''(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

''SEC. 819. MONITORING OF COMPLIANCE.

''(a) ENFORCEABLE AGREEMENTS.—

''(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

''(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

''(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

''(B) remedies for breach of the provisions referred to in paragraph (1).

''(b) PERIODIC MONITORING.—

''(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

''(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

''(3) RESULTS.—The results of each review under paragraph (1) shall be—

''(A) included in a performance report of the Director submitted to the Secretary under section 820; and

''(B) made available to the public.

''(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

''SEC. 820. PERFORMANCE REPORTS.

''(a) REQUIREMENT.—For each fiscal year, the Director shall—

''(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

''(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

''(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

''(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

''(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

''(3) indicate the programmatic accomplishments of the Department; and

''(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

''(c) SUBMISSIONS.—The Secretary shall—

''(1) establish a date for submission of each report under this section;

''(2) review each such report; and

''(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

''(d) PUBLIC AVAILABILITY.—

''(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

''(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

''SEC. 821. REVIEW AND AUDIT BY SECRETARY.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

''(A) the Director has—

''(i) carried out eligible activities under this title in a timely manner;

''(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

''(iii) a continuing capacity to carry out the eligible activities in a timely manner;

''(B) the Director has complied with the housing plan submitted by the Director under section 803; and

''(C) the performance reports of the Department under section 821 are accurate.

''(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

''(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

''(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

''SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

''To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

''SEC. 823. REPORTS TO CONGRESS.

''(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

''(1) a description of the progress made in accomplishing the objectives of this title;

''(2) a summary of the use of funds available under this title during the preceding fiscal year; and

''(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

''(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

''SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 514. LOAN GUARANTEES.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

"SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

''(a) DEFINITIONS.—In this section:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

''(3) FAMILY.—The term 'family' means one or more persons maintaining a household, as the Secretary shall by regulation provide.

''(4) GUARANTEE FUND.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

''(5) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''(7) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

''(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

''(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

''(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who is—

''(A) a Native Hawaiian family;

''(B) the Department of Hawaiian Home Lands;

''(C) the Office of Hawaiian Affairs; or

''(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

''(2) ELIGIBLE HOUSING.—

''(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

''(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

''(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

''(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

''(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal or State law.

''(4) LENDERS.—

''(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

''(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

''(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

''(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

''(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

''(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

''(5) TERMS.—The loan shall—

''(A) be made for a term not exceeding 30 years;

''(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

''(C) involve a principal obligation not exceeding—

''(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

''(ii) the amount approved by the Secretary under this section; and

''(D) involve a payment on account of the property—

''(i) in cash or its equivalent; or

''(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

''(d) CERTIFICATE OF GUARANTEE.—

''(1) APPROVAL PROCESS.—

''(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

''(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

''(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

''(3) EFFECT.—

''(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

''(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

''(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

''(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

''(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

''(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

''(e) GUARANTEE FEE.—

''(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

''(2) PAYMENT.—The fee under this subsection shall—

''(A) be paid by the lender at time of issuance of the guarantee; and

''(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

''(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

''(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

''(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

''(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

''(1) IN GENERAL.—

''(A) GROUNDS FOR ACTION.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

''(i) has failed—

''(I) to maintain adequate accounting records;

''(II) to service adequately loans guaranteed under this section; or

''(III) to exercise proper credit or underwriting judgment; or

''(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

''(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

''(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

''(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

''(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

''(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

''(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

''(i) to maintain adequate accounting records;

''(ii) to adequately service loans guaranteed under this section; or

''(iii) to exercise proper credit or underwriting judgment.

''(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

''(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

''(i) PAYMENT UNDER GUARANTEE.—

''(1) LENDER OPTIONS.—

''(A) IN GENERAL.—

''(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

''(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in one of the following manners:

''(I) FORECLOSURE.—

''(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

''(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(II) NO FORECLOSURE.—

''(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

''(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

''(2) LIMITATIONS ON LIQUIDATION.—

''(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

''(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

''(j) HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

''(2) CREDITS.—The Guarantee Fund shall be credited with—

''(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

''(B) any amounts appropriated pursuant to paragraph (7);

''(C) any guarantee fees collected under subsection (d); and

''(D) any interest or earnings on amounts invested under paragraph (4).

''(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

''(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

''(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

''(C) acquiring such security property at foreclosure sales or otherwise;

''(D) paying administrative expenses in connection with this section; and

''(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

''(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

''(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

''(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

''(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2001, 2002, 2003, 2004, and 2005 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

''(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

''(k) REQUIREMENTS FOR STANDARD HOUSING.—

''(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

''(2) STANDARDS.—The standards referred to in paragraph (1) shall—

''(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

''(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

''(i) be decent, safe, sanitary, and modest in size and design;

''(ii) conform with applicable general construction standards for the region in which the housing is located;

''(iii) contain a plumbing system that—

''(I) uses a properly installed system of piping;

''(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

''(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

''(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

''(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

''(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

''(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing

Act (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.''.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

SEC. 601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Manufactured Housing Improvement Act of 2000''.

(b) REFERENCES.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 602. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

''SEC. 602. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

''(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

''(b) PURPOSES.—The purposes of this title are—

''(1) to protect the quality, durability, safety, and affordability of manufactured homes;

''(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

''(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

''(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

''(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

''(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

''(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

''(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.''.

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking ''dealer'' and inserting ''retailer'';

(2) in paragraph (12), by striking ''and'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

''(15) 'consensus committee' means the committee established under section 604(a)(3);

''(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

''(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

''(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

''(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

''(20) 'monitoring' means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations promulgated under this title, giving due consideration to the recommendations of the consensus committee under section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

''(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder, including the inspection of homes in the plant.''.

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking ''dealer'' each place it appears and inserting ''retailer'';

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking ''dealer'' each place it appears and inserting ''retailer'';

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking ''dealer'' and inserting ''retailer'';

(B) in subsection (b)(3), by striking ''dealer or dealers'' and inserting ''retailer or retailers''; and

(C) in subsections (d) and (f), by striking ''dealers'' each place it appears and inserting ''retailers'';

(4) in section 616 (42 U.S.C. 5415), by striking ''dealer'' and inserting ''retailer''; and

(5) in section 623(c)(9), by striking ''dealers'' and inserting ''retailers''.

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) ESTABLISHMENT.—

''(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

''(A) shall—

''(i) be reasonable and practical;

''(ii) meet high standards of protection consistent with the purposes of this title; and

''(iii) be performance-based and objectively stated, unless clearly inappropriate; and

''(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

''(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

''(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

''(i) terminate on the date on which a contract is entered into under subparagraph (B); and

''(ii) require the administering organization to—

''(I) recommend the initial members of the consensus committee under paragraph (3);

''(II) administer the consensus standards development process until the termination of that agreement; and

''(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

''(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

''(C) PERFORMANCE REVIEW.—The Secretary—

''(i) shall periodically review the performance of the administering organization; and

''(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

''(3) CONSENSUS COMMITTEE.—

''(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall, in accordance with this title—

''(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

''(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);

''(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation; and

''(iv) be deemed to be an advisory committee not composed of Federal employees.

''(B) MEMBERSHIP.—The consensus committee shall be composed of—

''(i) 21 voting members appointed by the Secretary, after consideration of the recommendations of the administering organization, from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

''(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

''(C) DISAPPROVAL.—The Secretary shall state, in writing, the reasons for failing to appoint any individual recommended under paragraph (2)(A)(ii)(I).

''(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

''(i) PRODUCERS.—Seven producers or retailers of manufactured housing.

''(ii) USERS.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

''(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—Seven general interest and public official members.

''(E) BALANCING OF INTERESTS.—

''(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee—

''(I) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

''(II) may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

''(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

''(F) ADDITIONAL QUALIFICATIONS.—

''(i) FINANCIAL INDEPENDENCE.—No individual appointed under subparagraph (D)(ii) shall have, and 3 of the individuals appointed under subparagraph (D)(iii) shall not have—

''(I) a significant financial interest in any segment of the manufactured housing industry; or

''(II) a significant relationship to any person engaged in the manufactured housing industry.

''(ii) POST-EMPLOYMENT BAN.—Each individual described in clause (i) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and during the 1-year following, the membership of the individual on the consensus committee.

''(G) MEETINGS.—

''(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

''(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

''(H) ADMINISTRATION.—The consensus committee and the administering organization shall—

''(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

''(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

''(I) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

''(i) provide reasonable staff resources to the consensus committee; and

''(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

''(I) the support is necessary to ensure the informed participation of the consensus committee members; and

''(II) the costs of providing the support are reasonable.

''(J) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which a contractual agreement under paragraph (2)(A) is entered into with the administering organization.

''(4) REVISIONS OF STANDARDS.—

''(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

''(i) consider revisions to the Federal manufactured home construction and safety standards; and

''(ii) submit proposed revised standards, if approved in a vote of the consensus committee by ⅔ of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

''(B) PUBLICATION OF PROPOSED REVISED STANDARDS.—

''(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, cause such proposed revised standard to be published in the Federal Register for notice and comment in accordance with section 553 of title 5, United States Code. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard in accordance with such section 553 and any such comments shall be submitted directly to the consensus committee, without delay.

''(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

''(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

''(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

''(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revision proposed by the consensus committee, which the Secretary shall, not later than 30 calendar days after receipt, cause to be published in the Federal Register a notice of the recommended revisions of the consensus committee to the standards, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

''(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

''(5) REVIEW BY THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted by the consensus committee under paragraph (4)(A).

''(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

''(C) PROCEDURES.—If the Secretary—

''(i) adopts a standard recommended by the consensus committee, the Secretary shall—

''(I) issue a final order without further rulemaking; and

''(II) cause the final order to be published in the Federal Register;

''(ii) determines that any standard should be rejected, the Secretary shall—

''(I) reject the standard; and

''(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

''(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

''(I) cause to be published in the Federal Register the proposed modified standard, together with an explanation of the reason or reasons for the determination of the Secretary; and

''(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(D) FINAL ORDER.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

''(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to cause notice of the action to be published in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed revised standard is submitted to the Secretary under paragraph (4)(A)—

''(A) the Secretary shall appear in person before the appropriate housing and appropriations subcommittees and committees of the House of Representatives and the Senate (referred to in this paragraph as the 'committees') on a date or dates to be specified by the committees, but in no event later than 30 days after the expiration of that 12-month period, and shall state before the committees the reasons for failing to take final action as required under paragraph (5); and

''(B) if the Secretary does not appear in person as required under subparagraph (A), the Secretary shall thereafter, and until such time as the Secretary does appear as required under subparagraph (A), be prohibited from expending any funds collected under authority of this title in an amount greater than that collected and expended in the fiscal year immediately preceding the date of enactment of the Manufactured Housing Improvement Act of 2000, indexed for inflation as determined by the Congressional Budget Office.

''(b) OTHER ORDERS.—

''(1) REGULATIONS.—The Secretary may issue procedural and enforcement regulations and revisions to existing regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

''(2) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

''(3) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

''(A) the Secretary shall—

''(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

''(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

''(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

''(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

''(i) cause the proposed regulation or interpretative bulletin and the consensus committee's written comments, along with the Secretary's response thereto, to be published in the Federal Register; and

''(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(4) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

''(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

''(B) reject the proposed regulation or interpretative bulletin and—

''(i) provide to the consensus committee a written explanation of the reasons for rejection; and

''(ii) cause to be published in the Federal Register the rejected proposed regulation or interpretive bulletin, the reasons for rejection, and any recommended modifications set forth.

''(5) AUTHORITY TO ACT AND EMERGENCY.—If the Secretary determines, in writing, that such action is necessary to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation following a request by the Secretary, or in order to respond to an emergency that jeopardizes the public health or safety, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

''(A) provides to the consensus committee a written description and sets forth the reasons why action is necessary and all supporting documentation; and

''(B) issues the order after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code, and causes the order to be published in the Federal Register.

''(6) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.

''(7) TRANSITION.—Until the date on which the consensus committee is appointed pursuant to section 604(a)(3), the Secretary may issue proposed orders, pursuant to notice and comment in accordance with section 553 of title 5, United States Code, that are not developed under the procedures set forth in this section for new and revised standards.'';

(2) in subsection (d), by adding at the end the following: ''Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.'';

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

''(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—'';

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

''SEC. 605. MANUFACTURED HOME INSTALLATION.

''(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under subsection (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.

''(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

''(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(3) FACTORS FOR CONSIDERATION.—

''(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factors described in section 604(e).

''(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factors described in section 604(e).

''(4) ISSUANCE.—The model manufactured home installation standards shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

''(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(2) INSTALLATION STANDARDS.—

''(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

''(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

''(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

''(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

''(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

''(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

''(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

''(B) the training and licensing of manufactured home installers; and

''(C) inspection of the installation of manufactured homes.''.

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

''(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);''.

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting ''to the Secretary'' after ''submit''; and

(B) by adding at the end the following: ''The Secretary shall submit such cost and other information to the consensus committee for evaluation.'';

(2) in subsection (d), by inserting '', the consensus committee,'' after ''public''; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

''(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.''.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term 'government-sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

''(2) FHA MANUFACTURED HOME LOAN.—The term 'FHA manufactured home loan' means a loan that—

''(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

''(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.''.

SEC. 608. PROHIBITED ACTS.

Section 610(a) (42 U.S.C. 5409(a)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

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

''(7) after the expiration of the period specified in section 605(c)(2)(B), fail to comply with the requirements for the installation program required by section 605 in any State that has not adopted and implemented a State installation program.''.

SEC. 609. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

''SEC. 620. AUTHORITY TO COLLECT FEE.

''(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

''(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

''(A) conducting inspections and monitoring;

''(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

''(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

''(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

''(E) administering the consensus committee as set forth in section 604;

''(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

''(G) the administration and enforcement of the installation standards authorized by section 605 in States in which the Secretary is required to implement an installation program after the expiration of the 5-year period set forth in section 605(c)(2)(B), and the administration and enforcement of a dispute resolution program described in section 623(c)(12) in States in which the Secretary is required to implement such a program after the expiration of the 5-year period set forth in section 623(g)(2); and

''(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

''(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

''(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(d) MODIFICATION.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

''(1) as specifically authorized in advance in an annual appropriations Act; and

''(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

''(e) APPROPRIATION AND DEPOSIT OF FEES.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

''(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.

''(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.''.

SEC. 610. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by the preceding provisions of this title) the following:

''(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and''; and

(2) by adding at the end the following:

''(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

''(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of

enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection. The order establishing the dispute resolution program shall be issued after notice and opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

''(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.''.

SEC. 611. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 612. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 613. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

SEC. 701. GUARANTEES FOR REFINANCING OF RURAL HOUSING LOANS.

Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

''(13) GUARANTEES FOR REFINANCING LOANS.—

''(A) IN GENERAL.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts and subject to subparagraph (F), guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the requirements of this paragraph.

''(B) INTEREST RATE.—To be eligible for a guarantee under this paragraph, the refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

''(C) SECURITY.—To be eligible for a guarantee under this paragraph, the refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

''(D) AMOUNT.—To be eligible for a guarantee under this paragraph, the principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

''(E) OTHER REQUIREMENTS.—The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this paragraph, and no other provisions of paragraphs (1) through (12) shall apply to such loans.

''(F) AUTHORITY TO ESTABLISH LIMITATION.—The Secretary may establish limitations on the number of loans guaranteed under this paragraph, which shall be based on market conditions and other factors as the Secretary considers appropriate.''.

SEC. 702. PROMISSORY NOTE REQUIREMENT UNDER HOUSING REPAIR LOAN PROGRAM.

The fourth sentence of section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking ''$2,500'' and inserting ''$7,500''.

SEC. 703. LIMITED PARTNERSHIP ELIGIBILITY FOR FARM LABOR HOUSING LOANS.

The first sentence of section 514(a) of the Housing Act of 1949 (42 U.S.C. 1484(a)) is amended by striking ''nonprofit limited partnership'' and inserting ''limited partnership''.

SEC. 704. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following new subsections:

''(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

''(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

''(aa) DOUBLE DAMAGES FOR UNAUTHORIZED USE OF HOUSING PROJECTS ASSETS AND INCOME.—

''(1) ACTION TO RECOVER ASSETS OR INCOME.—

''(A) IN GENERAL.—The Secretary may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

''(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

''(C) DEFINITION.—For the purposes of this subsection, the term 'person' means—

''(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

''(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; and

''(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

''(2) AMOUNT RECOVERABLE.—

''(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

''(B) APPLICATION OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may use amounts recovered under this subsection for activities authorized under this section and such funds shall remain available for such use until expended.

''(3) TIME LIMITATION.—Notwithstanding any other provision of law, an action under this subsection may be commenced at any time during the 6-year period beginning on the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

''(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.''.

SEC. 705. DEFINITION OF RURAL AREA.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking ''1990 decennial census'' and inserting ''1990 or 2000 decennial census''; and

(2) by striking ''year 2000'' and inserting ''year 2010''.

SEC. 706. OPERATING ASSISTANCE FOR MIGRANT FARMWORKERS PROJECTS.

The last sentence of section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended by striking ''project'' and inserting ''tenant or unit''.

SEC. 707. MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE PROGRAM.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (c), by inserting ''an Indian tribe,'' after ''thereof,'';

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

''(1) be made for a period of not less than 25 nor greater than 40 years from the date the loan was made and may provide for amortization of the loan over a period of not to

exceed 40 years with a final payment of the balance due at the end of the loan term;'';

(3) in subsection (i)(2), by striking ''(A) conveyance to the Secretary'' and all that follows through ''(C) assignment'' and inserting ''(A) submission to the Secretary of a claim for payment under the guarantee, and (B) assignment'';

(4) in subsection (s), by adding at the end the following new subsection:

''(4) INDIAN TRIBE.—The term 'Indian tribe' means—

''(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation, as defined by or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.); or

''(B) any entity established by the governing body of an Indian tribe described in subparagraph (A) for the purpose of financing economic development.'';

(5) in subsection (t), by inserting before the period at the end the following: ''to provide guarantees under this section for eligible loans having an aggregate principal amount of $500,000,000'';

(6) by striking subsection (l);

(7) by redesignating subsections (m) through (u) as subsections (l) through (t), respectively; and

(8) by adding at the end the following new subsections:

''(u) FEE AUTHORITY.—Any amounts collected by the Secretary pursuant to the fees charged to lenders for loan guarantees issued under this section shall be used to offset costs (as defined by section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees made under this section.

''(v) DEFAULTS OF LOANS SECURED BY RESERVATION LANDS.—In the event of a default involving a loan to an Indian tribe or tribal corporation made under this section which is secured by an interest in land within such tribe's reservation (as determined by the Secretary of the Interior), including a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), the lender shall only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe. If the lender subsequently proceeds to liquidate the account, the lender shall not sell, transfer, or otherwise dispose of or alienate the property except to one of the entities described in the preceding sentence.''.

SEC. 708. ENFORCEMENT PROVISIONS.

(a) IN GENERAL.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding after section 542 the following:

''SEC. 543. ENFORCEMENT PROVISIONS.

''(a) EQUITY SKIMMING.—

''(1) CRIMINAL PENALTY.—Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this title, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

''(2) CIVIL SANCTIONS.—An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this title where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be subject to a fine of not more than $25,000 per violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

''(b) CIVIL MONETARY PENALTIES.—

''(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this title, the regulations issued by the Secretary pursuant to this title, or agreements made in accordance with this title, by—

''(A) submitting information to the Secretary that is false;

''(B) providing the Secretary with false certifications;

''(C) failing to submit information requested by the Secretary in a timely manner;

''(D) failing to maintain the property subject to loans made or guaranteed under this title in good repair and condition, as determined by the Secretary;

''(E) failing to provide management for a project which received a loan made or guaranteed under this title that is acceptable to the Secretary; or

''(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

''(2) CONDITIONS FOR RENEWAL OR EXTENSION.—The Secretary may require that expiring loan or assistance agreements entered into under this title shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

''(3) AMOUNT.—

''(A) IN GENERAL.—The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

''(i) twice the damages the Department of Agriculture, the guaranteed lender, or the project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

''(ii) $50,000 per violation.

''(B) DETERMINATION.—In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

''(i) the gravity of the offense;

''(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

''(iii) the ability of the violator to pay the penalty;

''(iv) any injury to tenants;

''(v) any injury to the public;

''(vi) any benefits received by the violator as a result of the violation;

''(vii) deterrence of future violations; and

''(viii) such other factors as the Secretary may establish by regulation.

''(4) PAYMENT OF PENALTIES.—No payment of a penalty assessed under this section may be made from funds provided under this title or from funds of a project which serve as security for a loan made or guaranteed under this title.

''(5) REMEDIES FOR NONCOMPLIANCE.—

''(A) JUDICIAL INTERVENTION.—If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorney's fees and other expenses incurred by the United States in connection with the action.

''(B) REVIEWABILITY OF DETERMINATION.—In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.''.

(b) CONFORMING AMENDMENT.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by striking subsection (j).

SEC. 709. AMENDMENTS TO TITLE 18 OF UNITED STATES CODE.

(a) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming),'' after ''coupons having a value of not less than $5,000,''.

(b) OBSTRUCTION OF FEDERAL AUDITS.—Section 1516(a) of title 18, United States Code, is amended by inserting ''or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949,'' before ''shall be fined under this title''.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

SEC. 801. SHORT TITLE.

This title may be cited as the ''Affordable Housing for Seniors and Families Act''.

SEC. 802. REGULATIONS.

The Secretary of Housing and Urban Development (referred to in this title as the ''Secretary'') shall issue any regulations to carry out this title and the amendments made by this title that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 803. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this title and the amendments made by this title are effective as of the date of enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) EFFECT OF REGULATORY AUTHORITY.—Any authority in this title or the amendments made by this title to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this title or the amendments made by this title under such provisions and amendments and subsection (a) of this section.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

SEC. 811. PREPAYMENT AND REFINANCING.

(a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a

project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) SOURCES OF REFINANCING.—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) USE OF UNEXPENDED AMOUNTS.—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than 1 such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) USE OF CERTAIN PROJECT FUNDS.—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of $500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of $1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) BUDGET ACT COMPLIANCE.—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

SEC. 821. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (c)(4) (relating to matching funds), except that if there are insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.''.

SEC. 822. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by striking subsection (m) and inserting the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (d)(5) (relating to matching funds), except that if there are insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.''.

SEC. 823. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2001, 2002, and 2003, for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

SEC. 831. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by inserting after subparagraph (C) the following:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C), or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), and (C).''.

SEC. 832. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended—

(1) by striking ''non-Federal sources'' and inserting ''sources other than this section''; and

(2) by adding at the end the following new sentence: ''Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.''.

SEC. 833. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking ''from the Resolution Trust Corporation''; and

(2) in subsection (h)(2)—

(A) in the paragraph heading, by striking ''RTC PROPERTIES'' and inserting ''ACQUISITION''; and

(B) by striking ''from the Resolution'' and all that follows through ''Insurance Act''.

SEC. 834. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

''(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

SEC. 835. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.''.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

SEC. 841. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by inserting after subparagraph (D) the following:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).''.

SEC. 842. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended—

(1) by striking ''non-Federal sources'' and inserting ''sources other than this section''; and

(2) by adding at the end the following new sentence: ''Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.''.

SEC. 843. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following:

''(4) TENANT-BASED RENTAL ASSISTANCE.—

''(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the

purposes of providing such tenant-based rental assistance.

''(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

''(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937.''; and

(2) in subsection (l)(1)—

(A) by striking ''subsection (b)'' and inserting ''subsection (b)(2)'';

(B) by striking the last comma and all that follows through ''subsection (n)''; and

(C) by adding at the end the following: ''Notwithstanding any other provision of this section, the Secretary may use not more than 25 percent of the total amounts made available for assistance under this section for any fiscal year for tenant-based rental assistance under subsection (b)(1) for persons with disabilities, and no authority of the Secretary to waive provisions of this section may be used to alter the percentage limitation under this sentence.''.

SEC. 844. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

''(7) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

SEC. 845. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.''.

PART 3—OTHER PROVISIONS

SEC. 851. SERVICE COORDINATORS.

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking ''**MULTIFAMILY HOUSING ASSISTED UNDER NATIONAL HOUSING ACT**'' and inserting ''**CERTAIN FEDERALLY ASSISTED HOUSING**'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''(E) and (F)'' and inserting ''(B), (C), (D), (E), (F), and (G)''; and

(B) in the last sentence—

(i) by striking ''section 661'' and inserting ''section 671''; and

(ii) by adding at the end the following: ''A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.'';

(3) in subsection (d)—

(A) by striking ''(E) or (F)'' and inserting ''(B), (C), (D), (E), (F), or (G)''; and

(B) by striking ''section 661'' and inserting ''section 671''; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) REQUIREMENT TO PROVIDE SERVICE COORDINATORS.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking ''to carry out this subtitle pursuant to the amendments made by this subtitle'' and inserting the following: ''for providing service coordinators under this section'';

(2) in subsection (d), by inserting '')'' after ''section 683(2)''; and

(3) by adding at the end following:

''(e) SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.''.

(c) PROTECTION AGAINST TELEMARKETING FRAUD.—

(1) SUPPORTIVE HOUSING FOR THE ELDERLY.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking ''and (F)'' and inserting the following: ''(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)''.

(2) OTHER FEDERALLY ASSISTED HOUSING.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after ''response,'' the following: ''education and outreach regarding telemarketing fraud in accordance with the standards issued under subsection (f),''; and

(B) by adding at the end the following:

''(f) PROTECTION AGAINST TELEMARKETING FRAUD.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

''(2) CONTENTS.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

''(A) informs such residents of—

''(i) the prevalence of telemarketing fraud targeted against elderly persons;

''(ii) how telemarketing fraud works;

''(iii) how to identify telemarketing fraud;

''(iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

''(v) how to report suspected attempts at telemarketing fraud; and

''(vi) their consumer protection rights under Federal law;

''(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

''(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on 'mooch lists' confiscated from fraudulent telemarketers.''.

Subtitle D—Preservation of Affordable Housing Stock

SEC. 861. SECTION 236 ASSISTANCE.

(a) EXTENSION OF AUTHORITY TO RETAIN EXCESS CHARGES.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended—

(1) in paragraph (2), by striking ''Subject to paragraph (3) and notwithstanding'' and inserting ''Notwithstanding''; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) TREATMENT OF EXCESS CHARGES PREVIOUSLY COLLECTED.—Any excess charges that a project owner may retain pursuant to the amendments made by subsections (b) and (c) of section 532 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1116) that have been collected by such owner since the date of the enactment of such Appropriations Act and that such owner has not remitted to the Secretary of Housing and Urban Development may be retained by such owner unless such Secretary otherwise provides. To the extent that a project owner has remitted such excess charges to the Secretary since such date of enactment, the Secretary may return to the relevant project owner any such excess charges remitted. Notwithstanding any other provision of law, amounts in the Rental Housing Assistance Fund, or heretofore or subsequently transferred from the Rental Housing Assistance Fund to the Flexible Subsidy Fund, shall be available to make such return of excess charges previously remitted to the Secretary, including the return of excess charges referred to in section 532(e) of such Appropriations Act.

Subtitle E—Mortgage Insurance for Health Care Facilities

SEC. 871. REHABILITATION OF EXISTING HOSPITALS, NURSING HOMES, AND OTHER FACILITIES.

Section 223(f) of the National Housing Act (12 U.S.C. 1715n(f)) is amended—

(1) in paragraph (1)—

(A) by striking ''the refinancing of existing debt of an''; and

(B) by inserting ''existing integrated service facility,'' after ''existing board and care home,'';

(2) in paragraph (4)—

(A) by inserting ''existing integrated service facility,'' after ''board and care home,'' each place it appears;

(B) in subparagraph (A), by inserting before the semicolon at the end the following: '', which refinancing, in the case of a loan on a hospital, home, or facility that is within 2

years of maturity, shall include a mortgage made to prepay such loan'';

(C) in subparagraph (B), by inserting after ''indebtedness'' the following: '', pay any other costs including repairs, maintenance, minor improvements, or additional equipment which may be approved by the Secretary,''; and

(D) in subparagraph (D)—

(i) by inserting ''existing'' before ''intermediate care facility''; and

(ii) by inserting ''existing'' before ''board and care home''; and

(3) by adding at the end the following:

''(6) In the case of purchase of an existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility or any combination thereof) the Secretary shall prescribe such terms and conditions as the Secretary deems necessary to assure that—

''(A) the proceeds of the insured mortgage loan will be employed only for the purchase of the existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility or any combination thereof) including the retirement of existing debt (if any), necessary costs associated with the purchase and the insured mortgage financing, and such other costs, including costs of repairs, maintenance, improvements, and additional equipment, as may be approved by the Secretary;

''(B) such existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility, or any combination thereof) is economically viable; and

''(C) the applicable requirements for certificates, studies, and statements of section 232 (for the existing nursing home, existing assisted living facility, intermediate care facility, board and care home, existing integrated service facility or any combination thereof, proposed to be purchased) or of section 242 (for the existing hospital proposed to be purchased) have been met.''.

SEC. 872. NEW INTEGRATED SERVICE FACILITIES.

Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''are not acutely ill and'';

(B) in paragraph (2), by striking ''nevertheless''; and

(C) by adding at the end the following:

''(4) The development of integrated service facilities for the care and treatment of the elderly and other persons in need of health care and related services, but who do not require hospital care, and the support of health care facilities which provide such health care and related services (including those that support hospitals (as defined in section 242(b))).'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''acutely ill and not'';

(B) in paragraph (4), by inserting after the second period the following: ''Such term includes a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide.'';

(C) in paragraph (6)—

(i) by striking subparagraph (A) and inserting the following:

''(A) meets all applicable licensing and regulatory requirements of the State, or if there is no State law providing for such licensing and regulation by the State, meets all applicable licensing and regulatory requirements of the municipality or other political subdivision in which the facility is located, or, in the absence of any such requirements, meets any underwriting requirements of the Secretary for such purposes;''; and

(ii) in subparagraph (C), by striking ''and'' at the end;

(D) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(8) the term 'integrated service facility' means a facility—

''(A) providing integrated health care delivery services designed and operated to provide medical, convalescent, skilled and intermediate nursing, board and care services, assisted living, rehabilitation, custodial, personal care services, or any combination thereof, to sick, injured, disabled, elderly, or infirm persons, or providing services for the prevention of illness, or any combination thereof;

''(B) designed, in whole or in part, to provide a continuum of care, as determined by the Secretary, for the sick, injured, disabled, elderly, or infirm;

''(C) providing clinical services, outpatient services, including community health services and medical practice facilities and group practice facilities, to sick, injured, disabled, elderly, or infirm persons not in need of the services rendered in other facilities insurable under this title, or for the prevention of illness, or any combination thereof; or

''(D)(i) designed, in whole or in part to provide supportive or ancillary services to hospitals (as defined in section 242(b)), which services may include services provided by special use health care facilities, professional office buildings, laboratories, administrative offices, and other facilities supportive or ancillary to health care delivery by such hospitals; and

''(ii) that meet standards acceptable to the Secretary, which may include standards governing licensure or State or local approval and regulation of a mortgagor; or

''(E) that provides any combination of the services under subparagraphs (A) through (D).'';

(3) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''board and care home,'' after ''rehabilitated nursing home,'';

(ii) by inserting ''integrated service facility,'' after ''assisted living facility,'' the first 2 places it appears;

(iii) by inserting ''board and care home,'' after ''existing nursing home,''; and

(iv) by striking ''or a board and care home'' and inserting '', board and care home or integrated service facility'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting before '', including'' the following: ''or a public body, public agency, or public corporation eligible under this section''; and

(ii) in subparagraph (B), by striking ''energy conservation measures'' and all that follows through ''95–619)'' and inserting ''energy conserving improvements (as defined in section 2(a))''.

(C) in paragraph (4)(A)—

(i) in the first sentence—

(I) by inserting '', and integrated service facilities that include such nursing home and intermediate care facilities,'' before '', the Secretary'';

(II) by striking ''or section 1521 of the Public Health Service Act'' and inserting ''of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary),'';

(III) by inserting '', or the portion of an integrated service facility providing such services,'' before ''covered by the mortgage,''; and

(IV) by inserting ''or for such nursing or intermediate care services within an integrated service facility'' before '', and (ii)'';

(ii) in the second sentence, by inserting ''(which may be within an integrated service facility)'' after ''home and facility'';

(iii) in the third sentence—

(I) by striking ''mortgage under this section'' and all that follows through ''feasibility'' and inserting the following: ''such mortgage under this section unless (i) the proposed mortgagor or applicant for the mortgage insurance for the home or facility or combined home or facility, or the integrated service facility containing such services, has commissioned and paid for the preparation of an independent study of market need for the project'';

(II) in clause (i)(II), by striking ''and its relationship to, other health care facilities and'' and inserting ''or such facilities within an integrated service facility, and its relationship to, other facilities providing health care'';

(III) in clause (i)(IV), by striking ''in the event the State does not prepare the study,''; and

(IV) in clause (i)(IV), by striking ''the State or''; and

(V) in clause (ii), by striking ''or section 1521 of the Public Health Service Act'' and inserting ''of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary),'';

(iv) by striking the penultimate sentence and inserting the following: ''A study commissioned or undertaken by the State in which the facility will be located shall be considered to satisfy such market study requirement. The proposed mortgagor or applicant may reimburse the State for the cost of an independent study referred to in the preceding sentence.''; and

(v) in the last sentence—

(I) by inserting ''the proposed mortgagor or applicant for mortgage insurance may obtain from'' after ''10 individuals,'';

(II) by striking ''may'' and inserting ''and''; and

(III) by inserting a comma before ''written support''; and

(D) in paragraph (4)(C)(iii), by striking ''the appropriate State'' and inserting ''any appropriate''; and

(4) in subsection (i)(1), by inserting ''integrated service facilities,'' after ''assisted living facilities,''.

SEC. 873. HOSPITALS AND HOSPITAL-BASED INTEGRATED SERVICE FACILITIES.

Section 242 of the National Housing Act (12 U.S.C. 1715z–7) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B) and striking ''and'' at the end;

(B) in paragraph (2), by striking ''respectfully'' and all that follows through the period at the end and inserting ''given such terms in section 207(a), except that the term 'mortgage' shall include a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide; and''; and

(C) by adding at the end the following:

''(3) the term 'integrated service facility' has the meaning given the term in section 232(b).'';

(2) in subsection (c), by striking ''title VII of'' and inserting ''title VI of'';

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after ''operation,'' the following: ''or that covers an integrated service

facility owned or to be owned by an applicant or proposed mortgagor that also owns a hospital in the same market area, including equipment to be used in its operation,'';

(B) in paragraph (1)—

(i) in the first sentence, by inserting before the period at the end the following: ''and who, in the case of a mortgage covering an integrated service facility, is also the owner of a hospital facility''; and

(ii) by adding at the end the following: ''A mortgage insured hereunder covering an integrated service facility may only cover the real and personal property where the eligible facility will be located.'';

(C) in paragraph (2)(A), by inserting ''or integrated service facility'' before the comma; and

(D) in paragraph (2)(B), by striking ''energy conservation measures'' and all that follows through ''95–619)'' and inserting ''energy conserving improvements (as defined in section 2(a))'';

(E) in paragraph (4)—

(i) in the first sentence—

(I) by inserting ''for a hospital'' after ''any mortgage''; and

(II) by striking ''or section 1521 of the Public Health Service Act'' and inserting ''of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary),'';

(ii) by striking the third sentence and inserting the following: ''If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the hospital as set forth in subparagraph (A) of the first sentence, the Secretary shall not insure any such mortgage under this section unless: (A) the proposed mortgagor or applicant for the hospital has commissioned and paid for the preparation of an independent study of market need for the proposed project that: (i) is prepared in accordance with the principles established by the Secretary, in consultation with the Secretary of Health and Human Services (to the extent the Secretary of Housing and Urban Development considers appropriate); (ii) assesses, on a marketwide basis, the impact of the proposed hospital on, and its relationship to, other facilities providing health care services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the hospital; (iii) is addressed to and is acceptable to the Secretary in form and substance; and (iv) is prepared by a financial consultant selected by the proposed mortgagor or applicant and approved by the Secretary; and (B) the State complies with the other provisions of this paragraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary). A study commissioned or undertaken by the State in which the hospital will be located shall be considered to satisfy such market study requirement.''; and

(iii) in the last sentence, by striking ''feasibility''; and

(4) in subsection (f), by inserting ''and public integrated service facilities'' after ''public hospitals''.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

SEC. 901. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking ''fifteen'' and inserting ''twenty''.

SEC. 902. USE OF SECTION 8 VOUCHERS FOR OPT-OUTS.

(a) IN GENERAL.—Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1994''.

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 903. MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS.

(a) IN GENERAL.—Section 8(t)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(B)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by inserting before the semicolon at the end the following: '', except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families''.

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 904. USE OF SECTION 8 ASSISTANCE BY "GRAND-FAMILIES" TO RENT DWELLING UNITS IN ASSISTED PROJECTS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following new paragraph:

''(6) WAIVER OF QUALIFYING RENT.—

''(A) IN GENERAL.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

''(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

''(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

''(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person's grand children, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.''.

TITLE X—BANKING AND HOUSING AGENCY REPORTS

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Federal Reporting Act of 2000''.

SEC. 1002. AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) REPEAL.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended by striking all after the first sentence.

(b) APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 2A the following new section:

"SEC. 2B. APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.

''(a) APPEARANCES BEFORE THE CONGRESS.—

(1) IN GENERAL.—The Chairman of the Board shall appear before the Congress at semi-annual hearings, as specified in paragraph (2), regarding—

''(A) the efforts, activities, objectives and plans of the Board and the Federal Open Market Committee with respect to the conduct of monetary policy; and

''(B) economic developments and prospects for the future described in the report required in subsection (b).

''(2) SCHEDULE.—The Chairman of the Board shall appear—

''(A) before the Committee on Banking and Financial Services of the House of Representatives on or about February 20 of even numbered calendar years and on or about July 20 of odd numbered calendar years;

''(B) before the Committee on Banking, Housing, and Urban Affairs of the Senate on or about July 20 of even numbered calendar years and on or about February 20 of odd numbered calendar years; and

''(C) before either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Chairman before the other Committee under subparagraph (A) or (B).

''(b) CONGRESSIONAL REPORT.—The Board shall, concurrent with each semi-annual hearing required by this section, submit a written report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, containing a discussion of the conduct of monetary policy and economic developments and prospects for the future, taking into account past and prospective developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.''.

SEC. 1003. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

(2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).

(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f–18(c)).

(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

(8) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3780).

(9) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o).

(10) Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

(11) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

(12) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2).

(13) Section 205(g) of the National Housing Act (12 U.S.C. 1711(g)).

(14) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).

(15) Paragraphs (1) and (2) of section 5302(c) of title 31, United States Code.

(16) Section 18(f)(7) of the Federal Trade Commission Act. (15 U.S.C. 57a(f)(7)).

(17) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

(18) Section 3(g) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)).

(19) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

(20) Sections 2(b)(1)(A), 8(a), 8(c), 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i–3(g), and 635i–5(c)).

(21) Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)).

(22) Section 13 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2292).

(23) Section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)).

(24) Section 1002(b) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(25) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 note).

(26) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

(27) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(28) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

(29) The seventh undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

(30) The tenth undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

(31) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

(32) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

(33) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

(34) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

(35) Section 708(l) of the Defense Production Act of 1950 (50 U.S.C. Ap. 2158(l)).

(36) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 (28 U.S.C. 522 note).

(37) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).

SEC. 1004. COORDINATION OF REPORTING REQUIREMENTS.

(a) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)) is amended by adding at the end the following new paragraph:

''(3) COORDINATION WITH OTHER REPORT REQUIREMENTS.—The report required under this subsection shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.''.

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The 7th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247) is amended by adding at the end the following new sentence: ''The report required under this paragraph shall include the reports required under section 707 of the Equal Credit Opportunity Act, section 18(f)(7) of the Federal Trade Commission Act, section 114 of the Truth in Lending Act, and the 10th undesignated paragraph of this section.''.

(c) COMPTROLLER OF THE CURRENCY.—Section 333 of the Revised Statutes of the United States (12 U.S.C. 14) is amended by adding at the end the following new sentence: ''The report required under this section shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.''.

(d) EXPORT-IMPORT BANK.—

(1) IN GENERAL.— Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(A) by striking ''a annual'' and inserting ''an annual''; and

(B) by adding at the end the following new sentence: ''The annual report required under this subparagraph shall include the report required under section 10(g).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(g)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(g)(1)) is amended—

(A) by striking ''On or'' and all that follows through ''the Bank'' and inserting ''The Bank''; and

(B) by striking ''a report'' and inserting ''an annual report''.

(e) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536) is amended by adding at the end the following new sentence: ''The report required under this section shall include the reports required under paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968, the reports required under subsections (a) and (b) of section 1061 of the Housing and Community Development Act of 1992, the report required under section 802 of the Housing Act of 1954, and the report required under section 4(e)(2) of this Act.''.

(f) FEDERAL HOUSING ADMINISTRATION.—Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992, is amended by adding at the end the following new sentence:

''The report required under this subsection shall include the report required under section 540(c) and the report required under section 205(g).''.

(g) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)) is amended by striking ''Not later'' and all that follows through ''quarterly'' and inserting ''The Secretary of the Treasury shall report annually''.

SEC. 1005. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) EXPORT-IMPORT BANK.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended—

(1) in section 2(b)(1)(D)—

(A) by striking ''(i)''; and

(B) by striking clause (ii);

(2) in section 2(b)(8), by striking the last sentence;

(3) in section 6(b), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(4) in section 8, by striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by striking subsection (h).

TITLE XI—NUMISMATIC COINS

SEC. 1101. SHORT TITLE.

This title may be cited as the ''United States Mint Numismatic Coin Clarification Act of 2000''.

SEC. 1102. CLARIFICATION OF MINT'S AUTHORITY.

(a) SILVER PROOF COINS.—Section 5132(a)(2)(B)(i) of title 31, United States Code, is amended by striking ''paragraphs (1)'' and inserting ''paragraphs (2)''.

(b) PLATINUM COINS.—Section 5112(k) of title 31, United States Code, is amended by striking ''bullion'' and inserting ''platinum bullion coins''.

SEC. 1103. ADDITIONAL REPORT REQUIREMENT.

Section 5134(e)(2) of title 31, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''reflect'' and inserting ''contain'';

(2) by striking ''and'' at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(4) by adding at the end the following new subparagraph:

''(E) a supplemental schedule detailing—

''(i) the costs and expenses for the production, for the marketing, and for the distribution of each denomination of circulating coins produced by the Mint during the fiscal year and the per-unit cost of producing, of marketing, and of distributing each denomination of such coins; and

''(ii) the gross revenue derived from the sales of each such denomination of coins.''.

TITLE XII—FINANCIAL REGULATORY RELIEF

SEC. 1200. SHORT TITLE.

This title may be cited as the ''Financial Regulatory Relief and Economic Efficiency Act of 2000''.

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

SEC. 1201. REPEAL OF SAVINGS ASSOCIATION LIQUIDITY PROVISION.

(a) REPEAL OF LIQUIDITY PROVISION.—Section 6 of the Home Owners' Loan Act (12 U.S.C. 1465) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 5.—Section 5(c)(1)(M) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)(M)) is amended to read as follows:

''(M) LIQUIDITY INVESTMENTS.—Investments (other than equity investments), identified by the Director, for liquidity purposes, including cash, funds on deposit at a Federal reserve bank or a Federal home loan bank, or bankers' acceptances.''.

(2) SECTION 10.—Section 10(m)(4)(B)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(iii)) is amended by inserting ''as in effect on the day before the date of the enactment of the Financial Regulatory Relief and Economic Efficiency Act of 2000, after ''Loan Act,''.

SEC. 1202. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.

Section 10(e)(1)(A)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii)) is amended—

(1) by inserting '', except with the prior written approval of the Director,'' after ''or to retain''; and

(2) by striking ''so acquire or retain'' and inserting ''acquire or retain, and the Director may not authorize acquisition or retention of,''.

SEC. 1203. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING REQUIREMENT.

Section 29A of the Federal Deposit Insurance Act (12 U.S.C. 1831f–1) is hereby repealed.

SEC. 1204. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(1) by redesignating section 5 as section 7; and

(2) by inserting after section 4 the following new section:

''SEC. 5. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

''(a) IN GENERAL.—A national banking association may, with the approval of the Comptroller, pursuant to rules and regulations promulgated by the Comptroller, and upon the affirmative vote of the shareholders of such association owning at least two-thirds of its capital stock outstanding, reorganize so as to become a subsidiary of a bank holding company or of a company that will, upon consummation of such reorganization, become a bank holding company.

''(b) REORGANIZATION PLAN.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—

''(1) specifies the manner in which the reorganization shall be carried out;

''(2) is approved by a majority of the entire board of directors of the association;

''(3) specifies—

''(A) the amount of cash or securities of the bank holding company, or both, or other consideration to be paid to the shareholders of the reorganizing association in exchange for their shares of stock of the association;

''(B) the date as of which the rights of each shareholder to participate in such exchange will be determined; and

''(C) the manner in which the exchange will be carried out; and

''(4) is submitted to the shareholders of the reorganizing association at a meeting to be held on the call of the directors in accordance with the procedures prescribed in connection with a merger of a national bank under section 3.

''(c) RIGHTS OF DISSENTING SHAREHOLDERS.—If, pursuant to this section, a reorganization plan has been approved by the shareholders and the Comptroller, any shareholder of the association who has voted against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or prior to that meeting to the presiding officer that the shareholder dissents from the reorganization plan, shall be entitled to receive the value of his or her shares, as provided by section 3 for the merger of a national bank.

''(d) EFFECT OF REORGANIZATION.—The corporate existence of an association that reorganizes in accordance with this section shall not be deemed to have been affected in any way by reason of such reorganization.

''(e) APPROVAL UNDER THE BANK HOLDING COMPANY ACT.—This section does not affect in any way the applicability of the Bank Holding Company Act of 1956 to a transaction described in subsection (a).''.

SEC. 1205. NATIONAL BANK DIRECTORS.

(a) AMENDMENTS TO THE REVISED STATUTES.—Section 5145 of the Revised Statutes of the United States (12 U.S.C. 71) is amended—

(1) by striking ''for one year'' and inserting ''for a period of not more than 3 years''; and

(2) by adding at the end the following: ''In accordance with regulations issued by the Comptroller of the Currency, an association may adopt bylaws that provide for staggering the terms of its directors.''.

(b) AMENDMENT TO THE BANKING ACT OF 1933.—Section 31 of the Banking Act of 1933 (12 U.S.C. 71a) is amended in the first sentence, by inserting before the period '', except that the Comptroller of the Currency may, by regulation or order, exempt a national banking association from the 25-member limit established by this section''.

SEC. 1206. AMENDMENT TO NATIONAL BANK CONSOLIDATION AND MERGER ACT.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by inserting after section 5, as added by this title, the following new section:

''SEC. 6. MERGERS AND CONSOLIDATIONS WITH SUBSIDIARIES AND NONBANK AFFILIATES.

''(a) IN GENERAL.—Upon the approval of the Comptroller, a national banking association may merge with 1 or more of its nonbank subsidiaries or affiliates.

''(b) SCOPE.—Nothing in this section shall be construed—

''(1) to affect the applicability of section 18(c) of the Federal Deposit Insurance Act; or

''(2) to grant a national banking association any power or authority that is not permissible for a national banking association under other applicable provisions of law.

''(c) REGULATIONS.—The Comptroller shall promulgate regulations to implement this section.''.

SEC. 1207. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK; AFFILIATIONS.

(a) AMENDMENT TO THE REVISED STATUTES.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

''SEC. 5201. LOANS BY BANK ON ITS OWN STOCK.

''(a) GENERAL PROHIBITION.—No national banking association shall make any loan or discount on the security of the shares of its own capital stock.

''(b) EXCLUSION.—For purposes of this section, an association shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.''.

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) by redesignating subsection (t), as added by section 730 of the Gramm-Leach-Bliley Act (Public Law 106–102; 113 Stat. 1476), as subsection (u); and

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

''(v) LOANS BY INSURED INSTITUTIONS ON THEIR OWN STOCK.—

''(1) GENERAL PROHIBITION.—No insured depository institution may make any loan or discount on the security of the shares of its own capital stock.

''(2) EXCLUSION.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.''.

SEC. 1208. PURCHASED MORTGAGE SERVICING RIGHTS.

Section 475 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(1) in subsection (a)(1), by inserting ''(or such other percentage exceeding 90 percent but not exceeding 100 percent, as may be determined under subsection (b))'' after ''90 percent'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) AUTHORITY TO DETERMINE PERCENTAGE BY WHICH TO DISCOUNT VALUE OF SERVICING RIGHTS.—The appropriate Federal banking agencies may allow readily marketable purchased mortgage servicing rights to be valued at more than 90 percent of their fair market value but at not more than 100 percent of such value, if such agencies jointly make a finding that such valuation would not have an adverse effect on the deposit insurance funds or the safety and soundness of insured depository institutions.''; and

(3) in subsection (c), by striking ''and'' and inserting '', 'deposit insurance fund', and''.

Subtitle B—Streamlining Activities of Institutions

SEC. 1211. CALL REPORT SIMPLIFICATION.

(a) MODERNIZATION OF CALL REPORT FILING AND DISCLOSURE SYSTEM.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings association financial reports, and bank holding company consolidated and parent-only financial statements, and to improve the timeliness of such reports and statements, the Federal banking agencies shall—

(1) work jointly to develop a system under which—

(A) insured depository institutions and their affiliates may file such reports and statements electronically; and

(B) the Federal banking agencies may make such reports and statements available to the public electronically; and

(2) not later than 1 year after the date of enactment of this Act, report to the Congress and make recommendations for legislation that would enhance efficiency for filers and users of such reports and statements.

(b) UNIFORM REPORTS AND SIMPLIFICATION OF INSTRUCTIONS.—The Federal banking agencies shall, consistent with the principles of safety and soundness, work jointly—

(1) to adopt a single form for the filing of core information required to be submitted under Federal law to all such agencies in the reports and statements referred to in subsection (a); and

(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

(c) REVIEW OF CALL REPORT SCHEDULE.—Each Federal banking agency shall—

(1) review the information required by schedules supplementing the core information referred to in subsection (b); and

(2) eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.

(d) DEFINITION.—In this section, the term ''Federal banking agency'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

Subtitle C—Streamlining Agency Actions

SEC. 1221. ELIMINATION OF DUPLICATIVE DISCLOSURE OF FAIR MARKET VALUE OF ASSETS AND LIABILITIES.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3)) is amended by striking subparagraph (D).

SEC. 1222. PAYMENT OF INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS.

Section 11(d)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(10)) is amended by adding at the end the following new subparagraph:

''(C) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish a single uniform interest rate for or to make payments of post insolvency interest to creditors holding proven claims against the receivership estates of insured Federal or State depository institutions following satisfaction by the receiver of the principal amount of all creditor claims.''.

SEC. 1223. REPEAL OF REPORTING REQUIREMENT ON DIFFERENCES IN ACCOUNTING STANDARDS.

Section 37(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(c)) is amended—

(1) in paragraph (1), by striking ''Each'' and all that follows through ''a report'' and inserting ''The Federal banking agencies shall jointly submit an annual report''; and

(2) by inserting ''any'' before ''such agency'' each place that term appears.

SEC. 1224. AGENCY REVIEW OF COMPETITIVE FACTORS IN BANK MERGER ACT FILINGS.

(a) REPORT REQUIRED.—Section 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(4)) is amended by striking ''request reports'' and all that follows through the period at the end and inserting the following: ''request a report on the competitive factors involved from the Attorney General. The report shall be furnished not later than 30 calendar days after the date on which it is requested, or not later than 10 calendar days after such date if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.''.

(b) TIMING OF TRANSACTION.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended by striking the third sentence and inserting the following: ''If the agency has advised the Attorney General of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.''.

(c) EVALUATION OF COMPETITIVE EFFECT.—

(1) AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended—

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

''(6) EVALUATION OF COMPETITIVE EFFECT.—The Board may not disapprove of a transaction pursuant to paragraph (1)(B) unless the Board takes into account, to the extent that data are readily available—

''(A) competition from institutions, other than depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), that provide financial services;

''(B) efficiencies and cost savings that the transaction may create;

''(C) deposits of the participants in the transaction that are not derived from the relevant market;

''(D) the capacity of savings associations to make small business loans;

''(E) lending by institutions other than depository institutions to small businesses; and

''(F) such other factors as the Board deems relevant.''; and

(B) in paragraph (1)(B), by striking ''restraint or trade'' and inserting ''restraint of trade''.

(2) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(5)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(5)'';

(C) by striking ''In every case'' and inserting the following:

''(B) In every case under this subsection''; and

(D) by adding at the end the following:

''(C) The responsible agency may not disapprove of a transaction pursuant to subparagraph (A), unless the agency takes into account, to the extent that data are readily available—

''(i) competition from institutions that provide financial services;

''(ii) efficiencies and cost savings that the transaction may create;

''(iii) deposits of the participants in the transaction that are not derived from the relevant markets;

''(iv) the capacity of the institutions to make small business loans;

''(v) lending by institutions other than depository institutions to small businesses; and

''(vi) such other factors as the responsible agency deems relevant.''.

Subtitle D—Miscellaneous

SEC. 1231. FEDERAL RESERVE BOARD BUILDINGS.

The 3rd undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 243) is amended—

(1) by inserting after the 1st sentence the following new sentence: ''After September 1, 2000, the Board may also use such assessments to acquire, in its own name, a site or building (in addition to the facilities existing on such date) to provide for the performance of the functions of the Board.''; and

(2) in the sentences following the sentence added by the amendment made by paragraph (1) of this section—

(A) by striking ''the site'' and inserting ''any site''; and

(B) by inserting ''or buildings'' after ''building'' each place such term appears.

SEC. 1232. POSITIONS OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM ON THE EXECUTIVE SCHEDULE.

(a) IN GENERAL.—

(1) POSITIONS AT LEVEL I OF THE EXECUTIVE SCHEDULE.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Chairman, Board of Governors of the Federal Reserve System.''.

(2) POSITIONS AT LEVEL II OF THE EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended—

(A) by striking ''Chairman, Board of Governors of the Federal Reserve System.''; and

(B) by adding at the end the following:

''Members, Board of Governors of the Federal Reserve System.''.

(3) POSITIONS AT LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by striking ''Members, Board of Governors of the Federal Reserve System.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after the date of enactment of this Act.

SEC. 1233. EXTENSION OF TIME.

Section 6(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(1)) is amended by striking ''1 year'' and inserting ''18 months''.

Subtitle E—Technical Corrections

SEC. 1241. TECHNICAL CORRECTION RELATING TO DEPOSIT INSURANCE FUNDS.

(a) IN GENERAL.—Section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496) is amended—

(1) by striking ''7(b)(2)(C)'' and inserting ''7(b)(2)(E)''; and

(2) by striking '', as redesignated by section 2704(d)(6) of this subtitle''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be deemed to have the same effective date as section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496).

SEC. 1242. RULES FOR CONTINUATION OF DEPOSIT INSURANCE FOR MEMBER BANKS CONVERTING CHARTERS.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence, by striking ''subsection (d) of section 4'' and inserting ''subsection (c) or (d) of section 4''.

SEC. 1243. AMENDMENTS TO THE REVISED STATUTES OF THE UNITED STATES.

(a) WAIVER OF CITIZENSHIP REQUIREMENT FOR NATIONAL BANK DIRECTORS.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the first sentence, by inserting before the period '', and waive the requirement of citizenship in the case of not more than a minority of the total number of directors''.

(b) TECHNICAL AMENDMENT TO THE REVISED STATUTES.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by striking ''to be interested in any association issuing national currency under the laws of the United States'' and inserting ''to hold an interest in any national bank''.

(c) REPEAL OF UNNECESSARY CAPITAL AND SURPLUS REQUIREMENT.—Section 5138 of the Revised Statutes of the United States (12 U.S.C. 51) is repealed.

SEC. 1244. CONFORMING CHANGE TO THE INTERNATIONAL BANKING ACT OF 1978.

Section 4(b) of the International Banking Act of 1978 (12 U.S.C. 3102(b)) is amended in the second sentence, by striking paragraph (1) and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

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

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

Mr. LEACH. Mr. Speaker, the amendment being offered today, S. 1452, the Manufactured Housing Improvement Act combines a number of important banking and housing proposals that are supported in the House on a bipartisan basis.

With regard to housing, the committee amendment takes from H.R. 1776, the American Homeowners Act, which passed the House by a vote of 417 to 8 on April 6. There are also provisions drawn from H.R. 202, Preserving Affordable Housing for Seniors and Vulnerable Families into the 21st Century, another bipartisan bill designed to help the elderly and disabled with their housing needs which passed the House on September 27 by a strong vote of 405 to 5.

Let me stress that the housing provisions in this bill are a testament to the extraordinary work and thoughtfulness of the gentleman from New York (Mr. LAZIO), who is the chairman of the subcommittee, and reflect substantial bipartisan input from the minority, particularly the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK).

Affordable housing is increasingly out of the reach for many Americans. A strong economy has created a situation where in many parts of the country the price of housing is simply going up faster than income levels.

Secondly, although interest rates are not as high as at other times in our history, an unprecedented differential has nevertheless come into being between inflation and long-term interest rates, making financing of a home purchase extremely difficult.

Today more than 3 million working households spend half their income on housing. Of these, more than 220,000 are educators, police and public safety officers. In many cases, these public servants are precluded, due to high housing costs, from living in the communities they serve.

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These are the people who teach our children and protect our homes and families. H.R. 1776, for the first time, creates unique housing opportunities for these working families who have been unable to achieve the dream of owning a home, particularly in the communities in which they serve.

This bill provides access to low-interest rate loans and 1 percent down payments on Federal Housing Administration, FHA, insured mortgages for teachers and public safety officers. We also authorize a pilot program to assist law enforcement officers, including correctional officers, to purchase homes in locally designated high crime areas with no down payment. In this way, we achieve not only a homeownership goal but community development objectives as well.

The provisions included in this bill from H.R. 202 will help the elderly and disabled immensely and facilitate the construction and financing of more facilities for these populations. Included are innovative homeownership programs to empower low-income and disabled recipients of Section 8 housing assistance to apply that assistance towards buying a home.

The bill also contains important provisions modernizing the Federal manufacturing housing regulatory regime, helps Native Americans and Native Hawaiians, and contains many more provisions that will improve our Nation's housing and increase homeownership opportunities.

In legislation, there is never a perfect agreement. The manufactured housing provisions, for example, while neither exactly what the consumers nor industry have advocated, represent a middle ground that both sides can support. Manufactured housing is an important part of America's housing mosaic. Modernizing the reform and regulations governing manufactured housing is long overdue. It is critical to the economy to improve the quality and affordability of such housing in the context of maintaining consumer protection and safety.

With regard to the banking provisions of the bill, the legislation includes several provisions that the House has previously approved this session in separate pieces of legislation, combined with noncontroversial bipartisanly supported elements of the regulatory relief package. Many of these regulatory provisions were contained in H.R. 4364 of the 105th Congress, which the House approved by a voice vote 2 years ago, and were carried over this session in legislation introduced in the House by the gentlewoman from New Jersey (Mrs. ROUKEMA), the distinguished chair of our Subcommittee on Financial Institutions and Consumer Credit, and to her I extend a great debt of gratitude.

In this package, we are also renewing, some with slight changes, reporting requirements by the executive branch and independent regulators in some 45 instances, largely as provided for in legislation passed by the House last year on a voice vote. Included is the semiannual report to Congress and the Federal Reserve Board on the conduct of monetary policy.

While the reports being renewed are deemed important for the oversight work of the Committee on Banking and Financial Services, I know of no more important oversight responsibility of the Congress than the review of the Fed's conducted of monetary policy.

With regard to the Federal Reserve System, there is one other section of the bill that deserves note. This is a section that provides pay parity for Fed Governors and their cabinet and subcabinet counterparts.

Let me conclude by thanking all of those Members and staff on both sides of the House who have participated in putting together this legislation before us today and to thank, in particular, the ranking member, the gentleman from New York (Mr. LAFALCE), who has contributed much to all aspects of this bill.

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

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

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

Mr. LAFALCE. Mr. Speaker, the bill we are now considering includes not only the Manufactured Housing Improvement Act, largely the House version, but a number of other initiatives that have broad bipartisan support, including other housing proposals; language reauthorizing the Humphrey-Hawkins report and other key consumer and housing reports; and also some technical changes of importance to the United States Mint and to the banking and thrift regulators.

With respect to the housing provisions, this bill includes a number of provisions with bipartisan support that have been pulled together from various homeownership and elderly housing legislation that has previously passed the House but been stymied in the Senate. This bill addresses the challenge of meeting the affordable housing and health care needs of our growing elderly population. In particular, I am pleased that the House is again acting on my initiative to make FHA reverse mortgages more affordable when used to buy long-term care insurance. This provision has recently been enhanced by adding a requirement that any long-term care insurance policy must comply with disclosure, suitability and contingent nonforfeiture requirements recently adopted under the National Association of Insurance Commissioners model regulation in order to qualify for the lower premium.

The bill also includes a number of provisions designed to encourage mixed income, mixed finance elderly housing, and it increases flexibility for federally funded service coordinators and provides more resources to sponsors of existing elderly housing to make needed capital repairs.

I am also pleased to see adoption of a bill I introduced to authorize 1 percent down FHA loans for teachers, policemen, and firemen buying a home in their school district or employing local jurisdiction on a 3-year demonstration basis. This strengthens the ties of our local public servants to their local communities creating an important nexus between where teachers and public safety officials work and where they live.

This bill also represents a balanced resolution of the 3-year efforts to reform our manufactured housing legislation. I would point out that the final product reflects a number of Democrat pro-consumer initiatives. For the first time, we will be establishing a national Federal installation standard and requiring that there be a dispute resolution process in each State to adequately address consumer complaints. With regard to the process of updating our construction and safety standards, we have revised the initial legislation to put HUD back in charge of setting standards and have balanced the consensus committee process and eliminated its strong role in setting enforcement regulations, as proposed in previous drafts of this bill.

The provisions in this bill dealing with manufactured housing regulation reflect some 3 years of discussions and negotiations that, in my opinion, have transformed the legislation from being strongly tilted toward industry to being a balanced approach which includes two new, critically important proconsumer initiatives.

In April 1998, the majority party in the House introduced manufactured housing legislation with a worthy goal—that of establishing a consensus committee to provide recommendations to HUD to update manufactured housing construction and safety standards—but drafted with an anticonsumer, proindustry slant. Through negotiations over the last 3 years, Democrats have won major concessions to address concerns expressed by AARP and other consumer groups. I would like to briefly compare the original draft to the revised bill before us today.

The original bill failed to address the fact that many states have weak, and in some cases, no installation standards. As a result, even well-built manufactured homes which are incorrectly installed can create health and safety risks, and impose unnecessary costs to a homeowner that must subsequently make repairs. At the urging of Democrats, this bill has been revised to require HUD to develop and impose model installation standards. States that wish to have their own installation standards may continue to do so, as long as they provide protections comparable to the

model standards. However, HUD is charged with enforcing the model standards in those states that do not have comparable standards.

In addition, the original bill did not include provisions to address the so-called ''ping pong'' effect, in which consumers have difficulty getting defects repaired, as manufacturers and installers point fingers at each other, each refusing to take responsibility. The revised bill requires states to order correction of defects at no cost to the homeowner.

With regard to the main text of the original bill, the major problem was that it effectively ceded control of both construction and safety standards, as well as enforcement regulations, to an industry-dominated consensus committee. It did this by giving that committee authority to promulgate regulations, which the HUD Secretary could reject or modify only if ''implementation of such standard or regulation would jeopardize public health or safety or is inconsistent with the purposes of this title.''

The revised bill restores HUD control and autonomy over enforcement regulations, limiting the consensus committee role to making recommendations, which HUD can summarily reject. With regard to construction and safety standards, the revised bill removes the provision under which consensus committee recommendations could become effective if HUD took no action on such recommendations within one year.

With regard to the basic purposes of manufactured housing regulation, the original bill replaced the decades old purposes of reducing injuries, property damage, and insurance costs in favor of a mandate ''to promote availability of affordable manufactured homes.'' The revised bill reinstates proconsumer purposes and deletes references to the promotion of industry.

The original bill created a consensus committee whose composition of membership was heavily tilted towards industry. Moreover, members would have been appointed by a private administering organization, with almost no HUD veto power over such appointments. In contrast, the revised bill provides for a balanced committee, with one third of the members to be from industry, one third from consumer organizations, and one third from a public interest category. Moreover, the revised bill gives HUD final authority over the appointment of individual members.

Finally, unlike the original bill, the revised bill directs the HUD Secretary to furnish technical support to consumer representatives on the consensus committee, upon a showing of need.

The result is that we have developed a balanced approach to the worthy goal of updating our manufactured housing construction and safety standards, while creating two new proconsumer initiatives designed to make manufactured housing more safe and more affordable.

Mr. Speaker, I would also like to give special recognition to a number of individuals who have been extremely helpful in promoting this particular aspect of the legislation: the gentleman from Indiana (Mr. ROEMER), the gentleman from Iowa (Mr. BOSWELL), the gentleman from North Carolina (Mr. PRICE), and the gentleman from Illinois (Mr. EVANS).

Finally, the legislation includes a number of noncontroversial but important provisions in the housing area, including technical corrections of the Private Mortgage Insurance Act, Native Hawaiian housing legislation, Native American housing legislation, and a number of rural housing provisions. The package also contains other important initiatives that have had broad bipartisan support in our House, including, as I said, legislation reauthorizing the critical Humphrey-Hawkins report and a number of other important consumer and housing reports that are essential in helping the authorizing committee shape policy, technical corrections required by the U.S. Mint, and technical changes intended to remove some inefficiencies in the bank and thrift regulatory system.

Both Republicans and Democrats have played an important role in developing provisions of the bill before us today. One might well dispute whether this legislation should be expanded to include additional provisions. I think it should. But I think we have done a good job of selecting a limited number of critical noncontroversial provisions that we ought to enact into law prior to adjournment.

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

Mr. LEACH. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), the distinguished chair of the Subcommittee on Financial Institutions and Consumer Credit.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this legislation. It comprehensively addresses so many banking issues, including important housing provisions and regulatory burden reduction provisions, as have been very well outlined by our chairman and by the ranking member, the gentleman from New York (Mr. LAFALCE).

I also specifically want to thank the chairman of the Committee on Banking and Financial Services for his leadership in bringing these bills to the floor, this one and the one to follow today. It is very important.

But let me comment, Mr. Speaker, on the important regulatory burden relief provisions of the bill. Congress has a responsibility and a duty to assure that the Federal laws and regulations and the supervisory system promote the safety and soundness of the banking system. We are not undermining that in any way here. That is absolutely protected. But there are unnecessary regulatory burdens on which we have agreed with broad bipartisan support; and those regulatory burdens, by their very nature, have had the proven effect of undermining the ability of banks to operate efficiently and effectively. I think this bill addresses those in a very meaningful way.

I am pleased that the bill we are considering today contains several provisions that were part of the bill. The chairman recognized my leadership on H.R. 158, the Depository Institution Regulatory Streamlining Act, which I had introduced in Congress. It was similar to the legislation that was passed in the 105th Congress but, unfortunately, did not go anyplace. Fortunately, we have focused on this, we are going to get this passed; and I am pleased to be here in that regard.

But I also want to strongly support the issue of the Private Mortgage Insurance Technical Corrections and Clarifications included in this legislation. These provisions will eliminate the confusion that has resulted from the implementation of the Homeowners Protection Act of 1998. In particular, the bill clarifies cancellation and termination issues, known as the PMI, Private Mortgage Insurance, section, as Congress intended. The clarification is absolutely necessary.

These provisions mirror legislation which I introduced, and it mirrors legislation introduced by the gentleman from Utah (Mr. HANSEN). And I want to particularly mention this because I do not see the gentleman from Utah (Mr. HANSEN) here today. His leadership should be commended and recognized by all of us in terms of this PMI component. The bill passed the House on May 23 of 2000, and I am thankful that the chairman has continued to recognize the importance of these provisions.

I will say, in conclusion, Mr. Speaker, that this bill will create a new doorway to homeownership for millions of Americans, as the chairman outlined, who, under present law, cannot qualify. I am pleased to be a partner with the chairman and with the ranking member in seeing to it that this legislation is passed.

Mr. Speaker, I rise in strong support of S. 1452 which comprehensively addresses so many banking issues, including important housing provisions and regulatory burden reduction provisions as have been outlined by our chairman. I thank the chairman of the Banking Committee for his leadership in bringing this bill to the floor. It is necessary that Congress address these issues this year, and I urge passage of this bill.

I have been very involved in several of this legislation's provisions, and I want to comment on some of the significant parts of this bill that will resolve many of these issues once and for all.

First, I want to comment on the important regulatory burden relief provisions of the bill. Congress has a responsibility and duty to assure that the Federal laws and regulations and the supervisory system promote the safety and soundness of the banking system. Unnecessary regulatory burdens by their very nature have the effect of undermining the ability of banks to operate efficiently and effectively.

I am pleased that the bill we are considering today addresses several provisions that were part of H.R. 1585, the Depository Institution Regulatory Streamlining Act, which I introduced this Congress. Many of these provisions were also a part of similar legislation I introduced and which passed the House in the 105th Congress. These provisions cover a wide variety of issues, such as removing restrictions on the number and term of national

bank's board of directors, and permitting expedited processing for certain corporate reorganizations. These issues are really too technical to elaborate on here, but they are important and I am pleased that the chairman has included them in this legislation.

Second, I strongly support the Private Mortgage Insurance Technical Corrections and Clarifications included in this legislation. These provisions will eliminate some confusion that has resulted from implementation of the Homeowners Protection Act of 1998. In particular, this bill will clarify cancellation and termination issues to ensure that homeowners will be able to cancel private mortgage insurance (''PMI'') as Congress intended in 1998. This clarification will particularly be helpful to those with certain adjustable rate mortgages. The bill also ensures that ''defined terms'' such as ''adjustable rate mortgage'' and ''balloon mortgages' are used consistently and appropriately. These provisions mirror H.R. 3637, which I introduced with the chairman and it mirrors legislation introduced by Mr. HANSEN of Utah. His leadership should be commended. This bill passed the House May 23, 2000, and I am thankful that the chairman has continued to recognize the importance of these provisions and include them in this piece of legislation. This will create a new doorway to homeownership for millions of Americans who under present law can not qualify.

In summary, I want to express my strong support for this bill. Again, I thank the chairman for his leadership on this legislation in particular, as well as for his leadership throughout his term as chairman of the Banking Committee.

Mr. LAFALCE. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Subcommittee on Housing and Community Opportunity.

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to begin with a colloquy with the chairman of the full committee.

Mr. Chairman, as I read this bill, the manufactured housing legislation would require the Secretary to ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor. While the goal of the legislation is to require HUD Secretaries to use multiple contractors for various program functions, would the gentleman agree that any HUD Secretary should not be prevented from consolidating or reconfiguring contracts, in the event insufficient or inadequate bids are received by HUD, in order to carry out its regulatory functions?

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Iowa.

Mr. LEACH. I would advise the gentleman that I agree.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, I thank the chairman. That would have been a terrible anticlimax had he not.

Mr. Speaker, I rise in support of this legislation. It is a product of the legislative process, and it is a product of a legislative process in a democracy, which means it is a good bill with some imperfections. Personally, I would like to see some changes in the manufactured housing section.

I want to talk about manufactured housing briefly. Manufactured housing is a very important housing resource, particularly for people of limited income. It has not been given the respect it deserves in our law. This legislation, on the whole, with regard to the regulation of manufactured housing, the ability of the manufactured housing industry to produce the housing, and the rights of the people who live in it, improves the law in this area. It does not improve it enough, in my judgment; but I believe that taken overall, the provisions in this legislation are better than existing law. It will be my intention to work in the future to try to further improve it.

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But I do want to stress that this is, in part, a recognition of the importance of manufactured housing as a housing resource, particularly for people of moderate incomes; and it also improves the situation insufficiently, but improvement is better than the alternative. And I, therefore, support the bill.

I appreciate the chairman's acknowledging, particularly in this colloquy, that we do intend to give HUD some flexibility in carrying this out.

There are other important provisions in the bill. There are provisions that do not on the whole commit new resources to housing. Let me say, I regret that we were not able to work that out. There were in many quarters, both here and in the other body, people willing to add some funds for the production of housing. But in the constraints of the legislative process, we did not get the unanimity that we needed for that.

I want to express my appreciation to those on both sides of the aisle and both sides of the building who were interested in that.

I hope that no matter who is in control of this place next year and no matter who is the President, we will address the important issue of housing production. We have a housing crisis in this country. We have an economy that is booming and has helped many people. But it does not help everybody equally, and some people are not helped at all.

There are many people in this country who are living in areas where some have prospered in this new economy and they have not, and the result has been an exacerbation of a housing crisis from which they suffer. I think we have an obligation morally, and it makes sense economically, to help with the production of housing.

Indeed, many parts of the country, including the one I represent, the high cost of housing and lack of affordability becomes a problem in trying to employ public employees. One of the things we have in this bill is an effort to deal with the stress that has been placed financially on public employees who are expected to live in a certain community but cannot afford to live there because of these trends. It also becomes a problem for employers. It becomes a problem in trying to get a rational distribution of employees.

So I again note that this bill has some good things in it, but the thing that it has in it involves flexibility in the use of existing resources. Those are important, and I am glad to be supportive of the bill that provides them, but they leave undone the important task of getting into a production program. And I look forward to our being able to do that next year.

I was pleased in the conversations that went on around the appropriations bill and this bill to see a number of people agreeing that it is time to get back into a flexible and thoughtful housing production program to help with the affordability crisis, and I look forward to us being able to work on that together next year.

There are provisions in this bill that also deal with the problems of people who live in subsidized housing and whose owners use provisions of the law that have been put in years ago that were pretty dumb provisions, but none of us here voted for them and so we were stuck with them. It allows people who owned housing and who benefited from Federal subsidies, now as the economy has changed and as the areas that they have their housing has changed, to throw out in effect the subsidized tenants, to turn affordable housing into unaffordable housing.

This bill has some provisions that further help the tenant. Unfortunately, we will lose some of those units eventually when the tenants move out or move on. But this bill does do something to help. And, therefore, overall, despite the gaps, it is very much worth supporting.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER).

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

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

Mr. Speaker, along with many of this Member's colleagues on the committee, this Member has a long history of initiating and supporting measures which promote homeownership. This bill is another substantial step toward this and other worthy ends.

This Member would particularly like to express his appreciation to the distinguished gentleman from Iowa (Mr. LEACH), chairman of the committee, and the distinguished gentleman from New York (Mr. LAFALCE), the ranking minority member, and the distinguished gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. FRANK).

The legislation contains many of the same provisions that were in the American Homeownership and Economic Opportunity Act, H.R. 1776, which passed the House by a vote of 417–8 on April 6 of this year with this Member's support. Unfortunately, the other body has yet to act on that legislation.

Now, for most Americans, the biggest and most important investment they make is to purchase a home. Homeownership gives an individual or family a sense of pride in themselves, their home, as well as their community. This legislation advances the opportunity for homeownership by Americans across the entire country.

Mr. Speaker, the following are, in this Member's opinion, among others, six significant provisions of S. 1452, which this Member would emphasize.

One, this legislation allows families to use their Federal monthly assistance as resources for a housing down payment.

Two, this legislation would allow borrowers of the Rural Housing Service single-family loans to refinance either an existing section 502 direct or guaranteed loan to a new section 502 guaranteed loan providing the interest rate is at least equal or lower than the current interest rate being refinanced and the same home is used as security.

This Member supports this legislation as it utilizes the RHS section 502 program. In particular, this loan guarantee program, which was first authorized because of this Member's initiative but with the energetic support of my colleagues and the chairman, has been very effective in bringing homeownership opportunities for non-metropolitan communities by guaranteeing loans made by approved lenders to low- and moderate-income households.

In particular, since its inception as a pilot program in 1991, the section 502 program has facilitated over $10.2 billion in lending in non-metropolitan areas, with a very low default rate. This translates into 151,000 loans to families thus far.

Third, this legislation extends the grandfather status until the 2010 census for similarly situated cities nationwide like Norfolk, Nebraska, in my district, or several cities in Texas and a limited number of other communities, to continue to be able to use the USDA Rural Housing Service programs. The current grandfather clause until the 2000 census needs to be extended.

Fourth, this legislation also includes a permanent authorization of section 184, the Native American Loan Guarantee program, which again this Member had something to do with along with his colleagues.

A very conservative estimate would suggest that the section 184 program should annually facilitate over $72 million in guaranteed loans for privately financed homes for Indian families living on reservations who in reality would have no other alternative due to the trust status of Indian reservation land.

Fifth, a provision is included in the act which would create the Indian Lands Title Report Commission to approve the procedure by which the Bureau of Indian Affairs conducts title reviews in connection with the sale of Indian lands. This provision is identical to a bill that this Member introduced earlier in this Congress.

Moreover, this Commission should facilitate the section 184 program to benefit additional Native Americans in purchasing homes.

I would say to the gentleman from New York (Mr. LAFALCE) that I learned just a few minutes ago that he had some concern about the way the commission was appointed and recommended. I would just vouch and pledge that I will work with the gentleman in finding an equitable solution on that issue. I was unaware of the content in that particular provision.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I assure the gentleman that in the next Congress I will consult with the minority before appointing Members.

Mr. BEREUTER. Mr. Speaker, reclaiming my time, whatever the case may be, we will work on it together.

Sixth, this Member is pleased that, as a matter of equity, S. 1452 extends Native American housing assistance to Native Hawaiians. In particular, it applies the Section 184 Loan Guarantee program to those American citizens who would reside on the Hawaiian homelands.

Mr. Speaker, in closing, this Member, because of the many provisions that relate to housing and many other reasons, would encourage his colleagues to vote in support of S. 1452.

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

Mr. Speaker, the gentleman from Texas (Mr. BENTSEN) will be managing the next banking bill. So this will be the last banking bill that the chairman of the full committee and I will be managing together.

I want to take this opportunity to say that it has been my pleasure to serve with the gentleman for 24 years. I have been in Congress 26 years. In all that time, I have never had a finer chairman, there is no question about it, with respect to knowledge, dedication, integrity, perseverance, tenacity. And the world should know it. He has been a great chairman. It has been a pleasure and an honor to serve with him.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentleman from Texas (Mr. BENTSEN), for yielding me this time.

Mr. Speaker, first of all I want to join in praising the bipartisan bill to help improve affordable housing opportunities in the American dream for more and more Americans.

I have a number of employees and employers in the manufactured housing industry in my State of Indiana, and one in four of every new homes built in America is a manufactured home.

At the same time that we hear that very important statistic, we look down this street, down Pennsylvania Avenue at HUD, and we have not updated the code to treat those homes in a fair manner with consumer and homeowner perspectives in mind in over 25 years. It is high time that this body in a bipartisan way recognize the great quality homes that are manufactured in this country, recognize that these homes have changed dramatically over the last 20 years; many of them now two stories with wrap-around decks and porches, basements. We cannot tell by looking at them from the street that they are manufactured housing.

Still, we have not worked enough in a bipartisan way until the gentleman from Iowa (Mr. LEACH), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from New York (Mr. LAFALCE) have finally put this bill together. So I strongly applaud those efforts to bring this bill to the floor. I hope, Mr. Speaker, that this bill will be passed by the Senate and that we do not go another year on top of the 25 and 26 years that we have waited for consumers and homeowners, for people all across this country, to see a modernization and an updating in the code for these houses to make sure that they are safe, to make sure they reflect the needs and concerns of homeowners today.

So I want to again applaud the chairman for bringing this bill today, in October, to the floor. We hope that the Senate will take this up and pass it, and we hope that we will be able to see HUD develop these new regulations and codes so that more and more Americans can achieve the dream of homeownership.

Mr. Speaker, I rise today in support of S. 1452, the Manufactured Housing Improvement Act. I want to commend Chairman JIM LEACH, Ranking Member JOHN LAFALCE, Representative BARNEY FRANK and HUD Secretary Andrew Cuomo, for their hard work in developing this bill.

This is a bipartisan bill which has the support of the manufactured housing industry, the Administration, and major consumer groups, including the AARP. It has taken a lot of time and effort to get to this point. They deserve credit for their hard work.

This legislation is long overdue. It has been 25 years since the federal regulations governing the manufactured housing industry have been updated. Since that time, the industry has undergone tremendous changes. It is important that the federal regulations be updated to keep pace with these changes.

For example, there are more than 150 proposed changes to construction and safety standards currently pending at HUD. Some of these are more than five years old. This kind of backlog is not beneficial to either the manufacturers or the purchasers of these homes. S. 1452 provides for the creation of a consensus committee, made up of industry, government and consumer representatives, to streamline

the review process and ensure that proper standards are in place and effectively updated and enforced. This is a major step forward.

I would point out that manufactured housing is a key to home ownership in America. Almost one of every four new homes in America is a manufactured house. This is the preferred choice for a growing number of Americans, including first-time homebuyers, young families and senior citizens. At a time when more than 5.3 million Americans pay over 50% of their income in rent, an affordable manufactured home is an attractive option which we should be encouraging.

I am very proud to represent a district that is home to much of the manufactured housing industry. In fact, this industry employs some 20,000 people in Indiana and has a total economic impact of nearly $3 billion per year.

Mr. Speaker, I have visited many of the factories in my district and seen firsthand the remarkable progress which this industry has made over the years in the design, layout and style of homes. Clearly, this industry is committed to innovation, safety and affordability. We need to do our share at the federal level to work with the manufactured industry, and to support the growing number of Americans who desire to purchase their own home. I urge my colleagues to support this bill.

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

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

Mr. Speaker, I thank my distinguished friend. And would I reciprocate. I cannot think of a finer individual to work with on this committee.

I would just like to conclude with two quick observations. One, this bill, at the leadership of the gentleman from Nebraska (Mr. BEREUTER), includes some of the most important Native American housing initiatives ever before the Congress.

It also includes a provision by the gentleman from Wisconsin (Mr. GREEN) that will allow police officers who choose to live in high-crime areas access to FHA, no-down-payment provisions for housing.

Mr. Speaker, I believe this is a very solid consensus bill, and I would urge its adoption.

Mr. RILEY. Mr. Speaker, today I rise in praise of my colleagues on the House Banking Committee, particularly Chairman LEACH, and Mr. LAZIO, for their work on legislation to bring long-awaited reforms to the overall housing industry. On the whole, I believe that S. 1452 is a bill with which we can all be satisfied.

I am pleased to see that several components of H.R. 1776, the Housing and Economic Opportunity Act, have been included in the Senate legislation. My friends on both sides of the aisle may recall that earlier this year we worked together in passing H.R. 1776 by a resounding vote of 417 to 8.

I do, however, take issue with an omission that may ultimately effect the number of families who are able to realize the American Dream of homeownership. The provision omitted from S. 1452 is Section 102 of H.R. 1776, requiring the Federal Government to perform a housing impact analysis before issuing any new regulations. The impact analysis would determine whether the proposed regulations would have a negative effect on affordable housing. In the context of Section 102, ''significant'' is any increase in overall consumer housing costs by more than $100,000,000 each year. This section of the bill would also permit the private sector to offer an alternative plan to the proposed regulations if such a plan would lessen any negative effect on homeownership cost.

The excluded section would have required a housing impact analysis be performed to alert federal agencies and the general public as to the impact that such regulations may have on housing affordability. Such analysis would help bring down the cost of a home by minimizing those regulations obstructing the purchase of a home. The housing impact analysis addresses this issue by requiring the Federal government to perform an ''internal check'' of sorts. This internal check would effectively ensure that more people would have access to homeownership.

Mr. Speaker, I see this internal check as a positive step and I am concerned that such a positive step—which was supported by 417 of my colleagues here in the House—was not included in the legislation before us today. I sincerely hope that this concept does not die with the closing of the 106th Congress, but is reexamined next year, in the formative months of the 107th.

Mr. SESSIONS. Mr. Speaker, I rise to voice my support for S. 1452. This legislation contains many provisions that will have a positive impact on homeownership and ensure that housing is affordable for more Americans. As a former Member of the Housing Subcommittee, I know how hard my friend Chairman RICK LAZIO has worked with Members of the House and Senate to bring this legislation to the floor today.

Mr. Speaker, S. 1452 contains many of the provisions of legislation originally passed by the House, H.R. 1776, the ''Housing and Economic Opportunity Act''. I was proud to manage the Rule that enabled the bill to be passed by the House by an overwhelming margin.

One important provision of this legislation is the Law Enforcement Officer Homeownership Pilot Program that assists law enforcement officers in purchasing a home in a locally designated high-crime area. Specifically, the program would enable law enforcement officers to include the downpayment, closing costs and origination fee in the loan amount. I strongly support this provision and believe that it will help make our communities safer for our children.

I do regret, however, that Section 102 of H.R. 1776 was not included in S. 1452. This section would require that the Federal Government perform a housing impact analysis before it issues new regulations. Such an analysis would make it more difficult to implement regulations that would impose a significant cost to consumers who wish to buy homes. Furthermore, the private sector would have the opportunity to offer alternative regulations if the government-created regulations exceeded a certain cost.

Although this section was not included in an attempt to reach consensus on the overall legislation, the Republican-led Congress and myself remain committed to stopping burdensome regulations as they are proposed by government agencies.

Mr. KANJORSKI. Mr. Speaker, I rise today to commend Chairman LEACH and Ranking Member LAFALCE for their tireless work on moving legislation that brings some much-needed reforms to the housing and banking industries. S. 1452, the American Homeownership and Economic Opportunity Act, is for the most part valuable legislation that deserves our support.

As you know, Mr. Speaker, our economy continues its record expansion, and our nation has achieved its highest homeownership rate in its history. The 1993 Budget Act helped to form the foundation on which these accomplishments have been built. The budget policies outlined in that law have contributed to record budget surpluses, lower interest and mortgage rates, more than seven years of robust economic growth, and record levels of consumer confidence. Despite our successes, significant numbers of households are still precluded from sharing in the benefits of homeownership. S. 1452 addresses many of these inequities.

Specifically, S. 1452 contains many provisions of H.R. 1776, legislation previously passed by the House in April by an overwhelming, bipartisan vote of 417 to 8. Like H.R. 1776, S. 1452 will increase homeownership opportunities for all Americans, enhance access to affordable housing for low- and moderate-income individuals, and expand economic opportunity for underserved communities. It will also help schoolteachers, police officers, and firefighters to purchase homes in the jurisdiction that employs them with reduced downpayments in addition to restructuring and streamlining manufactured housing standards. Furthermore, it will allow elderly homeowners to refinance their reverse mortgages while establishing consumer protections to shield them against fraud or abuse. Finally, S. 1452 contains language to reauthorize numerous reports by federal banking regulators, some regulatory relief for financial institutions, and provisions to improve financial contract netting in bankruptcy cases.

Although S. 1452 is a good beginning, we still need to do more to encourage economic investments in underserved communities. After all, increased homeownership rates often flow from increased prosperity. That is why I hope that before the 106th Congress completes its work we will pass the Administration's New Markets Initiative and the Speaker's Community Renewal proposal. This legislation passed the House in July on a strong, overwhelming, and bipartisan vote of 394 to 27. This program includes tax credits and guaranteed loans for private firms to invest in targeted communities and small businesses.

When the House considers the Community Renewal and New Markets Act of 2000, I also hope that it will include the text of H.R. 4314, Anthracite Region Redevelopment Act of 2000. This legislation, which has the bipartisan support of the four Members of Congress who represent the anthracite coal region in Eastern Pennsylvania, will provide interest-free capital by authorizing a qualified entity to issue special tax credit bonds. Proceeds from the sale of the bonds will then be used to fund comprehensive environmental restoration and economic development of the twelve counties making up the anthracite coal region of Pennsylvania.

Additionally, while I am pleased that S. 1452 contains several important components of H.R. 1776 as well as other needed reforms, one particular omission concerns me. Unfortunately, this omission may ultimately have an

effect on the number of families who will realize the dream of homeownership.

One provision not included in S. 1452 is Section 102 of H.R. 1776. Section 102, as my colleagues may recall, would require federal agencies to perform a housing impact analysis before issuing new regulations. The impact analysis would determine if a significant negative impact on affordable housing would result from those new regulations. We would define ''significant'' as increasing consumers' housing costs by more than $100 million per year. Further, Mr. Speaker, H.R. 1776 stipulates that the private sector would have an opportunity to submit an alternative to the proposed regulation if it would have less of a negative impact on the cost of homeownership.

As with the other provisions in Title I of H.R. 1776, the goal of the housing impact analysis is to alert federal agencies and the general public of the effects of a regulation on housing affordability. Ultimately, the objective would help lower the cost of a home by minimizing regulations that pose a barrier to homeownership. The housing impact analysis addresses this issue by requiring the federal government to perform an ''internal check'' of sorts in an attempt to discern whether the agency might construct the rule in a better way that would not lock some individuals out of homeownership.

Mr. Speaker, I view this internal check as a positive action, and I am concerned that we excluded this worthy provision, a provision 417 of my colleagues supported, from the bill that comes before us today. although this legislative provision will die with the closing of the 106th Congress, I hope that we can revive this concept next year, with the commencement of the 107th Congress.

In closing, Mr. Speaker, S. 1452 is a solid piece of legislation that helps more people become homeowners in very innovative ways. Because increased homeownership rates strengthen communities, I support S. 1452 and encourage my colleagues to vote for its passage.

Mr. EHRLICH. Mr. Speaker, I rise today to commend the hard work of House Banking Committee Chairman JIM LEACH and the Housing and Community Opportunity Subcommittee Chairman RICK LAZIO on moving legislation (S. 1452) that will bring much-needed reform to the housing industry in the United States.

I am particularly pleased that several provisions of H.R. 1776, the Housing and Economic Opportunity Act, have been included in the legislation we consider before us today. There is, however, one provision of H.R. 1776 that is important to removing barriers to homeownership which has been excluded.

The provision omitted from S. 1452, which was previously contained in the bipartisan-supported H.R. 1776, requires the Federal government to perform a housing impact analysis before it issues new regulations. This commonsense provision is consistent with my philosophy of reducing and avoiding excessive government regulations. In short, the housing impact analysis determines if a significant negative impact on affordable housing would result from the proposed housing regulation, and provides the private sector an opportunity to submit an alternative to the proposed regulation.

Mr. Speaker, I view this provision as a responsible and fair method of minimizing the unnecessary impact of federal regulations and as an opportunity for the private sector to provide more input to their government regulators. Accordingly, I rise in strong support of S. 1452 with the hope that this provision to reduce government regulation and prevent barriers to affordable housing is reconsidered during the 107th Congress.

Mr. CAPUANO. Mr. Speaker, I rise in support of S. 1452, the American Homeownership and Economic Opportunity Act of 2000. This important legislation contains numerous provisions that will help low- and moderate-income Americans purchase their own home.

Two provisions in this bill are particularly important to my District. The first allows the Department of Housing and Urban Development to provide enhanced Section 8 vouchers to tenants living in buildings where the owner opted out of the program prior to 1995. There are a number of these developments around the nation, including one in my District, where tenants are at risk of being forced from their homes because of large rent increases. This important step will allow these residents to stay in their homes without the constant threat of eviction.

The second provision has already passed this House as part of H.R. 1776 earlier this year, but I am especially pleased that it is included in this legislation as well. It is estimated that more than 1.5 million children are being raised by their grandparents or other relatives because of divorce, death, or other circumstances. Many of these families live in public or subsidized housing in both urban and rural communities, although their unique needs may not be best served in these situations.

A group in my District, Boston Aging Concerns/Young and Old United, has developed the first affordable housing in the country designed specifically for grandparents raising their grandchildren. This innovative development, called the Grandfamilies House, has a playground, computer learning center, and after-school programs to serve the children, as well as service coordinators, and exercise classes for the elderly residents.

The provision included in this bill will give non-profit groups greater flexibility with HOME and Section 8 funds so that more of these developments can be built. The staff of the Grandfamilies House has already had inquiries from groups across the country interested in developing similar projects. It is my hope that enactment of this legislation will help create new housing opportunities for these families.

Mr. ROEMER. Mr. Speaker, I rise today in support of S. 1452, the Manufactured Housing Improvement Act. I want to commend Chairman JIM LEACH, Ranking Member JOHN LAFALCE, Representative BARNEY FRANK and HUD Secretary Andrew Cuomo, for their hard work in developing this bill.

This is a bipartisan bill which has the support of the manufactured housing industry, the Administration, and major consumer groups, including the AARP. It has taken a lot of time and effort to get to this point. They deserve credit for their hard work.

This legislation is long overdue. It has been 25 years since the federal regulations governing the manufactured housing industry have been updated. Since that time, the industry has undergone tremendous changes. It is important that the federal regulations be updated to keep pace with these changes.

For example, there are more than 150 proposed changes to construction and safety standards currently pending at HUD. Some of these are more than five years old. This kind of backlog is not beneficial to either the manufacturers or the purchasers of these homes. S. 1452 provides for the creation of a consensus committee, made up of industry, government and consumer representatives, to streamline the review process and ensure that proper standards are in place and effectively updated and enforced.

I would point out that manufactured housing is a key to homeownership in America. Almost one of every four new homes in America is a manufactured house. This is the preferred choice for a growing number of Americans, including first-time homebuyers, young families and senior citizens. At a time when more than 5.3 million Americans pay over 50 percent of their income in rent, an affordable manufactured home is an attractive option which we should be encouraging.

I am very proud to represent a District that is home to much of the manufactured housing industry. In fact, this industry employs some 20,000 people in Indiana and has a total economic impact of nearly $3 billion per year.

Mr. Speaker, I have visited many of the factories in my district and seen firsthand the remarkable progress which this industry has made over the years in the design, layout and style of homes. Clearly, this industry is committed to innovation, safety and affordability. We need to do our share at the federal level to work with the manufactured industry, and to support the growing number of Americans who desire to purchase their own home. I urge my colleagues to support this bill.

Mr. GARY MILLER of California. Mr. Speaker, I rise because I am concerned that we left an important provision out of S. 1452. The provision that has been omitted from S. 1452 is Section 102 of H.R. 1776, which requires the Federal government to perform a ''housing impact analysis'' before it issues new regulations.

My district has shortage of affordable housing, and housing prices are only increasing to the point where less and less people can afford a home. Supply is not keeping up with demand, and as a result, many of the people in my district and throughout the nation suffer. This problem hits my lower income constituents the hardest.

That is why I supported creating a ''housing impact analysis,'' which would determine if a significant negative impact on affordable housing would result from new government regulations. The purpose of the ''housing impact analysis'' would be to alert local and federal decision makers to how federal regulations would impact the affordability of housing. I strongly believe that an analysis on the cost of regulation would be a critical tool to help control the rising cost of housing in my district, and throughout the country.

I know affordable housing is a key issue for many of my colleagues. I anticipate working on the concept of a ''housing impact analysis'' as we look forward to the 107th Congress.

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

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the Senate bill, S. 1452, as amended.

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

A motion to reconsider was laid on the table.

The title of the Senate bill was amended so as to read:

''A bill to expand homeownership in the United States, and for other purposes.''.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1452.

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

There was no objection.

FINANCIAL CONTRACT NETTING IMPROVEMENT ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1161) to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1161

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 ''Financial Contract Netting Improvement Act of 2000''.

SEC. 2. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—Section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(i)) is amended by inserting '', resolution or order'' after ''any similar agreement that the Corporation determines by regulation''.

(b) DEFINITION OF SECURITIES CONTRACT.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.''.

(c) DEFINITION OF COMMODITY CONTRACT.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.''.

(d) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV).''.

(e) DEFINITION OF REPURCHASE AGREEMENT.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to the term 'reverse repurchase agreement')—

''(I) means an agreement, including related terms, which provides for the transfer of 1 or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V).

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).''.

(f) DEFINITION OF SWAP AGREEMENT.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or a weather option;

''(II) any agreement or transaction similar to any other agreement or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on 1 or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subparagraph (I), (II), (III), (IV), or (V).

Such term is applicable for purposes of this title only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations promulgated by the Securities and Exchange Commission or the Commodity Futures Trading Commission.''.

(g) DEFINITION OF TRANSFER.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institutions's equity of redemption.''.

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (A), by striking ''paragraph (10)'' and inserting ''paragraphs (9) and (10)'';

(2) in subparagraph (A)(i), by striking ''to cause the termination or liquidation'' and inserting ''such person has to cause the termination, liquidation, or acceleration'';

(3) by amending subparagraph (A)(ii) to read as follows:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);''; and

(4) by amending subparagraph (E)(ii) to read as follows:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);''.

(i) AVOIDANCE OF TRANSFERS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting ''section 5242 of the Revised Statutes of the United States (12 U.S.C. 91) or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers,'' before ''the Corporation''.

SEC. 3. AUTHORITY OF THE CORPORATION WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (E), by striking ''other than paragraph (12) of this subsection, subsection (d)(9)'' and inserting ''other than subsections (d)(9) and (e)(10)''; and

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

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with paragraph (1).

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting ''or the exercise of rights or powers'' after ''the appointment''.

SEC. 4. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

''(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

''(i) transfer to 1 financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

''(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

''(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

''(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

''(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

''(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

''(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property pursuant to subparagraph (A)(i), the conservator or receiver for such depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

''(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property and credit enhancements pursuant to subparagraph (A)(i) and such contract is subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

''(D) DEFINITION.—For purposes of this section, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution as determined by the Corporation by regulation to be a financial institution.''.

(b) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended by amending the flush material following clause (ii) to read as follows: ''the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver, in the case of a receivership, or the business day following such transfer, in the case of a conservatorship.''.

(c) RIGHTS AGAINST RECEIVER AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is further amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following new subparagraphs:

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right such person has to terminate, liquidate, or net such contract under paragraph (8)(A) or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right such person has to terminate, liquidate, or net such contract under paragraph (8)(E) or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this subsection, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A) of this subsection.

''(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9)—

''(i) a bridge bank; or

''(ii) a depository institution organized by the Corporation, for which a conservator is appointed either—

''(I) immediately upon the organization of the institution; or

''(II) at the time of a purchase and assumption transaction between such institution and the Corporation as receiver for a depository institution in default.''.

SEC. 5. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

(a) IN GENERAL.—Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is further amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(2) by inserting after paragraph (10) the following new paragraph:

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the depository institution in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)), as amended by section 2(i), is further amended in subparagraph (C)(i), by striking ''(11)'' and inserting ''(12)''.

SEC. 6. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

''(vii) TREATMENT OF MASTER AGREEMENT AS 1 AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.''.

SEC. 7. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) by inserting ''or exempt from such registration pursuant to an order of the Securities and Exchange Commission'' before the semicolon at the end of subparagraph (A)(ii); and

(B) by inserting ''or that has been granted an exemption pursuant to section 4(c)(1) of such Act'' before the period at the end of subparagraph (B);

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;''; and

(C) by amending subparagraph (C) (as redesignated) to read as follows:

''(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;'';

(3) in paragraph (11), by adding before the period ''and any other clearing organization with which such clearing organization has a netting contract'';

(4) by amending paragraph (14)(A)(i) to read as follows:

''(i) means a contract or agreement between two or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or closeout values relating to such obligations or entitlements) among the parties to the agreement; and''; and

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

''(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.''.

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any two financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

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

''(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to 1 or more netting contracts between any two financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code) and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

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

''(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to 1 or more netting contracts between any two members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code) and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(d) ENFORCEABILITY OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 407A; and

(2) by adding after section 406 the following new section:

''SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.

''(a) IN GENERAL.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency except—

''(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency;

''(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency; and

''(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank or an uninsured Federal branch or Federal agency.

''(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank or uninsured Federal branch or agency shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

''(c) REGULATORY AUTHORITY.—

''(1) IN GENERAL.—The Comptroller of the Currency, in consultation with the Federal Deposit Insurance Corporation, may promulgate regulations to implement this section.

''(2) SPECIFIC REQUIREMENT.—In promulgating regulations to implement this section, the Comptroller of the Currency shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

''(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meaning as in section 1(b) of the International Banking Act.''.

SEC. 8. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B) or (C); or

''(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract on the date of the filing of the petition;'';

(B) in paragraph (46), by striking ''on any day during the period beginning 90 days before the date of'' and inserting ''at any time before'';

(C) by amending paragraph (47) to read as follows:

''(47) 'repurchase agreement' (which definition also applies to a 'reverse repurchase agreement')—

''(A) means—

''(i) an agreement, including related terms, which provides for the transfer of 1 or more certificates of deposit, mortgage-related securities (as defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities, or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, loans, or interests of the kind described above, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

''(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

''(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

''(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) does not include a repurchase obligation under a participation in a commercial mortgage loan,

and, for purposes of this paragraph, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development;'';

(D) in paragraph (48) by inserting ''or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission'' after ''1934''; and

(E) by amending paragraph (53B) to read as follows:

''(53B) 'swap agreement'—

''(A) means—

''(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or an equity swap, option, future, or forward agreement; a debt index or a debt swap, option, future, or forward agreement; a credit spread or a credit swap, option, future, or forward agreement; a commodity index or a commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(ii) any agreement or transaction similar to any other agreement or transaction referred to in this paragraph that—

''(I) is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on 1 or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

''(iii) any combination of agreements or transactions referred to in this paragraph;

''(iv) any option to enter into an agreement or transaction referred to in this paragraph;

''(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

''(B) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subparagraph (A), but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(C) is applicable for purposes of this title only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.'';

(2) by amending section 741(7) to read as follows:

''(7) 'securities contract'—

''(A) means—

''(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

''(ii) any option entered into on a national securities exchange relating to foreign currencies;

''(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

''(iv) any margin loan;

''(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

''(vi) any combination of the agreements or transactions referred to in this paragraph;

''(vii) any option to enter into any agreement or transaction referred to in this paragraph;

''(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this paragraph, except that such master agreement shall be considered to be a securities contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

''(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan.''; and

(3) in section 761(4)—

(A) by striking ''or'' at the end of subparagraph (D); and

(B) by adding at the end the following:

''(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

''(G) any combination of the agreements or transactions referred to in this paragraph;

''(H) any option to enter into an agreement or transaction referred to in this paragraph;

''(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

''(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition;''.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following new paragraph:

''(22) the term 'financial institution'—

''(A) means a Federal reserve bank or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, a bank or a corporation organized under section 25A of the Federal Reserve Act and, when any such bank or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; and

''(B) includes any person described in subparagraph (A) which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991;'';

(2) by inserting after paragraph (22) the following:

''(22A) 'financial participant' means an entity that, at the time it enters into a securities contract, commodity contract or forward contract, or at the time of the filing of the petition, has 1 or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of at least $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of at least $100,000,000 (aggregated across counterparties) in 1 or more such agreement or transaction with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;''; and

(3) by amending paragraph (26) to read as follows:

''(26) 'forward contract merchant' means a Federal reserve bank, or an entity whose business consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761, or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing or in the forward contract trade;''.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

''(38A) 'master netting agreement' means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing. If a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of the paragraphs (1) through (5) of section 561(a);

''(38B) 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;''.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, is amended—

(A) in paragraph (6), by inserting '', pledged to and under the control of,'' after ''held by'';

(B) in paragraph (7), by inserting '', pledged to and under the control of,'' after ''held by'';

(C) by amending paragraph (17) to read as follows:

''(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with 1 or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to and under the control of, or due from such swap participant to margin, guarantee, secure, or settle any swap agreement;'';

(D) in paragraph (18) by striking the period at the end and inserting ''; or''; and

(E) by inserting after paragraph (18) the following new paragraph:

''(19) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with 1 or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to and under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.''.

(2) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

''(i) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), or (17), or (32) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking ''under a swap agreement''; and

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(2) by adding at the end the following:

''(j) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A), and except to the extent the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'';

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

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

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except, with respect to a transfer under any individual contract covered thereby, to the extent such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§555. Contractual right to liquidate, terminate, or accelerate a securities contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of 1 or more swap agreements''; and

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of 1 or more swap agreements''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—(1) Title 11, United States Code, is amended by inserting after section 560 the following:

''§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

''(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts or other transfer obligations arising under or in connection with 1 or more (or the termination, liquidation, or acceleration of 1 or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b) EXCEPTION.—

''(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7—

''(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a), except to the extent the party has positive net equity in the commodity accounts at the debtor, as calculated under such subchapter; and

''(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

''(c) RULE OF APPLICATION.—Subparagraphs (A) and (B) of subsection (b)(2) shall not be construed as prohibiting the offset of claims and obligations arising pursuant to—

''(1) a cross-margining arrangement that has been approved by the Commodity Futures Trading Commission or that has been submitted to such Commission pursuant to section 5a(a)(12) of the Commodity Exchange Act and has been permitted to go into effect; or

''(2) another netting arrangement, between a clearing organization (as defined in section 761) and another entity, that has been approved by the Commodity Futures Trading Commission.

''(d) DEFINITION.—As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

(2) CONFORMING AMENDMENT.—The table of sections of chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

''561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.''.

(l) MUNICIPAL BANKRUPTCIES.—Section 901(a) of title 11, United States Code, is amended—

(1) by inserting ''555, 556,'' after ''553,''; and

(2) by inserting ''559, 560, 561, 562,'' after ''557,''.

(m) ANCILLARY PROCEEDINGS.—Section 304 of title 11, United States Code, is amended by adding at the end the following new subsection:

''(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any proceeding under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).''.

(n) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

''§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(o) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

''§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(p) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(32), 555, 556, 559, 560 or 561)'' before the period; and

(2) in subsection (b)(1), by striking ''362(b)(14)'' and inserting ''362(b)(17), 362(b)(32), 555, 556, 559, 560, 561''.

(q) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking ''financial institutions,'' each place such term appears and inserting ''financial institution, financial participant'';

(2) in section 546(e), by inserting ''financial participant,'' after ''financial institution,'';

(3) in section 548(d)(2)(B), by inserting ''financial participant,'' after ''financial institution,'';

(4) in section 555—

(A) by inserting ''financial participant,'' after ''financial institution,''; and

(B) by inserting before the period at the end '', a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice''; and

(5) in section 556, by inserting '', financial participant'' after ''commodity broker''.

(r) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections of chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

''555. Contractual right to liquidate, terminate, or accelerate a securities contract.

''556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.'';

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

''559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

''560. Contractual right to liquidate, terminate, or accelerate a swap agreement.'';

and

(2) in the table of sections of chapter 7—

(A) by inserting after the item relating to section 766 the following:

''767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.'';

and

(B) by inserting after the item relating to section 752 the following:

''753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.''.

SEC. 9. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

''(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping with respect to qualified financial contracts (including market valuations) by insured depository institutions.''.

SEC. 10. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

''(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

''(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

''(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

''(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

''(D) 1 or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was

not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.''.

SEC. 11. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561 the following:

''§562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

''If the trustee rejects a swap agreement, securities contract as defined in section 741, forward contract, commodity contract (as defined in section 761) repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

''(1) the date of such rejection; or

''(2) the date of such liquidation, termination, or acceleration.''; and

(2) in the table of sections of chapter 5 by inserting after the item relating to section 561 the following:

''562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.''.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by designating the existing text as paragraph (1); and

(2) by adding at the end the following:

''(2) A claim for damages calculated in accordance with section 562 shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.''.

SEC. 12. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding after subparagraph (B) the following new subparagraph:

''(C) EXCEPTION FROM STAY.—

''(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by the Securities Investor Protection Corporation from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, each as defined in title 11 United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with 1 or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor whether or not with respect to 1 or more of such contracts or agreements.

''(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on or disposition of securities collateral pledged by the debtor, whether or not with respect to 1 or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement or securities lent under a securities lending agreement.

''(iii) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

SEC. 13. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''or'' at the end of paragraph (4)(B)(ii);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

''(5) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a)(1); or''; and

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

''(e) For purposes of this section, the following definitions shall apply:

''(1) the term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, including all securities issued by governmental units, at least 1 class or tranche of which is rated investment grade by 1 or more nationally recognized securities rating organizations, when the securities are initially issued by an issuer;

''(2) the term 'eligible asset' means—

''(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, whether or not such assets are in existence as of the date of the transfer, including residential and commercial mortgage loans, consumer receivables, trade receivables, assets of governmental units (including payment obligations relating to taxes, receipts, fines, tickets, and other sources of revenue), and lease receivables, that, by their terms, convert into cash within a finite time period, plus any residual interest in property subject to receivables included in such financial assets plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

''(B) cash; and

''(C) securities, including all securities issued by governmental units.

''(3) the term 'eligible entity' means—

''(A) an issuer; or

''(B) a trust, corporation, partnership, governmental unit, limited liability company (including a single member limited liability company), or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto;

''(4) the term 'issuer' means a trust, corporation, partnership, governmental unit, limited liability company (including a single member limited liability company), or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto; and

''(5) the term 'transferred' means the debtor, pursuant to a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5) (whether or not reference is made to this title or any section of this title), irrespective, without limitation, of—

''(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

''(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

''(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.''.

SEC. 14. APPLICATION OF AMENDMENTS.

The amendments made by this Act shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of the enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

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

Mr. Speaker, the provisions of this bill, the Financial Contract Netting Improvement Act, are not new to the House. They were approved in the 105th Congress and again this year as part of the bankruptcy reform legislation. But because of the uncertainty whether a bankruptcy bill can become law, it is important to move this legislation on its own.

After all, if a major derivatives player were to become insolvent, cascading effects on the economy could too easily ensue. What this change in law accomplishes is the orderly unwinding of contracts in a timely, indeed almost immediate basis, in the event of a bankruptcy circumstance. If, on the other hand, the derivatives contracts of a company that declares bankruptcy become tied up on a lengthy basis in bankruptcy court proceedings, the financial system could be destabilized.

This is the case in part because of the timing but in larger part because of the difference between the growing size of derivatives contracts and their netted value, the latter being quantumly smaller and more manageable.

Without liquidation procedures of this nature, delays in the handling of these contracts could spread to financial problems of one derivatives firm to other companies which could be required to make payments on the other side of a deal, but unable to immediately collect on the other side.

This legislation, which has bipartisan sponsorship and is strongly supported by both the Federal Reserve and the Treasury, may not seem important in good times. But if there is a downturn in the economy or a wrench in world politics, its provisions become self-evidently imperative.

In closing, I would like to thank the chairman of the Committee on the Judiciary and the chairman of the Committee on Commerce, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. BLILEY), for their cooperation in allowing this bill to come to the floor today. I include for the RECORD an exchange of letters between the Committee on Banking and these committees.

I would also again like to thank the minority, particularly the gentleman

from New York (Mr. LAFALCE) and the gentleman from Texas (Mr. BENTSEN), whose expertise in these areas is second to none on the committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 6, 2000.

Hon. JIM LEACH,
Chairman, Committee on Banking and Financial Services, Washington, DC.

DEAR JIM: I am writing with regard to your committee's recent action on H.R. 1161, the Financial Contract Netting Improvement Act of 1999. As you know, the Committee on Commerce was named as an additional committee of jurisdiction upon the bill's introduction based upon its jurisdiction over securities and exchanges pursuant to Rule X of the Rules of the House of Representatives.

Because of the importance of this legislation, I recognize your desire to bring it before the House in an expeditious manner, and I will not exercise the Committee's right to further consideration of this legislation. By agreeing to waive its consideration of the bill, however, the Committee on Commerce does not waive its jurisdiction of H.R. 1161. In addition, the Committee on Commerce reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I appreciate your commitment to support any request by the Commerce Committee for conferees on H.R. 1161 or similar legislation.

I request that you include a copy of this letter and your response in your committee report on the bill and as part of the RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES
Washington, DC, September 7, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, Washington, DC.

DEAR TOM: I have received your letter concerning H.R. 1161, which the Committee on Banking and Financial Services on July 27, 2000, voted to favorably report to the House. In your letter you indicate that the Committee on Commerce would agree not to seek further consideration of H.R. 1161. I appreciate your cooperation in this matter and understand that the Commerce Committee's jurisdictional interest in this legislation is not prejudiced by such cooperation. Pursuant to your request I will include a copy of your letter and my response in the report to accompany H.R. 1161.

Thanks again for your assistance.

Sincerely,

JAMES A. LEACH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 7, 2000.

Hon. JAMES A. LEACH,
Chairman, Committee on Banking and Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEACH: I am writing in regard to H.R. 1161, the Financial Contract Netting Improvement Act of 1999. As you know, the Committee on the Judiciary was named as an additional committee of jurisdiction upon the introduction of H.R. 1161 pursuant to its jurisdiction over bankruptcy law under Rule X of the Rules of the House. The Judiciary Committee has jurisdictional interests in sections 8, 11, 13 and 15 of this bill.

The Judiciary Committee has no substantive objection to H.R. 1161 as ordered to be reported by your Committee on July 27, 2000. It is my understanding that the bill as ordered reported is substantively similar to Title X of H.R. 833, the Bankruptcy Reform Act of 1999, which the House passed, as amended, on May 5, 1999. Therefore, in view of the substantively similar language and in the interest of expeditiously moving H.R. 1161 forward, the Judiciary Committee will agree to be discharged from further consideration of H.R. 1161. By agreeing not to exercise its jurisdiction, the Judiciary Committee does not waive its jurisdictional interest in this bill or similar legislation. This agreement is based on the understanding that the Judiciary Committee's jurisdiction will be protected through the appointment of conferees should H.R. 1161 or a similar bill go to conference. Further, I request that a copy of this letter be included in the Congressional Record as part of the floor debate on this bill.

I appreciate your consideration of our interest in this bill and look forward to working with you to secure its passage.

Sincerely yours,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES,
Washington, DC, September 7, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR HENRY: This letter responds to your correspondence, dated September 7, 2000, concerning H.R. 1161, the Financial Contract Netting Improvement Act of 1999, which was jointly referred to the Committee on Banking and Financial Services and the Committee on the Judiciary.

I agree that the bill contains matter within the Judiciary Committee's jurisdiction and I appreciate your Committee's willingness to be discharged from further consideration of H.R. 1161 so that we may proceed to the floor.

Pursuant to your request, a copy of your letter will be included in the Congressional Record during consideration of H.R. 1161.

Sincerely,

JAMES A. LEACH,
Chairman.

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

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

Mr. Speaker, I want to commend the efforts of the chairman, the gentleman from Iowa (Mr. LEACH), as well as the gentleman from New York (Mr. LAFALCE), the ranking member, to insist that this crucial legislation come to the floor of the House today.

I also want to thank the chairman and ranking members of the two committees of jurisdiction, the Committee on Commerce and the Committee on the Judiciary, for their roles in discharging H.R. 1161 for today's suspension calendar.

I do not believe there is any contention over the measure's substance. The House, as the chairman pointed out, has enacted this legislation in the past. The Committee on Banking has reported the bill three times in this Congress and once in the 105th Congress.

This is a bill that would enact into law a priority recommendation of the President's Working Group on financial markets.

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The absence of controversy should not give a false impression of a lack of urgency. Last Friday, in an unusual joint letter the Secretary of the Treasury, Mr. Summers, and the Federal Reserve Chairman, Mr. Greenspan, wrote the majority and minority leadership of both Houses urging adoption of H.R. 1161 during the remaining days of this Congress; and I might add that we just received the statement of administration policy strongly supporting passage of H.R. 1161, and states that this is something that, as I stated, the President's Working Group on Financial Markets favored which included not only the Secretary of the Treasury and the chairman of the Federal Reserve but also the chairman of the Securities and Exchange Commission and the Commodities Futures Trading Commission.

The chairman of the Federal Reserve and the Secretary, in their letter to the leadership of the Congress, said this bill would reduce the likelihood that incidents such as the near collapse of long-term capital management in September 1998 would pose a broader threat to our financial system.

Some in this Chamber might not vividly recall the long-term capital management incident, but it sent shudders through the financial world and could have easily destabilized the world's financial system. The Federal Reserve salvaged the company and luckily the rescue it orchestrated kept the system afloat. I do not believe, however, the American financial system should be dependent upon luck.

Last week, the House approved a conceptually related bill when it reauthorized the Commodity Exchange Act on the suspension vote by 377–4. That bill, in part, provided legal certainty for swaps among healthy institutions. This bill provides legal certainty for what is owed when an institution becomes terminal. By all reports, the difficulty in transmitting this measure to the President is not in this House. It is in the other Chamber. Substance, again, is not the impediment. Rather, in the other body this bill is entangled in another highly controversial piece of legislation which some in that Chamber are refusing to unbundle in order to pass the content of H.R. 1161. Failing to enact this legislation this year is to take a huge risk with domestic and international finance and the stability of our financial markets.

I hope that risk and the House action today will send a powerful signal to the other body that it must pass this legislation, and I trust that they will do so.

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

Mr. LEACH. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 1161. I want to associate myself with the statements of the chairman with respect to the benefits of this legislation.

Clearly, the primary purpose is to minimize the systemic risk that is evident in our Nation's financial system. The bill serves to minimize that risk that would occur when a counterparty to a derivatives contract becomes insolvent. This legislation amends our banking and bankruptcy insolvency laws to allow netting to fulfill the contracts of the financial and over-the-counter derivatives instruments that are often traded among large financial institutions.

Mr. Speaker, this bill should have strong bipartisan support, as it has in the past and it should here today. It must be said that in the last Congress, the Committee on Banking and Financial Services reported this kind of legislation out and it included netting provisions; and additionally, as has been noted, this Congress included these provisions in a bankruptcy bill. While I strongly support the enactment of comprehensive bankruptcy reform this year, it is my understanding that that does not seem possible because of some concerns on the Senate side, not well founded in my opinion but nevertheless concerns; but I am most grateful to the chairman for bringing this component of the bill before us so that we can pass this important bill and deal with the netting provisions.

Finally, Mr. Speaker, I want to acknowledge and commend the chairman of our Committee on Banking and Financial Services for his exceptional leadership. Not only did we get the landmark and historic financial modernization bill through under his leadership, but evidently here tonight we are passing two additional excellent pieces of legislation.

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

Mr. Speaker, I just want to say, and this may be the only bill I have ever managed with the chairman of the committee, I want to associate myself with the remarks of the gentleman from New York (Mr. LAFALCE) on the previous bill in honoring the chairman on his work. I have had the honor to serve with him for 6 years on the Committee on Banking and Financial Services while he has been the chairman. He has been both a worthy teacher and supporter and adversary and has always been very kind to me, and his leadership is to be respected.

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

Mr. LEACH. Mr. Speaker, I thank the gentleman from Texas (Mr. BENTSEN), and I would only again reciprocate by saying how much I have appreciated working with him, and I would urge support for this very important legislation.

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

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 1161, as amended.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4656, LAKE TAHOE BASIN LAND CONVEYANCE

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 634 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 634

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site. All points of order against the bill and against its consideration are waived. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 634 is a closed rule waiving all points of order against H.R. 4656, the conveyance of certain forest service land in the Lake Tahoe Basin and against its consideration. The rule provides 1 hour of debate to be equally divided between the chairman and ranking minority member of the Committee on Resources. The rule also provides one motion to recommit with or without instruction.

H.R. 4656 authorizes the Secretary of Agriculture to convey for fair market value approximately 8.7 acres of Federal land in the Lake Tahoe Basin to the Washoe County District for use as an elementary school site. The bill provides that the land may be used only for this purpose and that it would revert back to the Federal Government if used for any other purpose. The bill was introduced by my friend, the gentleman from Nevada (Mr. GIBBONS), and was considered by the House on October 10, 2000. Although the bill was supported by a considerable majority in the House, it failed to receive the two-thirds necessary for passage under the suspension of the rules. The Congressional Budget Office estimates that enactment of H.R. 4656 would have no significant impact on the Federal budget. Because the bill would affect direct spending, pay-as-you-go procedures would apply. However, CBO estimates that such effects would be less than $500,000 per year. H.R. 4656 does not contain any intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act. Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this closed rule. This rule provides for the consideration of a bill allowing the Forest Service to sell environmentally sensitive land at below market value to an affluent school district in a Republican Member's congressional district. Now, Mr. Speaker, I realize that our schools are overcrowded; but they are overcrowded everywhere, from Boston to Burbank, from Bismarck to Biloxi.

With this bill, Republicans are doing a special favor for one school while my Republican colleagues are ignoring overcrowded schools everywhere else.

Mr. Speaker, American children deserve better. The Democrats' number one priority is the education of our children. They deserve much more than the crowded schools that are crumbling down around them.

The average age of schools in the United States is 42 years. Rather than helping out one affluent school district, my Republican colleagues should be funding the Democrat initiative to help all school districts; but this bill will not do that, Mr. Speaker. Furthermore, this bill sells the taxpayers short. It transfers land at far less than its value. The land is worth between $2 million and $4 million and this bill will sell it for $500,000. Rather than allowing the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Resources, to offer his amendment selling the land for its actual value, my colleagues are proposing this closed rule that prohibits amendments. Meanwhile, Mr. Speaker, schools everywhere else are scrambling for the funds to go expand and modernize their buildings and getting nothing from my colleagues on the other side. The Republican budget neither provides nor guarantees funding for urgent school repairs and no money for school modernization bonds. Mr. Speaker, it should.

American children do deserve better. I urge my colleagues to oppose this rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the author of the underlying legislation.

Mr. GIBBONS. Mr. Speaker, to my colleague and friend, the gentleman from the State of Washington (Mr. HASTINGS), I want to also thank him for his leadership and for allowing me to speak on this rule today.

Mr. Speaker, I rise in strong support for this rule, which will allow an open debate on H.R. 4656 a bill which will sell 8.7 acres of the Forest Service land to Washoe County School District at fair market value for the limited use as an elementary school site. H.R. 4656 is a product of much hard work, compromise and discussion and strikes a careful balance that will benefit all parties involved and provide over 400 students at Incline Village with a safe and accommodating school facility.

1800

Local officials from both the school district and the United States Forest Service, as well as environmental groups such as the League to Save Lake Tahoe, have had an integral role in crafting this important legislation. As a result of this valuable local input, this legislation is supported by the entire Nevada congressional delegation, as well as interested community groups.

Most significantly, Mr. Speaker, H.R. 4656 is strongly supported by the parents, teachers and the students of Incline Village. The present Incline Village Elementary School was constructed in 1964 and can no longer meet the needs of an increasing student population. The overcrowding problems have become so severe that the school must now place up to 40 children in each classroom. There is simply no room left to expand the current school, and the only available land suitable for a new school is the Federal land to be sold to the county school district under H.R. 4656.

Mr. Speaker, I say ''sold,'' not given away, because the land will not be given away for free, although this Congress has done so for even Members on the other side of the aisle recently in the past for school construction. Instead, the school district will pay the fair market value for the land for its use as a school site. Yet I understand the administration and my colleagues on the other side of the aisle would like to get 800 percent more for this land than its appraised value would be as a school site.

Mr. Speaker, this is just unconscionable to me, that the administration wants to put such a high price on the education of 400 children. I am committed to working to enhance the educational opportunities for the children of Nevada, and this bill will allow 400 students the space to learn and grow in a suitable school facility.

Mr. Speaker, I urge all of my colleagues to support this fair rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, H.R. 4656 authorizes the Secretary of Agriculture to convey for fair market value approximately 8.7 acres of land in a parcel in the Tahoe National Forest in Incline Village, Nevada, to the Washoe County School District for the use as an elementary site. The parcel has been valued at between $2 million and $4 million. However, because of the deed restriction directing the use of the school site or a reversionary clause, the Forest Service believes that the appraised value would be reduced by 75 percent, or approximately $500,000.

This bill requires the proceeds of the sale to be used for acquiring environmentally sensitive land in Lake Tahoe. This all sounds good, until you examine this deal.

The deed restriction, this land was purchased because it is environmentally-sensitive land. I realize that there has been development around it, but that was the purpose and the priority for which it was purchased by the public. Now, because it has a deed restriction, they say that they want it transferred to the school district for $500,000, as opposed to fair market value.

Well, if you are a school district and you are using it for that purpose, and that is the purpose of the deed restriction, it is like getting a full-valued piece of property, because that is all you are going to use it for. But now we have worked in a discount in this property, and then we are told we can take this $500,000 and we can take that and go out and try to buy equally environmentally-sensitive land somewhere else in the Tahoe Basin, when in fact we are talking about some of the most expensive land in the State.

In many parts of the Tahoe Basin, $500,000 will not buy you a 50-by-100 building lot, much less a school site or environmentally-sensitive land or anything else. The fact of the matter is that this land is valuable for that very reason, because either people want to enjoy it for their own homes or recreational benefits and/or because there is so little land left in the Tahoe Basin, given what we have to do.

Yesterday we passed a bill here to spend $300 million of Federal taxpayer monies to protect this very same basin, and yet we are giving away environmentally-sensitive land here, with the belief that somehow we are going to replace it, and I object to that.

I think that this is a continuation of a misuse of public resources, when in fact the local entity has all of the wherewithal to purchase the land at fair market value. Certainly they ought to purchase it for, at a minimum, what they just sold their own school land for, which was, I guess, about $850,000. They could take that and buy this site, which they believe to be a superior site, but they would rather have a discount paid for by the Federal taxpayers.

The gentleman from Nevada suggested that somehow this is the same as other legislation that we have done. The fact of the matter is that is not the case, because in most instances, as we do with little disagreement on a bipartisan basis, we transfer land from the Federal Government to public agencies all the time. In most instances, that land is sort of generic Federal land, if you will. It really in some cases has no other value other than to be transferred to a local agency, whether it is a city or a school district or a sanitation district or whatever, as we have done now in a number of instances in the Committee on Resources.

But this bill is simply bad policy, and it is bad economics for the taxpayer; and I think it is bad for the environment in the Lake Tahoe Basin.

I think this bill also points out a continuing problem that we have in the Committee on Resources; and although this is not technically a land exchange, it is part of the same parcel where, once again, we just continue to dip into the Federal land base and we parcel it out on less than a fair market value, less than equal basis, when we engage in land exchanges.

This committee and the Congress was just recently again put on notice by the General Accounting Office as to the problems that we are having in these exchanges. A number of them exist in the gentleman's home State, where the Federal Government, through, I think, bad policy on behalf of the Forest Service and the Bureau of Land Management, but especially the Bureau of Land Management, has engaged in real estate practices on behalf of the taxpayer, where the taxpayer ought to just scream to high heaven that they want a new real estate agent.

We have seen properties that have been flipped on the same day of sale, where the Federal Government got its ''value'' of $763,000 in Nevada, only to find out that the same day that property was resold for $4.5 million. In another instance we got the ''value'' of $504,000, only to have that property sold for $1 million the very same day. I think it calls into question.

So when the Forest Service makes a determination that because this land has a deed restriction, but it happens to be a deed restriction that allows you to use it exactly for that purpose, of a school, of which you want it, land which you cannot find suitably elsewhere, for the Forest Service now to

step forward with a straight face and suggest that the value of this 8.5 acres of land in the middle of Incline Village, somehow the value here is $500,000, is simply not true. If the school district went out on the open market and sought to purchase 8.5 acres in the Tahoe Basin, the land value would exceed $500,000 in any instance.

For those reasons, I think that the Congress ought to reject this legislation. This is not a declaration against all land swaps, because we have done land swaps, we have done land exchanges and done outright grants of land, as we did yesterday in a number of instances. But in those cases, the value of the land was essentially de minimis, other than the purpose for which some local agency wanted to put it to use.

So I think at some point you have got to cry ''halt'' here to having the Federal taxpayer just continuing to subsidize these kinds of arrangements, where in fact we simply cannot look our constituents in the face and suggest to them we got fair value or in any way did we get market value.

The fact of the matter was that the gentleman from Washington (Mr. SMITH) tried to offer an amendment to provide for fair market value. That was rejected in the committee, and now we are operating under a closed rule so that he cannot offer that amendment so that we will have an opportunity to find out whether or not we can get fair market value for the taxpayers in the use of this land for the school district.

I think that would be a much fairer way to go, but it is obvious that the proponents of this legislation do not want to engage in that public process of determining fair market value. They simply want the Forest Service, which I might add, the proponents here who show such great support for the Forest Service evaluation are the same people who are usually beating the hell out of the Forest Service on a daily basis, but all of a sudden they become outstanding appraisers of the public land in the Tahoe Basin. But I guess it is the end of the session.

Mr. Speaker, I would hope Members would vote against this rule and that the gentleman from Washington (Mr. SMITH) would get an opportunity to offer his amendment, and we could square the books on behalf of the taxpayer.

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

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

After this 15-minute vote on House Resolution 634, pursuant to clause 8, rule XX, the Chair will resume proceedings on—and will reduce to 5 minutes the minimum time for electronic voting on—two of the motions to suspend the rules debated earlier today on which the yeas and nays were ordered, to wit:

(1) House Concurrent Resolution 414; and

(2) H.R. 4271.

Other questions on which proceedings were postponed earlier today will resume tomorrow.

The vote was taken by electronic device, and there were—yeas 196, nays 181, not voting 55, as follows:

[Roll No. 541]

YEAS—196

Aderholt	Goodling	Petri
Archer	Goss	Pickering
Armey	Graham	Pickett
Bachus	Granger	Pitts
Baker	Greenwood	Pombo
Ballenger	Gutknecht	Porter
Barr	Hall (TX)	Portman
Barrett (NE)	Hansen	Pryce (OH)
Bartlett	Hastings (WA)	Quinn
Barton	Hayes	Radanovich
Bass	Hayworth	Ramstad
Bereuter	Hefley	Regula
Berkley	Herger	Reynolds
Biggert	Hill (MT)	Riley
Bliley	Hobson	Rogan
Blunt	Hoekstra	Rogers
Boehlert	Horn	Rohrabacher
Boehner	Hostettler	Ros-Lehtinen
Bonilla	Houghton	Roukema
Bono	Hulshof	Royce
Brady (TX)	Hunter	Ryan (WI)
Bryant	Hutchinson	Ryun (KS)
Burr	Isakson	Salmon
Burton	Istook	Sanford
Buyer	Jenkins	Saxton
Callahan	Johnson (CT)	Scarborough
Calvert	Johnson, Sam	Schaffer
Camp	Jones (NC)	Sensenbrenner
Canady	Kasich	Sessions
Cannon	Kelly	Shadegg
Chabot	Kildee	Sherwood
Chambliss	Kingston	Shimkus
Coble	Knollenberg	Shuster
Coburn	Kuykendall	Simpson
Collins	LaHood	Skeen
Combest	Largent	Smith (MI)
Cook	Latham	Smith (NJ)
Cooksey	LaTourette	Smith (TX)
Costello	Leach	Souder
Cox	Lewis (KY)	Spence
Crane	Linder	Stearns
Cunningham	LoBiondo	Stump
Davis (VA)	Lucas (OK)	Sununu
DeMint	Manzullo	Sweeney
Diaz-Balart	Martinez	Tancredo
Doolittle	McCrery	Tauzin
Dreier	McHugh	Taylor (NC)
Dunn	McInnis	Terry
Ehlers	McKeon	Thomas
Ehrlich	Metcalf	Thornberry
Emerson	Miller (FL)	Thune
English	Miller, Gary	Tiahrt
Everett	Moran (KS)	Toomey
Ewing	Morella	Traficant
Foley	Myrick	Upton
Fossella	Nethercutt	Vitter
Frelinghuysen	Northup	Walden
Gallegly	Norwood	Walsh
Ganske	Ose	Wamp
Gekas	Oxley	Watkins
Gibbons	Packard	Weldon (FL)
Gilchrest	Paul	Weldon (PA)
Gillmor	Pease	Weller
Goodlatte	Peterson (MN)	Wicker
		Wilson
		Young (AK)
		Young (FL)

NAYS—181

Abercrombie	Hilliard	Oberstar
Ackerman	Hinchey	Obey
Allen	Hinojosa	Olver
Andrews	Hoeffel	Ortiz
Baca	Holden	Owens
Baird	Holt	Pallone
Baldacci	Hooley	Pascrell
Baldwin	Hoyer	Pastor
Barcia	Inslee	Payne
Barrett (WI)	Jackson (IL)	Pelosi
Bentsen	Jackson-Lee (TX)	Phelps
Berman	Jefferson	Pomeroy
Berry	Johnson, E. B.	Price (NC)
Bishop	Jones (OH)	Rahall
Blagojevich	Kanjorski	Rangel
Blumenauer	Kaptur	Reyes
Bonior	Kennedy	Rivers
Borski	Kilpatrick	Rodriguez
Boswell	Kind (WI)	Roemer
Boucher	Kleczka	Rothman
Boyd	Kucinich	Roybal-Allard
Capps	LaFalce	Rush
Capuano	Lampson	Sabo
Cardin	Lantos	Sanchez
Carson	Larson	Sanders
Clay	Lee	Sandlin
Clayton	Levin	Sawyer
Clement	Lewis (GA)	Schakowsky
Clyburn	Lipinski	Scott
Condit	Lofgren	Serrano
Conyers	Lowey	Sherman
Coyne	Lucas (KY)	Shows
Cramer	Luther	Sisisky
Cummings	Maloney (CT)	Skelton
Davis (FL)	Maloney (NY)	Slaughter
Davis (IL)	Markey	Smith (WA)
DeFazio	Mascara	Snyder
DeLauro	Matsui	Spratt
Deutsch	McCarthy (MO)	Stabenow
Dicks	McCarthy (NY)	Stark
Dingell	McDermott	Stenholm
Dixon	McGovern	Strickland
Doggett	McIntyre	Tanner
Dooley	McKinney	Tauscher
Doyle	McNulty	Taylor (MS)
Edwards	Meehan	Thompson (CA)
Eshoo	Meeks (NY)	Thompson (MS)
Etheridge	Millender-McDonald	Thurman
Evans	Miller, George	Tierney
Farr	Minge	Towns
Filner	Mink	Turner
Ford	Moakley	Udall (CO)
Frank (MA)	Mollohan	Udall (NM)
Frost	Moore	Velazquez
Gejdenson	Moran (VA)	Waters
Gephardt	Murtha	Watt (NC)
Gonzalez	Nadler	Waxman
Gordon	Napolitano	Wexler
Green (TX)	Neal	Woolsey
Gutierrez	Oberstar	Wu
Hill (IN)	Obey	Wynn

NOT VOTING—55

Becerra	Fattah	McIntosh
Bilbray	Fletcher	Meek (FL)
Bilirakis	Forbes	Menendez
Brady (PA)	Fowler	Mica
Brown (FL)	Franks (NJ)	Ney
Brown (OH)	Gilman	Nussle
Campbell	Goode	Peterson (PA)
Castle	Green (WI)	Shaw
Chenoweth-Hage	Hall (OH)	Shays
Crowley	Hastings (FL)	Stupak
Cubin	Hilleary	Talent
Danner	Hyde	Visclosky
Deal	John	Watts (OK)
DeGette	King (NY)	Weiner
Delahunt	Klink	Weygand
DeLay	Kolbe	Wise
Dickey	Lazio	Wolf
Duncan	Lewis (CA)	
Engel	McCollum	

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Messrs. THOMPSON of California, DAVIS of Illinois, MORAN of Virginia, GEPHARDT and LaFALCE changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FLETCHER. Mr. Speaker, on rollcall No. 541, I was detained by an accident which forced me to miss my flight to Washington, DC. Had I been present, I would have voted "yea."

RELATING TO REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 414, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 414, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 51, as follows:

[Roll No. 542]

YEAS—381

Abercrombie	Clyburn	Gillmor
Ackerman	Coble	Gilman
Aderholt	Coburn	Gonzalez
Allen	Collins	Goodlatte
Andrews	Combest	Goodling
Archer	Condit	Gordon
Armey	Conyers	Goss
Baca	Cook	Graham
Bachus	Cooksey	Granger
Baird	Costello	Green (TX)
Baker	Cox	Greenwood
Baldacci	Coyne	Gutierrez
Baldwin	Cramer	Gutknecht
Ballenger	Crane	Hall (OH)
Barcia	Cummings	Hall (TX)
Barr	Cunningham	Hansen
Barrett (NE)	Davis (FL)	Hastings (WA)
Barrett (WI)	Davis (IL)	Hayes
Bartlett	Davis (VA)	Hayworth
Barton	DeFazio	Hefley
Bass	DeGette	Herger
Bentsen	DeLauro	Hill (IN)
Bereuter	DeMint	Hill (MT)
Berkley	Deutsch	Hilliard
Berman	Diaz-Balart	Hinchey
Berry	Dicks	Hinojosa
Biggert	Dingell	Hobson
Bishop	Dixon	Hoeffel
Blagojevich	Doggett	Hoekstra
Bliley	Dooley	Holden
Blumenauer	Doolittle	Holt
Blunt	Doyle	Hooley
Boehlert	Dreier	Horn
Boehner	Dunn	Hostettler
Bonilla	Edwards	Hoyer
Bonior	Ehlers	Hulshof
Bono	Ehrlich	Hunter
Borski	Emerson	Hutchinson
Boswell	English	Inslee
Boucher	Eshoo	Isakson
Boyd	Etheridge	Istook
Brady (TX)	Evans	Jackson (IL)
Bryant	Everett	Jackson-Lee (TX)
Burr	Ewing	Jefferson
Burton	Farr	Jenkins
Buyer	Filner	Johnson (CT)
Callahan	Fletcher	Johnson, E. B.
Calvert	Foley	Johnson, Sam
Camp	Ford	Jones (NC)
Canady	Fossella	Jones (OH)
Cannon	Frank (MA)	Kanjorski
Capps	Frelinghuysen	Kaptur
Capuano	Frost	Kasich
Cardin	Gallegly	Kelly
Carson	Ganske	Kennedy
Chabot	Gejdenson	Kildee
Chambliss	Gekas	Kilpatrick
Clay	Gephardt	Kind (WI)
Clayton	Gibbons	Kingston
Clement	Gilchrest	Kleczka
Knollenberg	Obey	Shimkus
Kucinich	Olver	Shows
Kuykendall	Ortiz	Shuster
LaFalce	Ose	Simpson
LaHood	Owens	Sisisky
Lampson	Oxley	Skeen
Lantos	Packard	Skelton
Largent	Pallone	Slaughter
Larson	Pascrell	Smith (MI)
Latham	Pastor	Smith (NJ)
LaTourette	Paul	Smith (TX)
Leach	Payne	Smith (WA)
Lee	Pease	Snyder
Levin	Pelosi	Souder
Lewis (GA)	Peterson (MN)	Spence
Lewis (KY)	Petri	Spratt
Linder	Phelps	Stabenow
Lipinski	Pickering	Stark
LoBiondo	Pickett	Stearns
Lofgren	Pitts	Stenholm
Lowey	Pombo	Strickland
Lucas (KY)	Pomeroy	Stump
Lucas (OK)	Porter	Sununu
Luther	Portman	Sweeney
Maloney (CT)	Price (NC)	Tancredo
Maloney (NY)	Pryce (OH)	Tanner
Manzullo	Quinn	Tauscher
Markey	Radanovich	Tauzin
Martinez	Rahall	Taylor (MS)
Mascara	Ramstad	Taylor (NC)
Matsui	Rangel	Terry
McCarthy (MO)	Regula	Thomas
McCarthy (NY)	Reyes	Thompson (CA)
McCrery	Reynolds	Thompson (MS)
McDermott	Riley	Thornberry
McGovern	Rivers	Thune
McHugh	Rodriguez	Thurman
McInnis	Roemer	Tiahrt
McIntyre	Rogan	Tierney
McKeon	Rogers	Toomey
McKinney	Rohrabacher	Towns
McNulty	Ros-Lehtinen	Traficant
Meehan	Rothman	Turner
Meeks (NY)	Roukema	Udall (CO)
Metcalf	Roybal-Allard	Udall (NM)
Millender-McDonald	Royce	Upton
Miller (FL)	Rush	Velazquez
Miller, Gary	Ryan (WI)	Vitter
Miller, George	Ryun (KS)	Walden
Minge	Sabo	Walsh
Mink	Salmon	Wamp
Moakley	Sanchez	Waters
Mollohan	Sanders	Watkins
Moore	Sandlin	Watt (NC)
Moran (KS)	Sanford	Waxman
Moran (VA)	Sawyer	Weldon (FL)
Morella	Saxton	Weldon (PA)
Murtha	Scarborough	Weller
Myrick	Schaffer	Wexler
Nadler	Schakowsky	Whitfield
Napolitano	Scott	Wicker
Neal	Sensenbrenner	Wilson
Nethercutt	Serrano	Woolsey
Northup	Sessions	Wu
Norwood	Shadegg	Wynn
Oberstar	Shays	Young (AK)
	Sherman	Young (FL)
	Sherwood	

NOT VOTING—51

Becerra	Engel	McCollum
Bilbray	Fattah	McIntosh
Bilirakis	Forbes	Meek (FL)
Brady (PA)	Fowler	Menendez
Brown (FL)	Franks (NJ)	Mica
Brown (OH)	Goode	Ney
Campbell	Green (WI)	Nussle
Castle	Hastings (FL)	Peterson (PA)
Chenoweth-Hage	Hilleary	Shaw
Crowley	Houghton	Stupak
Cubin	Hyde	Talent
Danner	John	Visclosky
Deal	King (NY)	Watts (OK)
Delahunt	Klink	Weiner
DeLay	Kolbe	Weygand
Dickey	Lazio	Wise
Duncan	Lewis (CA)	Wolf

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So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Earlier today, the Chair announced that he would postpone proceedings on a number of motions to suspend the rules until tomorrow. The Chair now announces that he will resume proceedings tonight on some of those questions as, follows:

Pursuant to clause 8 of rule XX, after a 5-minute vote on H.R. 4271, the Chair will put the question on the following motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1752, de novo;
S. 1474, de novo;
S. Con. Res. 114, de novo;
S. 698, de novo;
S. 1438, de novo;
H.R. 5478, de novo;
S. 2749, de novo; and
H.R. 5375, de novo.

The Chair will continue to reduce to 5 minutes the time for each electronic vote in this series.

NATIONAL SCIENCE EDUCATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4271, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4271, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 156, answered ''present'' 4, not voting 57, as follows:

[Roll No. 543]

YEAS—215

Aderholt	Buyer	Fletcher
Allen	Callahan	Foley
Armey	Calvert	Fossella
Bachus	Camp	Frelinghuysen
Baker	Canady	Gallegly
Ballenger	Cannon	Ganske
Barcia	Chabot	Gekas
Barrett (NE)	Chambliss	Gephardt
Barrett (WI)	Coble	Gibbons
Bartlett	Collins	Gilchrest
Barton	Combest	Gillmor
Bass	Cook	Gilman
Bereuter	Cooksey	Goodlatte
Berkley	Costello	Goodling
Biggert	Cox	Goss
Bishop	Cramer	Graham
Blagojevich	Cunningham	Granger
Bliley	Davis (VA)	Greenwood
Blunt	Diaz-Balart	Gutknecht
Boehlert	Dingell	Hall (OH)
Boehner	Doolittle	Hall (TX)
Bonilla	Doyle	Hansen
Bono	Dreier	Hastings (WA)
Borski	Dunn	Hayes
Boswell	Ehlers	Hayworth
Boucher	Ehrlich	Herger
Boyd	Emerson	Hill (MT)
Brady (TX)	English	Hobson
Bryant	Everett	Hoeffel
Burr	Ewing	Hoekstra

Holden
Holt
Horn
Houghton
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kingston
Kleczka
Knollenberg
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Maloney (CT)
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalf
Miller (FL)
Mollohan
Moore
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Northup
Norwood
Obey
Olver
Ose
Oxley
Packard
Pascrell
Pease
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NAYS—156

Abercrombie
Ackerman
Andrews
Archer
Baca
Baird
Baldacci
Baldwin
Bentsen
Berman
Berry
Blumenauer
Bonior
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crane
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Hoyer
Jefferson
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kucinich
Lampson
Lantos
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Spratt
Stark
Stenholm
Strickland
Tancredo
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—4

Coburn
Jackson-Lee (TX)
Johnson, E. B.
Larson

NOT VOTING—57

Barr
Becerra
Bilbray
Bilirakis
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Campbell
Castle
Chenoweth-Hage
Crowley
Cubin
Danner
Deal
Delahunt
DeLay
Dickey
Duncan
Engel
Fattah
Forbes
Fowler
Franks (NJ)
Goode
Green (WI)
Gutierrez
Hastings (FL)
Hilleary
Hunter
Hyde
John
King (NY)
Klink
Kolbe
Lazio
Lewis (CA)
McCollum
McIntosh
Meek (FL)
Menendez
Mica
Ney
Nussle
Peterson (PA)
Pickett
Roukema
Shaw
Stump
Stupak
Talent
Visclosky
Watts (OK)
Weiner
Weygand
Wise
Wolf

1857

Mr. LUTHER changed his vote from ''yea'' to ''nay.''

Mr. OLVER and Mr. QUINN changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Mr. MICA. Mr. Speaker, I was unavoidably detained and could not vote on rollcalls Nos. 541, 542 and 543. Had I been present, I would have voted ''yea'' for each measure.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1752.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1752.

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

A motion to reconsider was laid on the table.

1900

PALMETTO BEND CONVEYANCE ACT

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and passing the Senate bill, S. 1474.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1474.

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

A motion to reconsider was laid on the table.

RECOGNIZING LIBERTY MEMORIAL IN KANSAS CITY, MISSOURI, AS NATIONAL WORLD WAR I SYMBOL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 114.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 114.

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

A motion to reconsider was laid on the table.

REVIEW OF COSTS OF HIGH ALTITUDE RECOVERIES IN DENALI NATIONAL PARK, ALASKA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 698.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 698.

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

A motion to reconsider was laid on the table.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1438.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1438.

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

A motion to reconsider was laid on the table.

AUTHORIZING RELOCATION OF HOME OF ALEXANDER HAMILTON

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5478.

The Clerk read the title of the bill.

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

the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5478.

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

A motion to reconsider was laid on the table.

CALIFORNIA TRAIL INTERPRETIVE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2749, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2749, as amended.

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

The title of the Senate bill was amended so as to read: ''A bill 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, and for other purposes.''.

A motion to reconsider was laid on the table.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5375, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5375, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

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

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, on Thursday, October 12, I was unavoidably detained in my district and missed rollcall votes 527 through 530. I would like the RECORD to reflect that, had I been present, I would have voted yes on rollcall vote 527, yes on rollcall vote 528, no on rollcall vote 529, and yes on rollcall vote 530.

And, Mr. Speaker, on Thursday, October 19, I was also unavoidably detained and missed rollcall vote 540. I would like the RECORD to reflect that, had I been present, I would have voted aye on rollcall vote 540.

BRING THEM HOME ALIVE ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 484) to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, and I will not object, I ask the gentleman from Texas for an explanation.

Mr. SMITH of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman for yielding, and let me explain the purpose of this bill.

It would grant refugee status to foreign nationals who personally deliver a living American POW/MIA from either the Vietnam War or the Korean War to the United States. This bill is the good work of Senator BEN NIGHTHORSE CAMPBELL and our colleague, the gentleman from Colorado (Mr. HEFLEY), and I hope that that answers the gentlewoman's question about the contents of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, I thank the gentleman very much. Let me add my support to the legislation. I believe that the explanation is satisfactory.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 484

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 ''Bring Them Home Alive Act of 2000''.

SEC. 2. AMERICAN VIETNAM WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(1) any alien who—

(A) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union; and

(B) personally delivers into the custody of the United States Government a living American Vietnam War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) AMERICAN VIETNAM WAR POW/MIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''American Vietnam War POW/MIA'' means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Vietnam War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Vietnam War.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) MISSING STATUS.—The term ''missing status'', with respect to the Vietnam War, means the status of an individual as a result of the Vietnam War if immediately before that status began the individual—

(A) was performing service in Vietnam; or

(B) was performing service in Southeast Asia in direct support of military operations in Vietnam.

(3) VIETNAM WAR.—The term ''Vietnam War'' means the conflict in Southeast Asia during the period that began on February 28, 1961, and ended on May 7, 1975.

SEC. 3. AMERICAN KOREAN WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(1) any alien—

(A) who is a national of North Korea, China, or any of the independent states of the former Soviet Union; and

(B) who personally delivers into the custody of the United States Government a living American Korean War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) AMERICAN KOREAN WAR POW/MIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''American Korean War POW/MIA'' means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Korean War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Korean War.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) KOREAN WAR.—The term ''Korean War'' means the conflict on the Korean peninsula

during the period that began on June 27, 1950, and ended January 31, 1955.

(3) MISSING STATUS.—The term ''missing status'', with respect to the Korean War, means the status of an individual as a result of the Korean War if immediately before that status began the individual—

(A) was performing service in the Korean peninsula; or

(B) was performing service in Asia in direct support of military operations in the Korean peninsula.

SEC. 4. BROADCASTING INFORMATION ON THE "BRING THEM HOME ALIVE" PROGRAM.

(a) REQUIREMENT.—

(1) IN GENERAL.—The International Broadcasting Bureau shall broadcast, through WORLDNET Television and Film Service and Radio, VOA–TV, VOA Radio, or otherwise, information that promotes the ''Bring Them Home Alive'' refugee program under this Act to foreign countries covered by paragraph (2).

(2) COVERED COUNTRIES.—The foreign countries covered by paragraph (1) are—

(A) Vietnam, Cambodia, Laos, China, and North Korea; and

(B) Russia and the other independent states of the former Soviet Union.

(b) LEVEL OF PROGRAMMING.—The International Broadcasting Bureau shall broadcast—

(1) at least 20 hours of the programming described in subsection (a)(1) during the 30-day period that begins 15 days after the date of enactment of this Act; and

(2) at least 10 hours of the programming described in subsection (a)(1) in each calendar quarter during the period beginning with the first calendar quarter that begins after the date of enactment of this Act and ending five years after the date of enactment of this Act.

(c) AVAILABILITY OF INFORMATION ON THE INTERNET.—International Broadcasting Bureau shall ensure that information regarding the ''Bring Them Home Alive'' refugee program under this Act is readily available on the World Wide Web sites of the Bureau.

(d) SENSE OF CONGRESS.—It is the sense of Congress that RFE/RL, Incorporated, Radio Free Asia, and any other recipient of Federal grants that engages in international broadcasting to the countries covered by subsection (a)(2) should broadcast information similar to the information required to be broadcast by subsection (a)(1).

(e) DEFINITION.—The term ''International Broadcasting Bureau'' means the International Broadcasting Bureau of the United States Information Agency or, on and after the effective date of title XIII of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277), the International Broadcasting Bureau of the Broadcasting Board of Governors.

SEC. 5. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this Act, the term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

The Senate bill was ordered to be read a third time, and passed, and a motion to reconsider was laid on the table.

FOR THE RELIEF OF PERSIAN GULF EVACUEES

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. ADJUSTMENT OF STATUS FOR CERTAIN PERSIAN GULF EVACUEES.

(a) IN GENERAL.—The Attorney General shall adjust the status of each alien referred to in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment;

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided in subsection (a) shall apply to the following aliens:

(1) Waddah Al-Zireeni, Enas Al-Zireeni, and Anwaar Al-Zireeni.

(2) Salah Mohamed Abu Eljibat, Ghada Mohamed Abu Eljibat, and Tareq Salah Abu Eljibat.

(3) Jehad Mustafa, Amal Mustafa, and Raed Mustafa.

(4) Shaher M. Abed.

(5) Zaid H. Khan and Nadira P. Khan.

(6) Rawhi M. Abu Tabanja, Basima Fareed Abu Tabanja, and Mohammed Rawhi Abu Tabanja.

(7) Reuben P. D'Silva, Anne P. D'Silva, Natasha Andrew Collette D'Silva, and Agnes D'Silva.

(8) Abbas I. Bhikhapurawala, Nafisa Bhikhapurawala, and Tasnim Bhikhapurawala.

(9) Fayez Sharif Ezzir, Abeer Muharram Ezzir, Sharif Fayez Ezzir, and Mohammed Fayez Ezzir.

(10) Issam Musleh, Nadia Khader, and Duaa Musleh.

(11) Ahmad Mohammad Khalil, Mona Khalil, and Sally Khalil.

(12) Husam Al-Khadrah and Kathleen Al-Khadrah.

(13) Nawal M. Hajjawi.

(14) Isam S. Naser and Samar I. Naser.

(15) Amalia Arsua.

(16) Feras Taha, Bernardina Lopez-Taha, and Yousef Taha.

(17) Mahmood M. Alessa and Nadia Helmi Abusoud.

(18) Emad R. Jawwad.

(19) Mohammed Ata Alawamleh, Zainab Abueljebain, and Nizar Alawamleh.

(20) Yacoub Ibrahim and Wisam Ibrahim.

(21) Tareq S. Shehadah and Inas S. Shehadah.

(22) Basim A. Al-Ali and Nawal B. Al-Ali.

(23) Hael Basheer Atari and Hanaa Al Moghrabi.

(24) Fahim N. Mahmoud, Firnal Mahmoud, Alla Mahmoud, and Ahmad Mahmoud.

(25) Tareq A. Attari.

(26) Azmi A. Mukahal, Wafa Mukahal, Yasmin A. Mukahal, and Ahmad A. Mukahal.

(27) Nabil Ishaq El-Hawwash, Amal Nabil El Hawwash, and Ishaq Nabil El-Hawwash.

(28) Samir Ghalayini, Ismat F. Abujaber, and Wasef Ghalayini.

(29) Iman Mallah, Rana Mallah, and Mohanned Mallah.

(30) Mohsen Mahmoud and Alia Mahmoud.

(31) Nijad Abdelrahman, Najwa Yousef Abdelrahman, and Faisal Abdelrahman.

(32) Nezam Mahdawi, Sohad Mahdawi, and Bassam Mahdawi.

(33) Khalid S. Mahmoud and Fawziah Mahmoud.

(34) Wael I. Saymeh, Zatelhimma N. Al Sahafie, Duaa W. Saymeh, and Ahmad W. Saymeh.

(35) Ahmed Mohammed Jawdat Anis Naji.

(36) Sesinando P. Suaverdez, Maria Cristina Sylvia P. Suaverdez, and Sesinando Paguio Suaverdez II.

(37) Hanan Said and Yasmin Said.

(38) Hani Salem, Manal Salem, Tasnim Salem, and Suleiman Salem.

(39) Ihsan Mohammed Adwan, Hanan Mohammed Adwan, Maha Adwan, Nada M. Adwan, Reem Adwan, and Lina A. Adwan.

(40) Ziyad Al Ajjouri and Dima Al Ajjouri.

(41) Essam K. Taha.

(42) Salwa S. Beshay, Alexan L. Basta, Rehan Basta, and Sherif Basta.

(43) Latifa Hussin, Anas Hussin, Ahmed Hussin, Ayman Hussin, and Assma Hussin.

(44) Farah Bader Shaath and Rawan Bader Shaath.

(45) Bassam Barqawi and Amal Barqawi.

(46) Nabil Abdel Raoof Maswadeh.

(47) Nizam I. Wattar and Mohamed Ihssan Wattar.

(48) Wail F. Shbib and Ektimal Shbib.

(49) Reem Rushdi Salman and Rasha Talat Salman.

(50) Khalil A. Awadalla and Eman K. Awadalla.

(51) Nabil A. Alyadak, Majeda Sheta, Iman Alyadak, and Wafa Alyadak.

(52) Mohammed A. Ariqat, Hitaf M. Ariqat, Ruba Ariqat, Renia Ariqat, and Reham Ariqat.

(53) Hazem A. Al-Masri.

(54) Tawfiq M. Al-Taher and Rola T. Al-Taher.

(55) Nadeem Mirza.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this Act.

(d) OFFSET IN NUMBER OF VISAS AVAILABLE.—Upon each granting to an alien of the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, and I will not object, I would ask the gentleman from Texas for an explanation.

Mr. SMITH of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Speaker, I thank my friend from Texas for yielding.

H.R. 3646 would allow certain individuals we evacuated from Kuwait in 1990 during the Persian Gulf War to become permanent residents of the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, I thank the gentleman very much. That was a tragic war and certainly one that brought about a number of evacuees. I am very delighted that we are responding to their need and as well to bring closure to this period in our lives.

Further reserving the right to object, I yield to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentlewoman from Texas for yielding to me, and certainly want to commend her as the ranking member and the gentleman from Texas, the chairman of the subcommittee, for their help on this legislation that I introduced.

Both of my colleagues from Texas have adequately explained the bill, and I certainly commend them for their sense of fairness and justice on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from West Virginia for his very hard work.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

ESTABLISHING TASK FORCE TO RECOMMEND APPROPRIATE RECOGNITION FOR SLAVE LABORERS WHO WORKED ON CONSTRUCTION OF U.S. CAPITOL

Mr. EHLERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 130) establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 130

Whereas the United States Capitol stands as a symbol of democracy, equality, and freedom to the entire world;

Whereas the year 2000 marks the 200th anniversary of the opening of this historic structure for the first session of Congress to be held in the new Capital City;

Whereas slavery was not prohibited throughout the United States until the ratification of the 13th amendment to the Constitution in 1865;

Whereas previous to that date, African American slave labor was both legal and common in the District of Columbia and the adjoining States of Maryland and Virginia;

Whereas public records attest to the fact that African American slave labor was used in the construction of the United States Capitol;

Whereas public records further attest to the fact that the five-dollar-per-month payment for that African American slave labor was made directly to slave owners and not to the laborer; and

Whereas African Americans made significant contributions and fought bravely for freedom during the American Revolutionary War: Now, therefore, be it

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

(1) the Speaker of the House of Representatives and the President pro tempore of the Senate shall establish a special task force to study the history and contributions of these slave laborers in the construction of the United States Capitol; and

(2) such special task force shall recommend to the Speaker of the House of Representatives and the President pro tempore of the Senate an appropriate recognition for these slave laborers which could be displayed in a prominent location in the United States Capitol.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ''THE UNITED STATES CAPITOL''

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 141) to authorize the printing of copies of the publication entitled ''The United States Capitol'' as a Senate document, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 141

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled ''The United States Capitol'' (referred to as ''the pamphlet'') shall be reprinted as a Senate document.

(b) There shall be printed a total of 2,850,000 copies of the pamphlet in English and seven other languages at a cost not to exceed $165,900 for distribution as follows:

(1)(A) 206,000 copies of the pamphlet in the English language for the use of the Senate with 2,000 copies distributed to each Member;

(B) 886,000 copies of the pamphlet in the English language for the use of the House of Representatives with 2,000 copies distributed to each Member; and

(C) 1,758,000 copies of the pamphlet for distribution to the Capitol Guide Service in the following languages:

(i) 908,000 copies in English;

(ii) 100,000 copies in each of the following seven languages: Spanish, German, French, Russian, Japanese, Italian, and Korean; and

(iii) 150,000 copies in Chinese.

(2) If the total printing and production costs of copies in paragraph (1) exceed $165,900, such number of copies of the pamphlet as does not exceed total printing and production costs of $165,900, shall be printed with distribution to be allocated in the same proportion as in paragraph (1) as it relates to numbers of copies in the English language.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

1915

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Earlier today, the Chair announced that he would postpone proceedings on a number of motions to suspend the rules until tomorrow. The Chair now announces that he will resume proceedings tonight after consideration of H.R. 4656 on all de novo questions but will postpone any further requests for recorded votes thereon.

LAKE TAHOE BASIN LAND CONVEYANCE

Mr. HANSEN. Mr. Speaker, pursuant to House Resolution 634, I call up the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4656 is as follows:

H.R. 4656

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

SECTION 1. CONVEYANCE OF CERTAIN FOREST SERVICE LAND IN THE LAKE TAHOE BASIN.

(a) CONVEYANCE.—Upon application, the Secretary of Agriculture, acting through the Chief of the Forest Service, may convey to the Washoe County School District all right, title, and interest of the United States in the property described as a portion of the Northwest quarter of Section 15, Township 16 North, Range 18 East, M.D.B. & M., more particularly described as Parcel 1 of Parcel Map No. 426 for Boise Cascade, filed in the office of the Washoe County Recorder, State of Nevada, on May 19, 1977, as file No. 465601, Official Records.

(b) REVIEW OF APPLICATION.—When the Secretary receives an application to convey the property under subsection (a), the Secretary shall make a final determination whether or not to convey such property before the end of the 180-day period beginning on the date of the receipt of the application.

(c) USE; REVERSION.—The conveyance of the property under subsection (a) shall be for the sole purpose of the construction of an elementary school on the property. The property conveyed shall revert to the United States if the property is used for a purpose other than as an elementary school site.

(d) CONSIDERATION BASED ON REQUIREMENT TO USE FOR LIMITED PUBLIC PURPOSES.—The Secretary shall determine the amount of any consideration required for the conveyance of property under this section based on the fair market value of the property when it is subject to the restriction on use under subsection (c).

(e) PROCEEDS.—The proceeds from the conveyance of the property under subsection (a) shall be available to the Secretary without further appropriation and shall remain available until expended for the purpose of acquiring environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Act entitled ''An Act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes'', approved December 23, 1980 (94 Stat. 3381; commonly known as the ''Santini-Burton Act'').

(f) APPLICABLE LAW.—Except as otherwise provided in this section, any sale of National Forest System land under this section shall be subject to the laws (including regulations) applicable to the conveyance of National Forest System lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Colorado (Mr. UDALL) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada (Mr. GIBBONS), the author of this legislation, be permitted to control the time on this side.

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

There was no objection.

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

Mr. Speaker, I want to thank my friend and colleague, the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on Parks and Public Lands. And, as well, I would like to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, for his support and leadership on this very important bill that is before us this evening.

To my Democratic colleagues on other side of the aisle, let me say this is indeed a very important bill for a rural community in Nevada.

H.R. 4656 will sell, and I want to emphasize that again, ''sell'' 8.7 acres of U.S. Forest Service land inside a developed community, located in the Lake Tahoe Basin, to the Washoe County School District at fair market value for limited use as an elementary school site.

The proceeds of the sale will go towards the purchase of environmentally-sensitive land in the Lake Tahoe region. The site will become the home of an elementary school for 400 children in Incline Village in Nevada.

Mr. Speaker, the present site of Incline Elementary School was constructed in 1964 and serves as the only elementary school in the town. Presently, the Incline Elementary School is burdened by serious overcrowding problems, forcing the school to put more than 40 students in a classroom because there is just simply no place else for these children to go.

Due to the school's size limitations, expanding beyond its current physical design is simply not an option.

After reviewing all private and public property in the Incline Village area, the school district, in concert with parents, teachers and community leaders, agreed that the only possible location for a new school would be the 8.7 acres currently owned by the U.S. Forest Service.

This land, Mr. Speaker, was purchased over a decade ago for approximately $500,000 as environmentally-sensitive land under the Santini-Burton Act. However, let me state that this land is not the pristine, beautiful land which one thinks of when thinking about the Lake Tahoe area.

In fact, this 8.7 acres is surrounded by condominium complexes on both sides and a retail shopping mall on the other. Furthermore, the environmentally-sensitive area, which is a seasonal stream which runs through a portion of the land, will be completely protected from development.

In addition, the school district will be installing a water filtration system at the end of the stream channel and the stream will be incorporated into existing educational programs on water quality.

I can confidently state, Mr. Speaker, that any environmental concerns have been fully addressed. As a result, even former Congressman Jim Santini, the author of the Santini-Burton Act, has expressed his support for the legislation.

Mr. Speaker, I include for the RECORD his letter:

OCTOBER 17, 2000.

Hon. JIM GIBBONS,
House of Representatives, Cannon HOB, Washington, DC.

DEAR JIM: Recently, I learned that your legislation to convey land in the Lake Tahoe Basin to the Washoe County School District fell twenty-four votes short of passage in the House of Representatives under suspension of the rules. I was disturbed to learn further that much of the contentious debate over your important bill centered around the fact that the land had been acquired under legislation bearing my name, the Santini-Burton Act. Consequently, I felt compelled to write you about this matter and to express my strong support for your legislation, which in no way would threaten the intent, objectives, or goals of the Santini-Burton Act.

The intent of the Santini-Burton Act was to protect environmentally sensitive land from rampant commercial development. However, the opposition to your bill does not reflect the original intent of my legislation in any way. The educational needs of the children of Incline Village, currently crowded into classrooms with over 40 students, must be addressed. Your bill, which was crafted with the input of the League to Save Lake Tahoe, Washoe County School District, and local Forest Service officials, will address these needs while still protecting both the environment and the original intent of my legislation.

Over a decade ago, the U.S. government acquired, as environmentally sensitive land under the Santini-Burton Act, 8.7 acres of land in the Lake Tahoe Basin, for approximately $500,000. The environmental sensitivity of the land stems solely from the seasonal stream bed which runs through a portion of the site. In the years since the federal acquisition, as you know, a condominium development and retail strip mall have been built on the borders of the land. I have also been informed that the next closest U.S. Forest Service owned land is 26 miles away.

Under your bill, H.R. 4656, the Washoe County School District would purchase the 8.7 acres for fair market value for the limited use as an elementary school site to alleviate the overcrowding problems currently burdening the present Incline Elementary School. The environmental sensitivity of the land would be protected, even enhanced, by the addition of water filtration systems and the seasonal stream area would not be disturbed by development. The sensitive area would be incorporated into the school's current curriculum on water quality.

Clearly, the use of this land as an elementary school site would better serve the public than developing the land for any other use—which could garner the full fair market value (perhaps as much as $4 million) for which the Administration so strenuously advocates. It astonishes me that anyone would put such a high price on educating over 400 children.

Jim, please be assured that you have my strong support on this matter. It is my hope that during the debate on this bill the intent of the Santini-Burton Act will no longer be misrepresented. However, my greater hope is that your legislation will pass Congress and be signed into law promptly so that the students of Incline Village can learn in a safe school facility that meets all of their educational needs.

Sincerely,

JAMES D. SANTINI,
Former Member of Congress.

Mr. Speaker, Congressman Santini realized the importance of putting education before government profit. In his letter, he states very clearly, ''Clearly, the use of this land as an elementary school site would better serve the public than developing the land for any other use, which could garner the full market value (perhaps as much as $4 million) for which the administration so strenuously advocates. It astonishes me that anyone would put such a high price on educating over 400 children.''

Mr. Speaker, it astonishes me, too, that they would be advocating such a price for this land. In fact, Mr. Speaker, I can hardly believe that just this week this administration stated that it has no higher priority than education and yet continues to object to this bill simply because they could get more money for the land if it were commercially developed rather than developed as a school site.

Under this bill, the Federal Government will receive compensation for the land, the environment will be protected, the families of Incline Village will have a school for their children which will encourage education and not inhibit it because of limited space.

Mr. Speaker, H.R. 4656 is about education. It is about school construction. It is about having that mysterious mythical girl standing in the back of the classroom without room for her desk. And this bill is about children, 400 children as a matter of fact, over 50 percent of whom are ESL students who are learning English as a second language. All of these children deserve a safe and adequate school facility that meets their individual and educational needs.

Mr. Speaker, it is my fear that if this legislation is not enacted today that the previously fabricated stories that I mentioned earlier about the young girl being forced to stand in the back of the school without her own desk and chair will become a reality in Incline Village.

Voting for H.R. 4656 gives every Member of this House the opportunity to keep their promise and prove their commitment to supporting education. This is good public policy, and it is

government's civic duty to provide education to our children, not to be greedy and price them out of an adequate and healthy learning environment.

So, Mr. Speaker, with that, I encourage all Members to vote for H.R. 4656, a bill that is truly a win-win for everybody.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the general concept that is being proposed by my colleague, the gentleman from Nevada (Mr. GIBBONS). But I have to tell the House that I have concerns about the fact that we have had a closed rule that will not allow us to perfect this piece of legislation.

It would sail through, I am convinced, both this House and the other body if we could ensure that this parcel of land was purchased at a price that would allow us then to purchase equivalent land in the Tahoe area. And I think that is at the core of the issue that we are now debating here tonight.

The gentleman from California (Mr. GEORGE MILLER), my colleague, spoke earlier on the rule and I think made the case strongly and eloquently that this is not an appropriate way to proceed because these are taxpayer lands and these are taxpayer monies that are at risk here.

I urge my colleague to continue to work with us so that we can continue to perfect the bill and do right by the school system in his State and also do right by the taxpayers of the country.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I appreciate the remarks of the gentleman. I have made my views known on this matter. I have a difference of opinion with the gentleman from Nevada (Mr. GIBBONS) on whether or not this is a sale at fair market value. I realize the restriction. But I have been over that. It is pretty clear the gentleman has the votes and, so, I will not belabor the point.

I would hope that before this bill finishes its journey that we could do a little bit better by the taxpayers.

H.R. 4656 authorizes the Secretary of Agriculture to convey for fair market value an approximately 8.7 acre parcel on the Tahoe National Forest in Incline Village, NV to the Washoe County School District for use as an elementary school site. The parcel is valued at between $2–4 million. However, because of a deed restriction directing use as a school site and a reversionary clause, the Forest Service believes that the appraised value would be reduced by 75% to approximately $500,000. The bill requires the proceeds of the sale to be used for acquiring environmentally sensitive land in the Lake Tahoe Basin.

The parcel, although in a developed area, was originally acquired by the Forest Service in 1981 under the Santini-Burton Act for approximately $500,000. That act authorizes the acquisition of environmentally sensitive land in Lake Tahoe thru sales of BLM land in and near Las Vegas. While the Santini-Burton Act allows transfer of lands or interests in land to state and local government, deed restrictions must protect the environmental quality and public recreation purposes of the land. Legislation is needed in this instance because this conveyance does not fall within the parameters of the Act. While local ordinances may protect the stream on the parcel, nothing in the legislation explicitly protects the stream area from development.

The town sold off a potential school site in 1995 for $855,000. That money, plus a $7.2 million bond issue for construction of the school facility and environmental remediation, would pay for the project.

H.R. 4656 was introduced by Representative GIBBONS on June 14, 2000. A companion measure, S. 2728, was introduced by Senator BRYAN (D–NV) on June 14, 2000. At the September 12, 2000 Committee mark-up, ADAM SMITH offered an amendment that would have removed the deed restriction and reversionary clause thereby allowing the federal government to get full fair market value. The amendment was rejected, the bill was reported out, and the minority filed dissenting views. Over our objections, the bill was placed on the suspension calendar on October 10, 2000 and when a recorded vote was requested, failed on suspension 248–160 on October 12, 2000. In retaliation, the Majority killed Mr. KILDEE's noncontroversial suspension bill (H.R. 468). Now being brought up under a closed rule, we are foreclosed from offering the Smith amendment.

The administration opposes the bill as is, but would support it if it were amended so that the federal government could get fair market value for the land. Were it allowed, the amendment we would have offered simply removes both the deed restriction and the reversionary clause thereby allowing the federal government to get full fair market value for the land. The closed rule prohibits offering the amendment that would get full fair market value for the taxpayers. This is unfair. It's also unfair that the majority killed a noncontroversial bill and failed to reschedule it.

The taxpayers deserve fair compensation for this land in particular, because they purchased the land under a federal program (Santini-Burton) to buy environmentally sensitive land around Lake Tahoe and because the proceeds of the sale will be used to purchase additional environmentally sensitive land in the Lake Tahoe area. Like other land around Lake Tahoe, this land has appreciated considerably in the last 20 years (from $500,000 to several million), and full market value would ensure the government has the ability to replace the land with comparable property. To offset the fiscal and environmental loss of this environmentally valuable property, the federal government should get full value.

The Majority argues that there is precedent for conveying land at less than FMV with a reversionary clause. But in H.R. 695 (San Juan College-T. Udall) and other bills, the land conveyed was simply public domain land or surplus land. H.R. 2890 (Vieques-Crowley) returns land to Puerto Rico that has been used as a bombing range in an effort to restore its environmental integrity. In H.R. 2737 (Lewis and Clark Trail to State of Illinois-Costello), National Park Service land was conveyed for a purpose wholly consistent with the purpose for which the land was acquired (land went to the state to build an interpretive center). Finally, H.R. 1725 (Milwaleta Park Expansion-DeFazio (passed October 23, 2000 on suspension)) conveys park land to be used as park land.

In this bill, the land is not surplus, and it is not being conveyed for a purpose consistent with the purpose for which it was acquired. The land is Santini-Burton land which the public purchased specifically for its environmental value and whose protection represents a federal priority. This bill undermines that act, which, thru restrictions on disposal of property, aims to protect the lands' environmental quality and public recreation purposes. It is sound fiscal policy for the public to receive full value for its public assets. This bill is a sweetheart deal for one school district and is yet another example of using federal lands to subsidize local interests. This is not the solution to school construction problems. It is a rip-off for taxpayers and the environment. The school gets an added windfall because it recently sold a potential school site for $855,000. It also gets not just the property, but the development rights. Unfortunately, this land conveyance is not just an isolated example of a giveaway. It is representative of public lands bills and policies that benefit a few people at the expense of the public.

I have long been concerned that land deals—especially land exchanges—are being cut behind closed doors with tremendous special-interest pressure and limited public input. A General Accounting Office report that I requested confirmed my fears: too many of these exchanges lead to environmental damage and taxpayer rip-offs. The GAO report, ''Land Exchanges Need to Reflect Appropriate Value and Serve the Public Interest,'' released in July found that the Forest Service and the Bureau of Land Management have wasted hundreds of millions of dollars swapping valuable public land for private land of questionable value, and the report concludes that the BLM may even be breaking the law. The GAO reported that the agencies ''did not ensure that the land being exchanged was appropriately valued or that exchanges served the public interest or met certain other exchange requirements.'' GAO went on to state that ''the exchanges presented in our report demonstrate serious, substantive, and continuing problems with the agencies' land exchange programs.''

In addition, GAO found that the BLM has—under the umbrella of its land exchange authority—illegally sold federal land, deposited the proceeds into interest-bearing accounts, and used these funds to acquire nonfederal land (or arranged with others to do so). These unauthorized transactions undermine congressional budget authority, GAO said. Specific findings of the GAO report include:

Private parties in one Nevada exchange made windfall profits, in one case acquiring land ''valued'' by BLM at $763,000 and selling it for $4.6 million on the same day and in another instance acquiring land ''valued'' at $504,000 and selling it for $1 million on the same day.

In the DelMar exchange in Utah, the BLM paid more than seven times the appraised value.

The Forest Service acquired lands in three exchanges in Nevada that were ''overvalued by a total of $8.8 million'' because the appraised values ''were not supported by credible evidence.''

In the Cache Creek exchange in California, the BLM failed to ''present the reasons for acquiring'' the land.

In another Nevada exchange, the Del Webb exchange, BLM removed an agency appraiser and violated the BLM's own policy by hiring a non-federal appraiser recommended by the exchange's private party.

The GAO said the problems were so bad that Congress should consider eliminating the programs altogether. I believe that the appropriate step is to halt the programs and then fix them. in light of the GAO's report, I asked the Forest Service and the Bureau of Land Management to immediately suspend their programs while they evaluate the best method to achieve exchanges' laudable goals. Both agencies declined my request for a moratorium but have begun to review their exchange programs. Although, the reviews may prove to correct many of the problems, I will watch the efforts closely, especially because the BLM continues the land transactions that GAO said were illegal. So now what does this Congress do when faced with a clear demonstration of the problems of the exchange program? Instead of supporting efforts to ensure that taxpayers and the environment are protected, Congress has passed some of the worst land swaps I have seen in my 26 years of Congress.

Since the GAO report was released: The House passed and the President signed into law, S. 1629, the Oregon Land Exchange Act, which mandated the exchange of 90,000 acres without sufficient NEPA review or public disclosure of appraisal information. The House and Senate passed H.R. 4828, the Steens Mountain exchange bill. The bill contains 5 legislated land exchanges. The exchanges were negotiated behind closed doors among a select group of participants. No appraisals were done. Further, while the exchanges themselves are unequal, the ranchers asked for even more and the bill includes nearly $5 million in cash payments to them. As if that was not enough, the bill directs the Secretary to provide fencing and water developments for their grazing operations.

Finally, these trades involve the unprecedented transfer of more than 18,000 acres of wilderness study areas (WSAs) to the ranchers. While it is true that the BLM would receive more than 14,000 acres of private land within WSAs, this is not only a net loss but it also sets a bad precedent of trading wilderness for wilderness. Further, significant private inholdings will remain in the proposed wilderness areas even after these trades.

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

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

Mr. Speaker, I would just like to respond to my friend and colleague, the gentleman from Colorado (Mr. UDALL), and to the gentleman from California (Mr. GEORGE MILLER) that those perfecting amendments they were talking about were, of course, removing the restrictions for the limitation of using this property only as a school site and also to remove the restriction of a reversionary clause, which would be that, if it were not used for a school, it would be reverted back to the Federal Government.

Those provisions are in the bill; and to remove those, of course, would allow for the appraisal process to be one which would garner that of a commercially developed piece of property. This school district is not interested in developing this property as commercial property. It certainly wants to use the property for a school site. It is going to protect the environment.

Let me also say to my good friend and colleague, the gentleman from Colorado (Mr. UDALL), over here that his support of H.R. 695, which is a bill that the gentleman from New Mexico (Mr. TOM UDALL) supported not long ago to acquire land for San Juan College, was sold and acquired with a restriction to be used for educational purposes, which, of course, had an effect on the valuation of it.

Mr. Speaker, there have been a number of bills that have been passed through this body with the support of the other side that have not been raised on the issue of fairness to the taxpayer that actually gave property away and let Federal taxpayers receive zero, zip, nada, nothing for the property that was given away; and those are clearly on record here. I can go through and cite many of those bills, Mr. Speaker.

But this is an important piece of legislation for the education of some children. We are asking for the fair market value based on the use of the land as an educational site. It was acquired for $500,000. I think with the restrictions placed on it that we could actually give back to the taxpayers the money they paid for it and maybe even a little extra, depending upon the valuation of that property.

But this is an important bill for the education of those children. We want to have an opportunity to give these children up there a place to go to school. The nearest, closest land that could be suitable for a school for an elementary school site in the area is about 26 miles away. Otherwise, these schoolchildren will have to be bussed over a mountainous pass in the wintertime, which is oftentimes closed by snow and ice, a very dangerous road in the wintertime.

It is the safety of these children, it is the education of these children that we are so very, very much concerned about.

Mr. Speaker, noting that my good friends on the other side of the aisle have been gracious, and I do have great respect for their opinions, I would ask that all of my colleagues support this legislation.

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

The SPEAKER pro tempore. All time for debate has expired.

The bill is considered read for amendment.

Pursuant to House Resolution 634, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

1930

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will now put the question on all de novo questions on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 2413, de novo;
H.R. 4940, de novo;
S. 1865, de novo; and
S. 1453, de novo.

COMPUTER SECURITY ENHANCEMENT ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2413, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2413, as amended.

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

A motion to reconsider was laid on the table.

AMERICAN MUSEUM OF SCIENCE AND ENERGY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4940, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4940, as amended.

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

A motion to reconsider was laid on the table.

AMERICA'S LAW ENFORCEMENT AND MENTAL HEALTH PROJECT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1865.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the Senate bill, S. 1865.

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

A motion to reconsider was laid on the table.

SUDAN PEACE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1453, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 1453, as amended.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken tomorrow.

HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 5388) to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the ''Herbert H. Bateman Education and Administrative Center'', and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5388

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

SECTION 1. DESIGNATION OF HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER.

(a) DESIGNATION.—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 section 1 shall be deemed to be a reference to the ''Herbert H. Bateman Education and Administrative Center''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 4, line 1, strike out all after ''REQUIREMENTS.—'' down to and including ''Forest.'' in line 5 and insert: *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.*

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GREAT SAND DUNES NATIONAL PARK AND PRESERVE ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (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, and for other purposes.

The Clerk read as follows:

S. 2547

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great Sand Dunes National Park and Preserve 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. 460l–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 subparagraph (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 any 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), 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) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom 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 SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, this bill provides 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.

Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. MCINNIS), who is the author of the legislation.

Mr. MCINNIS. Mr. Speaker, first of all, I would like to point out, so we have kind of a perspective of what we are talking about, this is a photo of the Great Sand Dunes, what we propose to make a national park in Colorado. I want to let everyone know that this is our opportunity to mark for all future generations of Americans a national park that is well deserved. This bill was carried out of the United States Senate with unanimous consent by Senator WAYNE ALLARD. Senator ALLARD and myself have spent a lot of time in the local community and we have also had a lot of help, frankly, from our Democratic colleagues in Colorado and some of our Republican colleagues, not only here in Congress through the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Colorado (Mr. UDALL) but also through the State House in Colorado, the State Senate in Colorado, which by strong majorities support naming a new national park in the State of Colorado.

We also have the support of Governor Bill Owens, who strongly believes that a national park of the Sand Dunes is long time overdue in the State of Colorado. We have the Attorney General in the State of Colorado. We have community support. This proposal was built at the community level up. Neither Senator ALLARD nor myself walked into this community and said, hey, we would like to create a new national park down there.

Obviously both Senator ALLARD and I and my colleagues on both sides of the aisle have been down to look at this national park, what we hope to be the national park, and are amazed by what we walk into. The fact is, it did not come from us. This started at the local community level, and over a period of years we have built up the momentum and we are now finally on the verge, finally on the verge of one final vote to create a national park in Colorado that will last forever, for all generations of America. That is why I urge support tonight.

Let me say that the Great Sand Dunes, this makeup if we can see right behind it, that is not painted in on this picture, those over 14,000 foot peaks of the Alpine Meadows. It is the only place in the world, the only place in the world, where we can see desert sands piled up as great sand dunes mixed in amongst the Alpine 14,000 Rocky Mountain foot peaks. Take a look at everything from the ecosystems of the water and the sand and the wind, there is no other combination like this in the world. All America deserves the privilege of having this as a national park for preservation.

I look forward and I am honored to be the one that is sponsoring this on the House side and I openly thank my colleague on the Senate side, of whom it means as much to him as it does to me, as it does to the people of Colorado, as it does to the people of America, that this become a national park.

Now in the last few hours somebody has suggested that it is not in my congressional district. I want to point out that this is entirely, entirely in the Third Congressional District. This is my congressional district this national park proposal is in, and I know this. My family has multiple generations not very far from that park. I have been in that park numerous times. Now is our opportunity, Mr. Speaker, to stand up and be counted. Now is our opportunity for future generations of America to create a new national park in the State of Colorado. I ask for support.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of the bill. Mr. Speaker, along with my colleague, the gentleman from Colorado (Mr. MCINNIS), I strongly support passage of this bill to provide for an expansion of the Great Sand Dunes National Monument in Colorado and its redesignation as a national park. I want to thank again my colleague, the gentleman from Colorado (Mr. MCINNIS), for his leadership in making it possible for the House to consider this legislation today.

Mr. Speaker, the Great Sand Dunes National Monument is one of Colorado's gems. The remarkable dunes within its boundaries exist because of a set of very unusual circumstances. They are also part but only part of a complex ecosystem that includes adjacent lands. This natural interconnective system includes towering peaks soaring 14,000 feet above sea level, an intricate underground water supply, and a vast valley filled with wonderful wildlife and rare plants. The natural resources of the area are complemented by a rich human history that includes American Indians, Spanish explorers and the mountain men.

All of these elements culminate in the amazing site of sand dunes reaching hundreds of feet high piled up against the rugged snow capped Rockies.

Enactment of this bill will authorize the acquisition of key parts of adjacent lands from willing sellers. That will allow not just an expansion of the national monument but also for boundary revisions of the San Isabel National Forest and for establishment of a national wildlife refuge.

This will protect the Dunes and also protect the many lives that depend on the water and other resources of the affected lands.

Physically, these dunes have a long geologic history. Politically, their protection is an example of one of the most important conservation laws on our books, the Antiquities Act. That law gave President Hoover the authority for establishment of the national monument and it gave Presidents Truman and Eisenhower the authority to enlarge it.

The Antiquities Act has proved its value over the years. Since its enactment, almost every President, starting with Theodore Roosevelt, has used it to set aside some of the most special parts of our public lands as an enduring legacy for future generations.

In some instances, Presidential action has been controversial, but they have stood the test of time and nowhere more than with the Great Sand Dunes and other national monuments in Colorado. We are very proud of the special places that have been set aside in our State. We do not want to abolish the Colorado National Monument. We do not want to weaken the protection of Dinosaur National Monument. We highly prize the archeological and other values of Yucca House and Hovenweep Monuments, and we are very protective of both the Great Sand Dunes National Monument and the Black Canyon of the Gunnison.

We know the values of these areas. That is why last year the Colorado delegation worked together to further expand the Black Canyon Monument and to redesignate it as a national park. That is why I strongly support this bill. Like the Black Canyon, the Great Sand Dunes are a remarkable natural wonder, visible for many miles and attracting the interest of ordinary visitors as well as geologists, biologists, and other scientists.

Together with the adjacent lands addressed by the bill, they are part of an array of diverse natural, environmental and scientific resources that the Department of Interior has found deserving of inclusion in our national park system.

In short, this is a good bill. It has broad support among our Coloradans,

including both Senators, our governor and our State's attorney general. It is supported as well by the Clinton-Gore administration. I urge its approval by the House.

Currently, the Great Sand dunes National monument covers approximately 38,000 acres in the San Luis Valley of south central Colorado. The current monument boundary includes only the dunes themselves, which, at over 700 feet in height, are the tallest in North America. The dunes, however, are only one part of a highly complex system that includes the extremely fragile and vulnerable sand sheet, the surrounding watershed, and the underground aquifer, all of which are integral to the flow of water and replenishment of sand that created and maintains the dunes. These critical elements of the system are located mostly outside of the monument boundaries, on Federal, State, and private lands. Expanding the boundaries of the national monument to include the entire natural system, as provided for in S. 2547, will help to ensure the long-term preservation of the dunes.

The bill will also help to address long-standing concerns surrounding protection of the water resources of the San Luis Valley. A large ranch, known as the Luis Maria Baca Grant No. 4, is located to the west of the existing national monument and contains key lands in the sand sheet and water resources that support the dune system, as well as other wetlands, rich wildlife habitat, and a diversity of ecosystem types.

In 1986, the private owners of the Baca property attempted to obtain a water right to pump as much as 200,000 acre-feet-per year from the unconfined aquifer beneath the land to communities along Colorado's Front Range. The effort failed when the courts dismissed their claims, and the owners subsequently sold the property.

The potential for development and export of the water, however, is still a major concern for residents of the valley because of the potential for such a project to affect the availability of water for irrigation and other local uses. S. 2547 would authorize the Federal acquisition of the Baca property, incorporating parts of the property into a national park, national wildlife refuge, and the existing national forest. The legislation requires the Department of the Interior to work with the State of Colorado to protect the water dependent resources of the dunes while not jeopardizing valid existing water rights.

S. 2547 authorizes the Secretary of the Interior to establish the Great Sand Dunes National Park when the Secretary determines that land having a sufficient diversity of resources has been acquired to warrant its designation as a national park.

The national park will include the existing national monument (which will be abolished when the national park is established), as well as adjacent lands located generally to the west, including the Baca property and other State, private, and Federal lands which would be acquired by or transferred to the National Park Service.

In addition, S. 2547 establishes the Great Sand Dunes National Preserve from lands that are currently included in the Rio Grande National Forest. Administrative jurisdiction over these lands is transferred from the Secretary of Agriculture to the Secretary of the Interior to be managed as a unit of the National Park System.

Finally, S. 2547 authorizes the Secretary to establish the Baca National Wildlife Refuge after determining that sufficient lands have been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge. The refuge would be comprised of the western portion of lands acquired from the Luis Maria Baca Grant No. 4, as well as adjacent State and private lands, and land currently managed by the Bureau of Land Management.

As noted by Stephen Saunders, the Assistant Secretary of the Interior for Fish and Wildlife and Park, this legislation is an excellent example of what Congress and the Administration can accomplish when we work together.

In December of last year Secretary Babbitt traveled to Colorado and met with Senators ALLARD and CAMPBELL, Congressman MCINNIS, Colorado Attorney General Ken Salazar, and other Coloradans to explore the threats to the sand dunes and the opportunities to preserve them. In that meeting—which some in the Colorado press immediately called the Summit at the Dunes—it became evident that there was broad agreement about what needs to be done, and about the need to work together to make it happen.

Since then, the Secretary and others in the Department have worked closely with the Colorado Congressional delegation, the state government, and others in reaching agreement on the broad outlines of this legislation.

The bill before the House is the result of that process. It is supported by Colorado Senators and Representatives of both parties, by Governor Bill Owens, a Republican, and by the Attorney General of Colorado, Ken Salazar, the highest ranking Democrat in the state government, who, as a native of this part of the State, understands this issue especially well. It has been editorially endorsed and is supported by people throughout Colorado. It deserves enactment.

STATEMENT OF KEN SALAZAR, ATTORNEY GENERAL OF COLORADO, ON S. 2547, GREAT SAND DUNES NATIONAL PARK ACT OF 2000

I offer this statement to express my strong support for S. 2547, which redesignates the Great Sand Dunes National Monument as a national park and adds protection to the rare geological and ecological area within and surrounding the current Monument. This action will protect and enhance one of the great ecosystems in the Sangre de Cristo mountain range, as well as head off damaging water export schemes that threaten the existence of that ecosystem.

The San Luis Valley in Colorado is the largest, highest alpine valley in the country with an average elevation of over 7,000 feet. The Valley extends 140 miles from the divide with the Arkansas River on the north to the San Antonio Mountains in New Mexico to the south. The Valley spans about 70 miles east to west, from the Sangre de Cristo Mountain Range to the San Juan Mountain Range. The headwaters of the Rio Grande are located in the San Juans above the town of South Fork. The Valley has a colorful and rich heritage starting with the Native American tribes, the first Colorado settlements in the 1850's, and a history of agriculture and mining.

The Great Sand Dunes became a national monument in 1932. The Dunes cover 39 square miles and sit at the center of one of the most extensive wetland systems in the Rocky Mountains. The Dunes are inextricably tied to the flows of Sand Creek and Medano Creek, the latter of which not only transports sands, but exhibits an interesting and rare phenomenon known as a ''pulsating'' or ''surge'' flows, creating mini-waves in the creek. The government has obtained reserved rights for those creeks. The Dunes and the surrounding area overlie the groundwater system on which the features of the Dunes and adjacent wetlands rely.

The San Luis Valley in Colorado has unique hydrologic characteristics. Underlying the lands in the Valley are two aquifers: the upper aquifer is known as the ''unconfined'' or ''shallow'' aquifer, the lower aquifer is called the ''confined'' aquifer. These aquifers interact with the surface streams to create a delicate hydrologic balance within the Valley. The agricultural economy and the wildlife values are dependent on maintaining that balance. Although there is a considerable amount of water in the confined aquifer, pumping that water to the surface will disrupt the overall balance. The State Engineer recognized this in 1972, when he stopped issuing well-permits.

S. 2547 recognizes that some lands adjacent to the Dunes contain important portions of the sand dune mass and the ground water system on which the sand dune and wetland systems depend. S. 2547 provides the Secretary of the Interior with authority to protect this hydrologic system by purchasing lands surrounding the dunes, thus protecting the aquifers from being significantly depleted.

The State of Colorado, along with New Mexico and Texas, is party to the Rio Grande Compact, which allocates waters of the Rio Grande among the three states. Under the 1938 Compact, Colorado must make deliveries to the state line pursuant to a schedule based on the amount of flows in the river. The State Engineer closely regulates all withdrawals of water from the stream system and connecting groundwater system in order to make Colorado's Compact deliveries. The Closed Basin Project, located in the San Luis Valley, is a federal project, authorized by the Reclamation Project Authorization Act of 1972 to provide water to local federal reserves and to assist Colorado in making its Compact deliveries. The Project captures water historically discharged by evapotransporation from water on the surface or in the soil or by native plant life. That water is then used to augment the flows of the Rio Grande, assisting Colorado in meeting its Compact delivery obligations and the United States in meeting its treaty obligations to Mexico. Viability of the project is dependent upon maintenance of the delicate hydrologic balance in the Valley.

The Baca Grant No. 4 is a 100,000-acre parcel of land located just north and west of the Great Sand Dunes National Monument. In 1986 American Water Development, Inc. (''AWDI'') sought the right to withdraw 200,000 acre-feet of ground water per year from the aquifers underlying the Grant. AWDI's plans met with strong opposition from the water users, the State, and the United States, all of whom spent a great deal of time, effort and funds to protect the Valley resources. The United States opposed the project not only because of its effect on the Sand Dunes, but also because of the damage that would be sustained by the Closed Basin Project and the national wildlife reserves in the Valley. The water court found that the withdrawals of groundwater proposed by AWDI would lower the water level in the unconfined aquifer, depleting flows in the natural stream system and significantly reducing the annual yield of the Closed Basin Project. The Colorado Supreme Court affirmed the findings of the water court.

Water users and the State of Colorado have been concerned about a new project that

threatens the hydrologic balance in the Valley. The project, billed as the ''No Dam Water Project,'' is sponsored by Stockman's Water Company, successors in interest to AWDI. The project proposes the transbasin export of up to 100,000 acre-feet of confined aquifer water from a well field on the Baca Grant No. 4. We know that the withdrawal of any water will affect the system overall.

Over the last seven years, the community has made efforts through The Nature Conservancy to acquire land near the Sand Dunes in an effort to protect this natural resource. Last year, The Nature Conservancy purchased over 50,000 acres of land in two ranches known as the Zapata Ranch and the Medano Ranch located directly adjacent and south of the Sand Dunes National Monument. The federal government has also acquired another parcel of land in the area known as the White Ranch for inclusion in the National Wildlife Refuge system. S. 2547 will assure further protection of the ecosystem.

I strongly support the creation of the Sand Dunes National Park and Preserve as provided in S. 2547. The bill contains sufficient language to protect existing water rights and provides that the Secretary shall obtain any new water right in accordance with federal and State law. Further, if lands on the Baca Grant No. 4 are acquired, all water rights and water resources associated with the Grant shall be restricted for use only within the park, preserve, or immediately surrounding areas of Alamosa or Saguache Counties in Colorado. This protects the Valley from future speculative water projects intended to export water to other basins within and outside the State of Colorado, which would be damaging to the Sand Dunes and its ecosystem.

S. 2547 will preserve a very unique and outstanding resource in this country, the Sand Dunes and their associated resources. It will also protect the delicate hydrologic balance of the San Luis Valley, assuring the resources necessary to sustain the Sand Dunes. I am committed to working with Congress and the Administration to achieve these laudable goals.

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

Mr. HANSEN. Mr. Speaker, I yield 6 minutes to the gentleman from Colorado (Mr. HEFLEY), a senior member of the Committee on Resources.

Mr. HEFLEY. Mr. Speaker, I must object to the bill before us, Senate bill 2547, the Great Sand Dunes National Park and Preserve Act. This bill has never been the subject of hearings in the House of Representatives before the Committee on Resources.

National parks should not be designated without going through the process. The gentleman from Utah (Mr. HANSEN) and I have worked long and hard in that committee, the gentleman from Utah (Mr. HANSEN) is chairman of the Subcommittee on National Parks and Public Lands, to see that there is a logical process for naming national parks.

One of the reasons for that is that we love national parks. We are proud of our national parks, and we do not have the resources, it seems, to take care of the national parks we have like they should be taken care of.

We have in Yellowstone, one of the jewels of the system, in Yosemite, we have roads that have potholes in them; we have guardrails that are falling down, all kinds of maintenance things that we simply do not have the resources to take care of evidently because we are not doing a very good job of it.

So when we add national parks, that draws on all the other national parks, and the pie is divided up that much more. The main thing is it ought to go through a logical process. The gentleman from Utah (Mr. HANSEN) and I several years ago put in legislation in place to see that that would happen. What ought to happen with this bill is that next year we ought to have hearings on it. We ought to take it through the process and we ought to answer all the questions.

Now there are a number of questions to be answered. First, most National Park Service regulations say that a park comprises a variety of resources. Now I know the proponents of this would say that there are a variety of resources. There are mountains, there are streams and so forth, but the basic thing is there is a pile of sand, a beautiful pile of sand. But that is the basic resource for this park.

If the gentleman from Colorado (Mr. UDALL) has been, and he has, in a lot of national parks, I would start with Rocky Mountain National Park, for instance, in our own State, I would ask the gentleman to compare that in his own mind to the Sand Dunes National Park, and it does not compare.

I do not honestly feel this rises to the level of a national park. I think it is a great national monument, but I do not think it rises to the level of a national park.

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Second, the land acquisition provisions of this bill are open to discussion. This gives the Secretary the right to acquire land, and it takes it out of the hands of Congress. Usually we are the ones that do the acquiring of land. This gives the Secretary the right to do that.

The Baca Ranch, which is adjacent to the existing monument, I would have no objection to us buying and adding to the monument, except there is a problem with whether it is for sale or not; some of the owners want to sell it, some do not, and the price that has been quoted to me is far above the appraised value on it. I do not think we want to get into that kind of a situation.

Third, the act would create as many as four inholders, none of which have been contacted, as far as I can tell, as to their feelings in this matter.

Lastly, there is a question of water beneath the dunes. One of the main reasons for this bill is to stop the speculation on water in that valley. Now, I do not want water in that valley to come to the front range of Colorado. I do not want it to come to Colorado Springs, Aurora, or anywhere else. I want that water to stay in the valley.

So this is a good part of the bill. If you actually bought the ranch and tied up the water and kept it in the valley, that is a good part of it. I think that can be done as a monument. It does not have to be a national park. In fact, every bit of this, except the Baca Ranch, is protected in one way or another. It is either wilderness, national forest, or monument. So this is not an environmental vote. The environment is being protected, whether it is a national park or not.

There are many public officials in Colorado who would like to have input into this and have contacted me, not the least of which are the three county commissioners from the county where this is, who are opposed to this.

By circumventing the process, we lose the opportunity for the public to have input in it, which I think that the gentleman from Colorado (Mr. UDALL) would champion, that the public should have input into anything like this. We have been contacted by numerous public officials who say, we would like to testify on this. We would like to testify on this.

Therefore, I urge that S. 2547 be rejected and that next year we have full hearings on it. It may be this is the right thing to do. We may decide it is the right thing to do. But is not the right thing to do this way. I do not know very many times in the history of this House where you have designated a national park without it going through the full procedure of both the House and the Senate.

The arguments I get for it are twofold. The water we have already talked about. That is a good argument. Second, economic development. Well, you should not name national parks as an economic development process. That is not why they should be named.

All I am asking is we go through the normal process; we have the hearings, and we make a decision based upon the merit, not based upon who can put the most pressure on the Speaker. This did not come out of the committee; this came out of the Speaker's office. He put it on the calendar. I do not know why he put it on the calendar and circumvented the whole process. I do not think he should have, but this should not be based on that. It should be based upon merit.

I ask us to reject this and have the hearings, go through the process, and then we may well decide it is a good idea.

Mr. UDALL of Colorado. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise today in strong support of this legislation. Colorado's Great Sand Dunes area is an amazing site, well worth the protection afforded by a national park designation.

As we have seen from that magnificent photo that my colleague from the Western Slope has, the Sand Dunes rise up from the Colorado plains evoking the great Sahara Desert's mountains of sand. Yet the Great Sand Dunes are but

a part of the larger unique ecosystem. The snow-capped Sangre de Cristo Mountains tower in the background, and nearby wetlands harbor numerous species, including sandhill cranes and white-faced ibis. The entire ecosystem will benefit from the protection Congress provides today.

This designation will also benefit the people of southern Colorado, not only because it protects one of their most treasured natural resources, but also because such protection will boost the local economy. Preserving natural resources provides Western Slope communities with a comparative advantage over other rural areas for diversifying their economy by enhancing their ability to attract and retain businesses and a talented workforce. Protecting public lands provides many economic benefits and maintains the natural capital that forms the foundation of Colorado's identity, quality of life and economic well-being.

I sincerely hope that the passage of this bill is the next step in a concentrated effort to safeguard all lands in Colorado which are deserving of appropriate protection.

Last year, for example, I introduced H.R. 829, the Colorado Wilderness Act. This legislation would designate 1.4 million acres of land in Colorado as wilderness, including a small portion of the Great Sand Dunes. Today's legislation does not include any wilderness designation, and I hope the Colorado delegation will work together, as we did on this bill and several other bills, to provide the protection wilderness designation affords to these areas.

Earlier this year, the Colorado delegation came together to designate the Black Ridge Canyons as wilderness. Yesterday the House passed the Spanish Peaks Wilderness Act. Today we have another bipartisan effort that will result in strong protections for unique parts of Colorado.

These are good first steps. However, because of the growth pressures on our precious public lands in Colorado, we need to look at a comprehensive Colorado public lands policy.

Public support throughout the State is growing for this proposal tonight and other public lands proposals, as is evidenced by the bipartisan support you heard from my colleagues, that our legislature, that our local elected officials and that our citizens have all across the State for more protection of public lands. Well, today's legislation will provide protection for some of Colorado's most unique areas.

We must not stop there. We need to take additional steps to protect other areas of Colorado from the threats of growth and overuse. Areas such as Dominguez Canyon and Handies Peak are wilderness study areas that must be protected through permanent wilderness designation. If we wait to act on each of the 48 areas in Colorado included within my bill that deserve wilderness protection individually, many of them will be gone by the time we are ready to legislate.

So I want to commend my colleague from the Western Slope. I want to commend my colleague, the gentleman from Colorado (Mr. UDALL), and the bipartisan support of my fellow Members of Congress on this bill. I hope we can all sit together and work over the recess to have comprehensive Colorado omnibus wilderness legislation in the next session.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I think the gentleman from Colorado (Mr. HEFLEY) brought up a few points that should be addressed here.

First of all, in regard to the inholdings, there are three inholdings within the national park. All three of those are held by the Nature Conservancy District, which is 100 percent behind this national park.

In regard to the gentleman's discussions on process and we should never have a national park and have not had one in the best of the gentleman's memory that has happened in a process that did not go through the House committee, remember, this went through full hearings at the Senate committee. To the best of my knowledge, none of the gentleman's staff, none of the staff of any of the people the gentleman was talking about, even expressed an interest to go sit in on these hearings.

But back to my point: 2 weeks ago there was a national park, which, by the way, I support, that was included in the Interior bill, and there were no objections raised on the floor.

That is the mystery of this. I want the gentleman to know, I have gone to the committee. I have gone to my good colleague, and I say this with all due respect, because our dispute is a professional dispute, not a personal dispute, but I have gone to the gentleman and said, give me a hearing. I want this bill heard on its merits. Let it rise or fall on its own merits. But Colorado and the future of America, they deserve this national park.

It is in my district, by the way. I know a little something about it. I was denied the hearing month after month after month. Not by the chairman, by the way, not by the chairman, but at the request of the chairman.

I had no other choice but use the same rules that the gentleman who is opposed to this this evening, the rules he is using to kill this national park, the same rules I used to get to the House floor. The beauty of bringing it to the House floor is 435 Congressmen, 435 Congressmen make the decision whether this should be a national park. Not one Congressman. Not one Congressman kills this national park; 435 or 434 of my colleagues make the decision based on the merits whether we deserve another national park.

There are a number of other issues we ought to talk about. When we talk about the water to the dunes, as the gentleman and I discussed, and I know this and I say this to the credit of the gentleman, this gentleman understands water. He has years of meritorious service in the State legislature of Colorado as well as the U.S. Congress on water issues.

But the gentleman could agree with me; you drain the water out of the Sand Dunes and you destroy it. You destroy the most unique, or the only, the only geological, geographical, any type of archeological, I could go on and on, type of site in the world that exists. You cannot drain the water out of there. Draining the water out is like taking the blood out of a human body and then telling the body to continue to live. It does not happen. It is destroyed. That water is the human blood for the San Luis Valley. I urge my colleague to join me in regards to that.

Mr. Speaker, it is clear that this process is within the process of the House, or we would not be here today. We had suspensions. In fact the Sand Creek, by our colleague, the gentleman from Colorado (Mr. SCHAFFER), yesterday, followed the exact same process. But I did not see anybody up there objecting to that.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I would say to the gentleman from Colorado (Mr. MCINNIS), I do not want to prolong this. I think we have said what needs to be said.

The gentleman repeated several times that this is his district, his district, his district, as if it is in his district, we ought to do it.

When I got on the Subcommittee on National Parks and Public Lands several years ago, I discovered that a lot of Members were bringing parks home to their district, whether they had any merit or not. Steamtown, the gentleman from Utah (Mr. HANSEN) may remember Steamtown is one of them. Our good friend Joe McDade brought that one home. I guess this has a whole lot more merit than that did, by the way. So there is interest by people when that is not in their district. There is interest in that park, or whether it is a park or not.

I do not know if the gentleman heard me, because I think the gentleman was talking to one of his staff at the time, but when the gentleman starts talking about draining water out from under the Dunes, I have no intention, and the gentleman knows that, of draining water out from under the Dunes.

The gentleman is absolutely right; you take that water, and the Dunes go away. The water has to stay there. I want the water to stay there, not just for the Dunes, but I want the water in the San Luis Valley to stay in the San Luis Valley. I do not want it coming to the Eastern Slope or the big cities. I want it to stay there, because if it does not stay there, I think that valley, which is already economically depressed in many ways, becomes a real problem. So I want the water to stay there, and I do not want there to be any mistake about that.

I guess I would just close by saying again, yes, this is part of the process; but it is a subversion of the process. There was a national park put in the Interior bill. I voted against that. I think that was wrong. I do not think that this should be part of the process. I think the process should be both Houses go through their committee structure, ask the questions, have the hearings, let everybody who wants to have input into it, and then make a logical decision.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had two comments I wanted to add to the debate this evening. I agree with my colleague, the gentleman from Colorado (Mr. HEFLEY), that this is not just a question of the third district in Colorado; it is a question I think for all of Colorado and really for all of the Nation; and that is why I support the bill, because I believe it will be good for Colorado, and it will be good for the Nation. I think it is important to bring it to the House and let all 435 of us have our say on this idea, that we would create a national park.

The other thing I want to add just from a personal point of view is that when you go to that area and you look at the Sand Dunes and their uniqueness, I agree with the gentleman, if it was just the Sand Dunes we were talking about, they might not rise to the level of a park. But when you add in this very diverse set of ecosystems that rise to the 14,000-foot level, it is truly unique, and I believe truly worthy of national park status.

That is why I support this legislation, and I think my colleague, the gentleman from Colorado (Mr. MCINNIS), has been right in bringing this question forward to the full House.

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

Mr. HANSEN. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, again to the colleague, talk about subversion of the process, subversion of the process occurs when you cannot even get a committee hearing. I will not embarrass the gentleman by asking him, but I would if I were in some kind of real knock-down-drag-out, ask the question, did not I in fact request that this go to the committee? Did not the gentleman in fact request that it not go to the committee?

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The fact is this has had Senate hearings. The fact is that the gentleman can stall this bill to its death. Today is the last opportunity this bill will have to pass. It is the last opportunity to create a national park in the Third Congressional District, in my opinion, for a long period of time.

It has the unanimous support of the Governor's office, the Attorney General, near unanimous support of the State House, near unanimous support of the State Senate, unanimous support of the United States Senate.

This bill will pass on its merits, and that is what we have asked it to do, go on its merits. I should also bring up the point, because I am a strong private properties advocate, and my colleague from Colorado (Mr. HEFLEY) brings up the point to the best of his knowledge the owners of the Baca Ranch that would be involved in this are not interested in selling the ranch; wrong.

I have their correspondence.

Mr. Speaker, I submit the following for the RECORD:

HOGAN & HARTSON, L.L.P.,
Washington, DC, October 24, 2000.

Office of Congressman SCOTT MCINNIS,
Cannon House Office Building,
Washington, DC.

DEAR MEMBER OF CONGRESS: Farallon Capital Management owns a controlling interest in the Baca Ranch, located adjacent to Great Sand Dunes National Monument in southern Colorado. As controlling owners, we are fully supportive of establishment of Great Sand Dunes National Park and National Preserve as proposed in S. 2547 and of the government's interest in acquiring the Baca Ranch property as provided for in Section 8 of S. 2547. To that end, we completed an independent Appraisal Report on April 18, 2000, and we look forward to continuing our cooperation with completion of the National Park and National Preserve. In addition, we have been in close contact with the Administration which fully supports this legislation and we look forward to completing the transaction for Baca Ranch following enactment of S. 2547.

Sincerely,

DOUGLAS P. WHEELER,
Attorney for Farallon Capital Management.

Mr. Speaker, let me quote from the correspondence, as controlling owners, as controlling owners, we are fully supportive of establishment of the Great Sand Dunes National Park and the government's interest in acquiring the ranch property.

Mr. HEFLEY. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, maybe the gentleman misunderstood what I said or I did not say it very well. I said there was a division among the owners as to whether or not to sell or not. The owners in San Francisco want to sell; the owners in Colorado do not.

Mr. MCINNIS. Mr. Speaker, I will accept that from the gentleman. I will say the controlling owners. We do have a minority holder out there who thinks for pricing and negotiation purposes. The fact is that the controlling owners think it is a great proposal. The end holders think it is a great proposal; they support it. The people of the valley think it is a great proposal.

The gentleman brought up three county commissioners in a very small county. I have gone to them. They were worried about their $68,000 loss of property tax. I replaced it with $80-some-thousand, and it has an inflationary type of clause in it. It is not exactly stuck with inflation, but it goes up, that we will increase that amount every year.

We have done everything we can to appease those people, but what I think is the most important as I speak to the gentleman from Colorado (Mr. HEFLEY) is this process that we are talking about. I agree with the gentleman on Steamtown. I agree with the gentleman on some of these other issues, but I think everybody with a couple of exceptions who has taken a look at this, the Sand Dunes say, gosh, this ought to be preserved for all future of America. We ought to expand on this and make it a national park.

The fact that we have it on here on the House floor is exactly where it ought to be. The best point I think the gentleman has made this evening is, Mr. MCINNIS, just because it is in your congressional district does not mean we should vote for it; that is right. That is why 435 Members of the United States Congress should vote for it, not one person in one committee stop it from ever having a hearing.

Mr. Speaker, just the same as we should not pass it just because of the fact it is in my district, we should also not allow it to have a committee hearing because of one person. We should bring it to the whole body, and that is exactly what we have done this evening. I encourage all of my 434 colleagues to vote yes on this and create a national park for the future of America.

I am proud of it. People in Colorado are proud of it. We want to show it off, not just to America, but to the world.

Mr. Speaker, I am submitting a letter from the State of Colorado raising an issue regarding control and management of hunting in the Great Sand Dunes National Preserve. I share the State of Colorado's concern, and as the House author of this bill and one involved in the negotiations that produced the final Senate version, I would read the current language in the light most favorable to Colorado's sovereignty and predominant role in hunting, fishing and trapping that states have in our federal/state system. Specifically, the term ''limited periods'' in section 7(c)(2) of the bill, referring to the time periods that hunting, fishing or trapping in the preserve may be prohibited, should be strictly construed to limit the time and nature of the closures or restrictions on hunting, fishing and trapping in the Great Sand Dunes National Preserve. Permanent closures or expansive closures would absolutely run counter to the intent of this legislation.

Moreover, section 7(c)(3) of the legislation calls for consultation by the Park Service with the appropriate Colorado agency on any limited prohibitions of hunting, fishing and trapping. As an author of this legislation, this language should be read as expansively as possible to require real, meaningful consultation with the State of Colorado, including involvement in the decisions and crafting the scope and nature of any closures to allow for the maximum management of the bighorn sheep herds and other wildlife in the Great Sand Dunes Preserve.

STATE OF COLORADO,
DEPARTMENT OF NATURAL RESOURCES,
Denver, CO, October 4, 2000.

Mr. MIKE HESS,
Cannon Building,
Washington, DC.

DEAR MIKE: Per our telephone conversation earlier today, it has come to our attention that some important language in the Great Sand Dunes National Park bill was not included. Specifically, the paragraph requiring the Secretary of the Interior to obtain approval of the Colorado Division of Wildlife before closing hunting opportunities, except for emergencies, was replaced with general consultation language.

This current form causes problems for the State of Colorado. We are concerned about giving the Secretary carte blanche to control the way we manage game and non-game species on a new national park.

As you know, the bighorn sheep is Colorado's state animal, and the Sangre de Christo Mountains are home to the State's largest bighorn sheep herds. The management of this herd has been one of the Division of Wildlife's biggest success stories over the years, and the possibility that our most important management tool could be taken away by the Secretary of the Interior is adverse to the best interests of the State and our wildlife.

Furthermore, any ban on hunting in the expansion areas would also greatly reduce our ability to properly manage the elk herd in that game unit. This will increase our animal damage payments to citizens and reduce recreational opportunities.

I hope this is helpful. Thanks for all your great work on this important bill.

Sincerely,

GREG WALCHER,
Executive Director.

Mr. UDALL of Colorado. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to add a final word. I urge passage of this bill. I think it is the right thing to do for the State of Colorado. It is the right thing to do for the country. My colleague, the gentleman from Colorado (Mr. MCINNIS), has made a powerful argument. It is the right thing to do for the citizens of the world who would come to see this very unique area that starts with the Sand Dunes in a low elevation and rises to 14,000-foot peaks. I hope the House will do the right thing.

Madam Speaker, I urge passage of this bill.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2547.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

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

HARRIET TUBMAN SPECIAL RESOURCE STUDY ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate 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, New York, and for other purposes.

The Clerk read 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Madam Speaker, S. 2345, introduced by Senator CHUCK SCHUMER, directs the Secretary of the Interior to conduct a special study to determine the potential inclusion of sites associated with Harriet Tubman in the National Park System.

Harriet Tubman is a famous figure in our Nation's history. After gaining her own freedom by escaping to the North, Harriet Tubman helped hundreds of enslaved individuals escape to freedom along the Underground Railroad. During the Civil War, she served the Union as a guide, spy, and nurse. After the war, she acted as a powerful advocate for the education of black children and care for the elderly.

This piece of legislation will help determine the suitability and feasibility of designating sites associated with Harriet Tubman as a unit of the National Park Service.

Madam Speaker, I urge my colleagues to support S. 2345.

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

Mr. HOUGHTON. Madam Speaker, I thank the gentleman for yielding the time to me. This will be the shortest endorsement ever, but I would like to second the words of the gentleman from Utah (Mr. HANSEN). He has explained the importance of the Harriet Tubman legacy, and what this is is really a resources bill, a study bill.

This is an extraordinary woman who had a great record in saving many, many lives, and the whole thrust of this thing is to be able to study the various institutions and the buildings and the area not only in New York, but also in Maryland.

Madam Speaker, I would also like to thank Senator SCHUMER for his endorsement of this. I would like to thank Vince DeForest of the National Park Service and also Mike Long of the Auburn City Planning. They have done a wonderful job in trying to espouse this whole project.

As the gentleman from Utah (Mr. HANSEN) has said, Ms. Tubman was an extraordinary historic figure. She served as a nurse and a guide and did all sorts of things for saving the lives of people and also educating them later on, so we have this opportunity to preserve such a tremendous legacy. I would like to ask the House to join in voting for this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to join my colleagues in support of this legislation, and thank them for bringing it to the floor, the gentleman from New York (Mr. HOUGHTON) for his support and Senator SCHUMER for drafting this legislation. I urge Members to support the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2345.

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

A motion to reconsider was laid on the table.

NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 1999

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes.

The Clerk read as follows:

S. 1482

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 Marine Sanctuaries Amendments Act of 1999''.

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES.

(a) AMENDMENT OF FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) by striking ''research, educational, or aesthetic'' in paragraph (2) and inserting ''scientific, educational, cultural, archaeological, or aesthetic'';

(2) by inserting ''ecosystem'' after ''comprehensive'' in paragraph (3);

(3) by striking ''wise use'' in paragraph (5) and inserting ''sustainable use'';

(4) by striking ''and'' after the semicolon in paragraph (5);

(5) by striking ''protection of these'' in paragraph (6) and inserting ''protecting the biodiversity, habitats, and qualities of such''; and

(6) by inserting ''and the values and ecological services they provide'' in paragraph (6) after ''living resources''.

(b) AMENDMENT OF PURPOSES AND POLICIES.—Section 301(b) (16 1431(b)) is amended—

(1) by striking ''significance;'' in paragraph (1) and inserting ''significance and to manage these areas as the National Marine Sanctuary System;'';

(2) by striking paragraph (3) and inserting the following:

''(3) to maintain natural biodiversity and biological communities, and to protect, and where appropriate, restore, and enhance natural habitats, populations, and ecological processes;'';

(3) by striking ''understanding, appreciation, and wise use of the marine environment;'' in paragraph (4) and inserting ''understanding, and appreciation of the natural, historical, cultural, and archaeological resources of national marine sanctuaries;'';

(4) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), and inserting after paragraph (4) the following:

''(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;'';

(5) by striking ''areas;'' in paragraph (8), as redesignated, and inserting ''areas, including the application of innovative management techniques; and'';

(6) by striking ''marine resources; and'' in paragraph (9), as redesignated, and inserting ''marine and coastal resources.''; and

(7) by striking paragraph (10), as redesignated.

SEC. 4. CHANGES IN DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended—

(1) by striking ''304(a)(1)(C)(v)'' in paragraph (1) and inserting ''304(a)(2)(A)'';

(2) by striking '' 'Magnuson'' in paragraph (2) and inserting '' 'Magnuson-Stevens'';

(3) by striking ''and'' after the semicolon in subparagraph (B) of paragraph (6);

(4) by striking ''resources;'' in subparagraph (C) of paragraph (6) and inserting ''resources; and'';

(5) by inserting after paragraph (6)(C) the following:

''(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources;'';

(6) by striking ''injury;'' in paragraph (7) and inserting ''injury, including enforcement activities related to any incident;''

(7) by striking ''educational, or '' in paragraph (8) and inserting ''educational, cultural, archaeological,'';

(8) by striking ''and'' after the semicolon in paragraph (8);

(9) by striking ''Magnuson Fishery Conservation and Management Act.'' in paragraph (9) and inserting ''Magnuson-Stevens Act;''; and

(10) by adding at the end thereof the following:

''(10) 'system' means the National Marine Sanctuary System established by section 303; and

''(11) 'person' has the meaning given that term by section 1 of title 1, United States Code, but includes a department, agency, and instrumentality of the government of the United States, a State, or a foreign Nation.''.

SEC. 5. CHANGES IN SANCTUARY DESIGNATION STANDARDS.

Section 303 (16 U.S.C. 1433) is amended—

(1) by striking the section caption and inserting the following:

''SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.'';

(2) by striking subsection (a) and inserting the following:

''(a) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.'';

(3) by striking paragraph (3) of subsection (b), and redesignating paragraphs (1) and (2) as paragraphs (2) and (3);

(4) by striking so much of subsection (b) as precedes paragraph (2), as redesignated, and inserting the following:

''(b) SANCTUARY DESIGNATION STANDARDS.—

''(1) IN GENERAL.—Before designating an area of the marine environment as a national marine sanctuary, the Secretary shall find that—

''(A) the area is of special national significance due to its—

''(i) biodiversity;

''(ii) ecological importance;

''(iii) archaeological, cultural, or historical importance; or

''(iv) human-use values;

''(B) existing State and Federal authorities should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

''(C) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (B); and

''(D) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.'';

(5) by striking ''subsection (a)'' in paragraph (2), as redesignated, and inserting ''paragraph (1)'';

(6) by redesignating subparagraphs (E) through (I) of paragraph (2), as redesignated, as paragraphs (F) through (J), and inserting after paragraph (D) the following:

''(E) the areas's scientific value and value for monitoring as a special area of the marine environment;'';

(7) by redesignating subparagraphs (H), (I), and (J), as redesignated, as subparagraphs (I), (J), and (K) and by inserting after subparagraph (G), as redesignated, the following:

''(H) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses;'';

(8) by striking ''vital habitats, and resources which generate tourism;'' in subparagraph (I), as redesignated, and inserting ''and vital habitats;'';

(9) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), and inserting after subparagraph (I) the following:

''(J) the value of the area as an addition to the System;''; and

(10) by striking ''Merchant Marine and Fisheries'' in subparagraph (A) of paragraph (3), as redesignated, and inserting ''Resources'';

(11) by inserting after ''Administrator'' in subparagraph (B) of paragraph (3), as redesignated the following: ''of the Environmental Protection Agency,''; and

(12) by adding at the end of subsection (b) the following:

''(4) REQUIRED FINDINGS.—

''(A) NEW DESIGNATIONS.—Before beginning the designation process for any sanctuary that is not a designated sanctuary before January 1, 2000, the Secretary shall make, and submit to the Congress, a finding that each designated sanctuary has—

''(i) an operational level of facilities, equipment, and employees;

''(ii) a list of priorities it considers most urgent and a strategy to address those priorities;

''(iii) a plan and schedule to complete site characterization studies to inventory existing sanctuary resources, including cultural resources; and

''(iv) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities.

''(B) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for a Thunder Bay National Marine Sanctuary.''.

SEC. 6. CHANGES IN PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) CHANGES IN NOTICE REQUIREMENTS.—Section 304(a) (16 U.S.C. 1434(a)) is amended—

(1) by striking paragraph (1)(C) and inserting the following:

''(C) on the same day the notice required by subparagraph (A) is submitted to the Office of the Federal Register, the Secretary shall submit a copy of the notice and the draft sanctuary designation documents prepared under paragraph (2) to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.'';

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), and inserting the following after paragraph (1):

''(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare sanctuary designation documents on the proposal that include the following:

''(A) A draft environmental impact statement under paragraph (3).

''(B) A management plan document, which the Secretary shall make available to the public, containing—

''(i) the terms of the proposed designation;

''(ii) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

''(iii) the proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources, including innovative approaches such as marine zoning, interpretation and education, research, monitoring and assessment, resource protection, restoration, and enforcement (including surveillance activities for the area);

''(iv) an evaluation of the advantages of cooperative State and Federal management if all or part of a proposed marine sanctuary is within the territorial limits of a State, or is superjacent to the subsoil and seabed within the seaward boundary of a State (as established under the Submerged Lands Act (43 U.S.C. 1301 et seq.);

''(v) an estimate of the annual cost to the Federal government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education; and

''(vi) the regulations proposed under paragraph (1)(A).

''(C) Maps depicting the boundaries of the proposed sanctuary.

''(D) A statement of the basis for the findings made under section 303(b)(2).

''(E) An assessment of the considerations under section 303(b)(1).

''(F) A resource assessment that includes—

''(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

''(ii) a discussion, prepared after consultation with the Secretary of the Interior, of any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisidiction of the Department of the Interior; and

''(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.''.

(b) OTHER NOTICE-RELATED CHANGES.—Section 304(a) (16 U.S.C. 1434(a)) is further amended—

(1) by striking ''as provided by'' in subparagraph (A) of paragraph (3), as redesignated, and inserting ''under'';

(2) by inserting ''cultural, archaeological,'' after ''educational,'' in paragraph (4), as redesignated;

(3) by striking ''only by the same procedures by which the original designation is made.'' in paragraph (4), as redesignated, and inserting ''by following the applicable procedures of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and chapter 5 of title 5, United States Code.'';

(4) by inserting ''this Act and'' after ''objectives of'' in the second sentence of paragraph (6), as redesignated; and

(5) by striking ''Merchant Marine and Fisheries Resources'' in paragraph (7), as redesignated, and inserting ''Resources''.

(c) OTHER CHANGES.—Section 304 (16 U.S.C. 1434) is amended—

(1) by inserting ''or the national system'' in subsection (b)(2) after ''sanctuary'';

(2) by striking ''management techniques,'' in subsection (e) and inserting ''management techniques and strategies,''; and

(3) by striking ''title.'' in subsection (e) and inserting ''title. This review shall include a prioritization of management objectives.''

SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) by striking ''sell,'' in paragraph (2) and inserting ''offer for sale, sell, purchase, import, export,''; and

(2) by striking paragraph (3) and inserting the following:

''(3) interfere with the enforcement of this title by—

''(A) refusing to permit any authorized officer to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purpose of conducting a search or inspection in connection with the enforcement of this title;

''(B) assaulting, resisting, opposing, impeding, intimidating, or interfering with any authorized officer in the conduct of any search or inspection under this title;

''(C) submitting false information to the Secretary or any officer authorized by the Secretary in connection with any search or inspection under this title; or

''(D) assaulting, resisting, opposing, impeding, intimidating, harassing, bribing, or interfering with any person authorized by the Secretary to implement the provisions of this title; or''.

SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

Section 307 (16 U.S.C. 1437) is amended—

(1) by redesignating paragraphs (1) through (5) of subsection (b) as paragraphs (2) through (6), and inserting before paragraph (2) the following:

''(1) arrest any person, if there is reasonable cause to believe that the person has committed an act prohibited by section 306(3);'';

(2) by redesignating subsections (c) through (j) as subsections (d) through (k), and inserting after subsection (b) the following:

''(c) CRIMINAL OFFENSES.—

''(1) IN GENERAL.—Violation of section 306(3) is punishable by a fine under title 18, United States Code, imprisonment for not more than 6 months, or both.

''(2) AGGRAVATED VIOLATIONS.—If a person in the course of violating section 306(3)—

''(A) uses a dangerous weapon,

''(B) causes bodily injury to any person authorized to enforce this title or to implement its provisions, or

''(C) causes such a person to fear imminent bodily injury,

then the violation is punishable by a fine under title 18, United States Code, imprisonment for not more than 10 years, or both.'';

(3) by redesignating subsections (e) through (k), as redesignated, as subsections (f) through (l), respectively, and by inserting after subsection (d), as redesignated, the following:

''(e) JUDICIAL CIVIL PENALTIES.—The Secretary may bring an action to access and collect any civil penalty for which a person is liable under paragraph (d)(1) in the United States district court for the district in which the person from whom the penalty is sought resides, in which such person's principal place of business is located, or where the incident giving rise to civil penalties under this section occurred.'';

(4) by inserting ''electronic files,'' after ''books,'' in subsection (h), as redesignated; and

(5) by redesignating subsections (i) through (l), as designated, as subsections (j) through (m), and by inserting after subsection (h), as redesignated, the following:

''(i) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this chapter, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.''.

SEC. 9. ADDITIONAL REGULATIONS AUTHORITY ADDED.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

''SEC. 308. REGULATIONS AND SEVERABILITY.

''(a) REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this title.

''(b) SEVERABILITY.—If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this title and of the application of that provision to other persons and circumstances shall not be affected.''.

SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION PROGRAMS AND INTERPRETIVE FACILITIES.

''(a) IN GENERAL.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs necessary and reasonable to carry out the purposes and policies of this title.

''(b) RESEARCH AND MONITORING.—The Secretary may support, promote, and coordinate appropriate research on, and long-term monitoring of, the resources and human uses of marine sanctuaries, as is consistent with the purposes and policies of this title. In carrying out this subsection the Secretary may consult with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons, and coordinate with the National Estuarine Research Reserve System.

''(c) EDUCATION AND INTERPRETIVE FACILITIES.—The Secretary may establish facilities or displays—

''(1) to promote national marine sanctuaries and the purposes and policies of this title; and

''(2) either solely or in partnership with other persons, under an agreement under section 311.''.

SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), and by inserting after subsection (a) the following:

''(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any activity subject to a special use permit under subsection (a).'';

(2) by striking ''insurance'' in paragraph (4) of subsection (c), as redesignated, and inserting ''insurance, or post an equivalent bond,'';

(3) by striking ''resource and a reasonable return to the United States Government.'' in paragraph (2)(C) of subsection (d), as redesignated, and inserting ''resource.'';

(4) by redesignating paragraph (3) of subsection (d), as redesignated, as paragraph (4), and by inserting after paragraph (2) thereof the following:

''(3) WAIVER OR REDUCTION OF FEES.—The Secretary may waive or reduce fees under this subsection, or accept in-kind contributions in lieu of fees under this subsection, for activities that do not derive profit from the access to and use of sanctuary resources or that the Secretary considers to be beneficial to the system.''; and

(5) by striking ''designating and'' in paragraph (4)(B) of subsection (d), as redesignated.

SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

Section 311 (16 U.S.C. 1442) is amended—

(1) by adding at the end of subsection (a) the following: ''Notwithstanding any other provision of law to the contrary, the Secretary may apply for, accept, and use grants from Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.''; and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), and inserting after subsection (a) the following:

''(b) USE OF STATE AND FEDERAL AGENCY RESOURCES.—The Secretary may, whenever appropriate, use by agreement the personnel, services, or facilities of departments, agencies, and instrumentalities of the government of the United States or of any State or political subdivision thereof on a reimbursable or non-reimbursable basis to assist in carrying out the purposes and policies of this title.''.

SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) LIABILITY.—Section 312 (16 U.S.C. 1443(a)) is amended—

(1) by striking ''used to destroy, cause the loss of, or injure'' in subsection (a)(2) and inserting ''that destroys, causes the loss of, or injures'';

(2) by inserting ''or vessel'' after ''person'' in subsection (a)(4);

(3) by inserting ''(as defined in section 302(11))'' after ''damages'' in subsection (b)(2);

(4) by striking ''vessel who'' in subsection (c) and inserting ''vessel that'';

(5) by striking ''person may'' in subsection (c) and inserting ''person or vessel may'';

(6) by inserting ''by the Secretary'' after ''used'' in subsection (d); and

(7) by adding at the end of subsection (d) the following:

''(4) STATUTE OF LIMITATIONS.—An action for response costs and damages under subsection (c) may not be brought more than 2 years after the date of completion of the relevant damage assessment and restoration plan prepared by the Secretary.''.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) $30,000,000 for fiscal year 2000;

''(2) $32,000,000 for fiscal year 2001;

''(3) $34,000,000 for fiscal year 2002;

''(4) $36,000,000 for fiscal year 2003; and

''(5) $38,000,000 for fiscal year 2004.''.

SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1446) is amended by striking ''provide assistance'' in subsection (a) and inserting ''advise and make recommendations''.

SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1447) is amended—

(1) by striking ''use'' in subsection (a)(4) and inserting ''manufacture, reproduction, or other use'';

(2) by striking ''sanctuaries;'' in subsection (a)(4) and inserting ''sanctuaries or by persons that enter cooperative agreements with the Secretary under subsection (f);'';

(3) by striking ''symbols'' in subsection (a)(6) and inserting ''symbols, including sale of items bearing the symbols,'';

(4) striking ''Secretary; and'' in paragraph (3) of subsection (f), as redesignated, and inserting ''Secretary, or without prior authorization under subsection (a)(4); or''; and

(5) by adding at the end thereof the following:

''(f) AUTHORIZATION FOR NON-PROFIT ORGANIZATION TO SOLICIT SPONSORS.—

''(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit organization to solicit persons to be official sponsors of the national marine sanctuary program or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

''(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Madam Speaker, I rise in strong support of S. 1482, which includes a 5-year authorization of the National Marine Sanctuaries Program. The bill designates the existing sanctuaries as the National Marine Sanctuaries System in order to promote programwide constituency and coordination.

In addition, this legislation assures that the value and protection of cultural, historical, and archaeological resources are adequately considered in the designation and management of the National Marine Sanctuaries; clarifies the requirements for sanctuary designation and the authority of the Secretary to carry out monitoring, education and research activities; and allows the President to manage a reserve in the Northwest Hawaiian Islands in a manner that conforms with the management of a national marine sanctuary.

S. 1482 also establishes a program in honor of Dr. Nancy Foster. Dr. Foster was a 23-year NOAA employee and former director of the Sanctuary Program who recently passed away.

This program encourages better understanding of the marine environment. This bill provides ongoing authority for a very successful program that has consistently improved the conservation and management of our marine national resources, which are our Nation's underwater parks.

Madam Speaker, I urge an aye vote on this measure.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this legislation. The gentleman from Utah (Mr. HANSEN) has quite properly explained the legislation, and I am pleased that the legislation will finally establish a National Marine Sanctuary System to elevate the stature and importance of the Sanctuary Program both inside and outside of NOAA.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1482.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PYRAMID OF REMEMBRANCE FOUNDATION

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1804) to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

The Clerk read as follows:

H.R. 1804

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

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Pyramid of Remembrance Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The Pyramid of Remembrance Foundation shall establish the memorial authorized by this Act in accordance with the Commemorative Works Act (40 U.S.C. 1001, et seq.), except that section 3(c) of that Act shall not apply.

SEC. 2. FUNDS FOR MEMORIAL.

(a) USE OF FEDERAL FUNDS PROHIBITED.—Except as provided by the Commemorative Works Act, no Federal funds may be used to pay any expense of the establishment of the memorial.

(b) DEPOSIT OF EXCESS FUNDS.—If—

(1) upon payment of all expenses of the establishment of the memorial, including payment to the Treasury of the maintenance and preservation amount required by section 8(b) of the Commemorative Works Act; or

(2) upon expiration of the authority for the memorial under section 10(b) of the Commemorative Works Act,

there remains a balance of funds received for the establishment of the memorial, the Pyramid of Remembrance Foundation shall transmit that balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of the Commemorative Works Act.

SEC. 3. DEFINITION.

For the purposes of this Act, the term ''the District of Columbia and its environs'' has the meaning given that term in section 2 of the Commemorative Works Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Madam Speaker, this bill authorizes the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorists attacks or covert operations.

The memorial would generally conform to the Commemorative Works Act.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we support this legislation, and the gentleman from Utah (Mr. HANSEN) has explained it well, and I would urge Members to support the bill.

Madam Speaker, H.R. 1804 would authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

H.R. 1804 is being brought to the House under unusual circumstances, by way of discharge of the Resources Committee. We have had no hearings or mark-up of the legislation in the Committee, despite the fact that this bill has been pending before the Committee since May 1999. H.R. 1804 differs markedly from the bill (H.R. 1608) that was before the Committee in the 105th Congress. We have not heard testimony from the Foundation nor do we know the views of the Administration on this legislation. In fact, it has come to our attention that the Foundation may not be a functioning entity.

Madam Speaker, while H.R. 1804 may well be a noncontroversial measure the procedure being used to consider this bill has left us with very little information on this measure.

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

Mr. HANSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE), the author of this legislation.

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

Mr. LATOURETTE. Madam Speaker, I rise today in support of H.R. 1804.

Madam Speaker, I first want to thank the gentleman from Alaska (Mr. YOUNG), chairman of the full committee, and the gentleman from Utah (Mr. HANSEN), the subcommittee chairman, and the leadership for permitting this bill to go forward, and also the gentleman from California (Mr. GEORGE MILLER), the ranking member.

Madam Speaker, when I first came to Congress in 1995, a group of students from Riverside High School in Painsville, Ohio, asked to meet with me and presented an idea for military memorial in our Nation's Capitol to honor the men and women of our Armed Forces who have died in training exercises, peacekeeping missions, humanitarian efforts and terrorists attacks.

The students vowed to honor this sacrifice with a memorial called the Pyramid of Remembrance.

Madam Speaker, while I was immediately convinced of the worthiness of this proposal, in all honesty, I feared that these students had stumbled on to a great idea that was already taken. Surely, I thought there must be a memorial someplace in Washington to honor those who die in peacekeeping accidents, training exercises, humanitarian efforts, and terrorists attacks, but I was wrong.

There is no such memorial. None exists, but one should. Today, the House of Representatives has an opportunity to make this worthy military memorial one step closer to reality.

Madam Speaker, H.R. 1804 will authorize the foundation to create the Pyramid of Remembrance. The memorial will be built on Department of Defense land here in the Washington area, and without the use of taxpayers' funds. It is important to note, Madam Speaker, that no one has suggested that the memorial be placed on the Mall; that is not under consideration. Instead, the Pyramid of Remembrance will be erected on DOD land. When we appeared before the National Monument Commission, Fort McNair was one of the selections suggested, but site selection is many steps down the road.

Madam Speaker, the Pyramid of Remembrance has broad bipartisan support here in the House with nearly 100 cosponsors. It has already attracted some high-level endorsements from the likes of Secretary of Defense William Cohen and General Hugh Shelton.

Madam Speaker, our Nation has been reeling since the terrorist attack and bombing of the U.S.S. *Cole* just 12 days ago. Madam Speaker, 17 sailors were killed when a bomb ripped a 40-by-40 foot hole in the hull of this great destroyer as it was refueling in the Yemeni port of Aden.

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Nearly 40 other sailors were injured, including a young man from Lorain County in the State of Ohio.

Today, there is no memorial in Washington to specifically honor these men and women of courage, largely because their heroism and sacrifice occurred in a time other than a declared conflict. Their sacrifice does not fall into one tidy category, but it is just as worthy as those who died fighting in our greatest wars. What is more, the sacrifice of the men and women of the U.S.S. *Cole* surely reflects the changing role of our Armed Forces as we enter this new century and a host of new challenges, including terrorism directed specifically at the United States of America.

Madam Speaker, the idea for the Pyramid of Remembrance originated in a classroom in Painesville, Ohio, and it was sparked by a group of Generation X's who were horrified by the sight of a U.S. soldier being dragged through the streets of Mogadishu, Somalia. When we appeared before the National Capital Memorial Commission, they heard our proposal and our plea, and they have made it clear in writing that they believe it will fill a void in our Nation's military memorial.

Madam Speaker, I thank the students of Riverside High School for coming up with this wonderful idea and for not giving up on their dream. They have waited nearly 6 years since the original introduction of this bill until today, and I ask my colleagues to join me in supporting H.R. 1804.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1804.

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

A motion to reconsider was laid on the table.

HAWAII WATER RESOURCES ACT OF 2000

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1694) to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, as amended.

The Clerk read as follows:

S. 1694

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

TITLE I—HAWAII WATER RESOURCES STUDY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Hawaii Water Resources Act of 2000''.

SEC. 102. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of Hawaii.

SEC. 103. HAWAII WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation and in accordance with the provisions of this title and existing legislative authorities as may be pertinent to the provisions of this title, including: the Act of August 23, 1954 (68 Stat. 773, chapter 838), authorizing the Secretary to investigate the use of irrigation and reclamation resource needs for areas of the islands of Oahu, Hawaii, and Molokai in the State of Hawaii; section 31 of the Hawaii Omnibus Act (43 U.S.C. 422*l*) authorizing the Secretary to develop reclamation projects in the State under the Act of August 6, 1956 (70 Stat. 1044, chapter 972; 42 U.S.C. 422a et seq.) (commonly known as the ''Small Reclamation Projects Act''); and the amendment made by section 207 of the Hawaiian Home Lands Recovery Act (109 Stat. 364; 25 U.S.C. 386a) authorizing the Secretary to assess charges against Native Hawaiians for reclamation cost recovery in the same manner as charges are assessed against Indians or Indian tribes; is authorized and directed to conduct a study that includes—

(1) a survey of the irrigation and other agricultural water delivery systems in the State;

(2) an estimation of the cost of repair and rehabilitation of the irrigation and other agricultural water delivery systems;

(3) an evaluation of options and alternatives for future use of the irrigation and other agricultural water delivery systems (including alternatives that would improve the use and conservation of water resources and would contribute to agricultural diversification, economic development, and improvements to environmental quality); and

(4) the identification and investigation of opportunities for recycling, reclamation, and reuse of water and wastewater for agricultural and nonagricultural purposes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after appropriation of funds authorized by this title, the Secretary shall submit a report that describes the findings and recommendations of the study described in subsection (a) to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Resources of the House of Representatives.

(2) ADDITIONAL REPORTS.—The Secretary shall submit to the committees described in paragraph (1) any additional reports concerning the study described in subsection (a) that the Secretary considers to be necessary.

(c) COST SHARING.—Costs of conducting the study and preparing the reports described in subsections (a) and (b) of this section shall be shared between the Secretary and the State. The Federal share of the costs of the study and reports shall not exceed 50 percent of the total cost, and shall be nonreimbursable. The Secretary shall enter into a written agreement with the State, describing the arrangements for payment of the non-Federal share.

(d) USE OF OUTSIDE CONTRACTORS.—The Secretary is authorized to employ the services and expertise of the State and/or the services and expertise of a private consultant employed under contract with the State to conduct the study and prepare the reports described in this section if the State requests such an arrangement and if it can be demonstrated to the satisfaction of the Secretary that such an arrangement will result in the satisfactory completion of the work authorized by this section in a timely manner and at a reduced cost.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $300,000 for the Federal share of the activities authorized under this title.

SEC. 104. WATER RECLAMATION AND REUSE.

(a) Section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) is amended by inserting before the period at the end the following: '', and the State of Hawaii''.

(b) The Secretary is authorized to use the authorities available pursuant to section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) to conduct the relevant portion of the study and preparation of the reports authorized by this title if the use of such authorities is found by the Secretary to be appropriate and cost-effective, and provided that the total Federal share of costs for the study and reports does not exceed the amount authorized in section 103.

TITLE II—DROUGHT RELIEF

SEC. 201. DROUGHT RELIEF.

(a) RELIEF FOR HAWAII.—Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended—

(1) in subsection (a), by inserting after ''Reclamation State'' the following: ''and in the State of Hawaii''; and

(2) in subsection (c), by striking ''ten years after the date of enactment of this Act'' and inserting ''on September 30, 2005''.

(b) ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES.—Such Act is further amended by adding at the end of title I the following:

''SEC. 105. ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES.

''(a) IN GENERAL.—The Secretary may provide financial assistance in the form of cooperative agreements in States that are eligible to receive drought assistance under this title to promote the development of drought contingency plans under title II.

''(b) REPORT.—Not later than one year after the date of the enactment of the Hawaii Water Resources Act of 2000, the Secretary shall submit to the Congress a report and recommendations on the advisability of providing financial assistance for the development of drought contingency plans in all entities that are eligible to receive assistance under title II.''.

TITLE III—CITY OF ROSEVILLE PUMPING PLANT FACILITIES

SEC. 301. CITY OF ROSEVILLE PUMPING PLANT FACILITIES: CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES IN ACCORDANCE WITH AGREEMENT.

(a) IN GENERAL.—The Secretary shall credit an amount up to $1,164,600, the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the ''City''), as such obligation is calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future benefits to be accrued by the United States as a result of the City's purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States numbered 5–07–20–X0331 and dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley Project, and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) EFFECTIVE DATE.—The credit under subsection (a) shall take effect upon the date on which—

(1) the City and the Secretary have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and

(2) the Secretary has issued a determination that such facilities are fully operative as intended.

TITLE IV—CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE

SEC. 401. SHORT TITLE.

This title may be cited as the ''Clear Creek Distribution System Conveyance Act''.

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) DISTRICT.—The term ''District'' means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) AGREEMENT.—The term ''Agreement'' means Agreement No. 8–07–20–L6975 entitled ''Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District''.

(4) DISTRIBUTION SYSTEM.—The term ''Distribution System'' means all the right, title, and interest in and to the Clear Creek distribution system as defined in the Agreement.

SEC. 403. CONVEYANCE OF DISTRIBUTION SYSTEM.

In consideration of the District accepting the obligations of the Federal Government

for the Distribution System, the Secretary shall convey the Distribution System to the District pursuant to the terms and conditions set forth in the Agreement.

SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.

Nothing in this title shall be construed to authorize the District to construct any new facilities or to expand or otherwise change the use or operation of the Distribution System from its authorized purposes based upon historic and current use and operation. Effective upon transfer, if the District proposes to alter the use or operation of the Distribution System, then the District shall comply with all applicable laws and regulations governing such changes at that time.

SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Conveyance of the Distribution System under this title—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14–06–200–489–IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renewal by entering into a long-term water service contract.

SEC. 406. LIABILITY.

Effective on the date of conveyance of the Distribution System under this title, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

TITLE V—SUGAR PINE DAM AND RESERVOIR CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the ''Sugar Pine Dam and Reservoir Conveyance Act''.

SEC. 502. DEFINITIONS.

In this title:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Reclamation.

(2) DISTRICT.—The term ''District'' means the Foresthill Public Utility District, a political subdivision of the State of California.

(3) PROJECT.—The term ''Project'' means the improvements (and associated interests) authorized in the Foresthill Divide Subunit of the Auburn-Folsom South Unit, Central Valley Project, consisting of—

(A) Sugar Pine Dam;

(B) the right to impound waters behind the dam;

(C) the associated conveyance system, holding reservoir, and treatment plant;

(D) water rights;

(E) rights of the Bureau described in the agreement of June 11, 1985, with the Supervisor of Tahoe National Forest, California; and

(F) other associated interests owned and held by the United States and authorized as part of the Auburn-Folsom South Unit under Public Law 89–161 (79 Stat. 615).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) WATER SERVICES CONTRACT.—The term ''Water Services Contract'' means Water Services Contract #14–06–200–3684A, dated February 13, 1978, between the District and the United States.

SEC. 503. CONVEYANCE OF THE PROJECT.

(a) IN GENERAL.—As soon as practicable after date of enactment of this Act and in accordance with all applicable law, the Secretary shall convey all right, title, and interest in and to the Project to the District.

(b) SALE PRICE.—Except as provided in subsection (c), on payment by the District to the Secretary of $2,772,221—

(1) the District shall be relieved of all payment obligations relating to the Project; and

(2) all debt under the Water Services Contract shall be extinguished.

(c) MITIGATION AND RESTORATION PAYMENTS.—The District shall continue to be obligated to make payments under section 3407(c) of the Central Valley Project Improvement Act (106 Stat. 4726) through 2029.

SEC. 504. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this title significantly expands or otherwise affects the use or operation of the Project from its current use and operation.

(b) RIGHT TO OCCUPY AND FLOOD.—On the date of the conveyance under section 503, the Chief of the Forest Service shall grant the District the right to occupy and flood portions of land in Tahoe National Forest, subject to the terms and conditions stated in an agreement between the District and the Supervisor of the Tahoe National Forest.

(c) CHANGES IN USE OR OPERATION.—If the District changes the use or operation of the Project, the District shall comply with all applicable laws (including regulations) governing the change at the time of the change.

SEC. 505. FUTURE BENEFITS.

On payment of the amount under section 503(b)—

(1) the Project shall no longer be a Federal reclamation project or a unit of the Central Valley Project; and

(2) the District shall not be entitled to receive any further reclamation benefits.

SEC. 506. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance under section 503, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the Project.

SEC. 507. COSTS.

To the extent that costs associated with the Project are included as a reimbursable cost of the Central Valley Project, the Secretary is directed to exclude all costs in excess of the amount of costs repaid by the District from the pooled reimbursable costs of the Central Valley Project until such time as the Project has been operationally integrated into the water supply of the Central Valley Project. Such excess costs may not be included into the pooled reimbursable costs of the Central Valley Project in the future unless a court of competent jurisdiction determines that operation integration is not a prerequisite to the inclusion of such costs pursuant to Public Law 89–161.

TITLE VI—COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Colusa Basin Watershed Integrated Resources Management Act''.

SEC. 602. AUTHORIZATION OF ASSISTANCE.

The Secretary of the Interior (in this title referred to as the ''Secretary''), acting within existing budgetary authority, may provide financial assistance to the Colusa Basin Drainage District, California (in this title referred to as the ''District''), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399) as in effect on the date of the enactment of this Act (in this title referred to as the ''State statute''), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

SEC. 603. PROJECT SELECTION.

(a) ELIGIBLE PROJECTS.—A project shall be an eligible project for purposes of section 602 only if it is—

(1) consistent with the plan for flood protection and integrated resources management described in the document entitled ''Draft Programmatic Environmental Impact Statement/Environmental Impact Report and Draft Program Financing Plan, Integrated Resources Management Program for Flood Control in the Colusa Basin'', dated May 2000; and

(2) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(b) COMPATIBILITY REQUIREMENT.—The Secretary shall ensure that projects for which assistance is provided under this title are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

SEC. 604. COST SHARING.

(a) NON-FEDERAL SHARE.—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(1) 25 percent of the costs associated with construction of any project carried out with assistance provided under this title;

(2) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project; and

(3) 35 percent of the costs associated with planning, design, and environmental compliance activities.

(b) PLANNING, DESIGN, AND COMPLIANCE ASSISTANCE.—Funds appropriated pursuant to this title may be made available to fund 65 percent of costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(c) TREATMENT OF CONTRIBUTIONS.—For purposes of this section, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

SEC. 605. COSTS NONREIMBURSABLE.

Amounts expended pursuant to this title shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

SEC. 606. AGREEMENTS.

Funds appropriated pursuant to this title may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by section 604(a); and

(2) governing the funding of planning, design, and compliance activities costs under section 604(b).

SEC. 607. REIMBURSEMENT.

For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a

local agency acting pursuant to the State statute in section 602 before the date amounts are provided for the project under this title, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under section 604.

SEC. 608. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this title.

(b) SUBCONTRACTING.—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

SEC. 609. RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.

Activities carried out, and financial assistance provided, under this title shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

SEC. 610. APPROPRIATIONS AUTHORIZED.

Within existing budgetary authority and subject to the availability of appropriations, the Secretary is authorized to expend up to $25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes to carry out this title. Sums appropriated under this section shall remain available until expended.

TITLE VII—CONVEYANCE TO YUMA PORT AUTHORITY

SEC. 701. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292–303–3624, 1292–303–3625, and 1292–303–3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of 15⁄16 of all gas, oil, metals, and mineral rights.

(10) A reservation of 1⁄16 of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term ''60-foot border strip'' means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term ''Greater Yuma Port Authority'' means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE VIII—DICKINSON DAM BASCULE GATES SETTLEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Dickinson Dam Bascule Gates Settlement Act of 2000''.

SEC. 802. FINDINGS.

The Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than $1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has

been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 803. DEFINITIONS.

In this title:

(1) BASCULE GATES.—The term ''bascule gates'' means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) CITY.—The term ''City'' means the city of Dickinson, North Dakota.

(3) DAM.—The term ''Dam'' means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term ''Lake'' means the reservoir known as ''Patterson Lake'' in the State of North Dakota.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 804. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

(c) COSTS.—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascule gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascule gates, up to a maximum annual cost of $15,000. The Secretary shall be responsible for all other costs.

(d) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Madam Speaker, S. 1694 would amend title 16 of the Reclamation Wastewater and Groundwater Study and Facilities Act to include Hawaii as one of the States eligible to participate in the Bureau of Reclamation's title 16 program to help alleviate some of the economic stresses facing rural Hawaii as a result of the decline in sugar production. In the past decade, acreage of production has declined from 180,000 acres of cane in 1989 to 60,000 acres today.

In addition, the bill provides for drought planning in States that are eligible under the Reclamation States Emergency Drought Relief Act and reimbursed by the Bureau of Reclamation for pumping facilities advanced by the City of Roseville, California, land and facility transfers in California and Arizona, approval of a program for water management in Colusa, California, and a correction concerning debt recovery for a Bureau of Reclamation project in North Dakota.

I urge the adoption of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1694, as amended, includes important provisions that affect programs and water management activities under the jurisdiction of the Bureau of Reclamation. Most of these provisions have previously been considered by the 106th Congress, and none of them are controversial.

Section 507 of S. 1694, as amended, addresses the issue of how the costs of the Sugar Pine Unit of the Central Valley Project are to be accounted for.

A guiding principle of my approach to Reclamation law has been that the beneficiaries of a project or program should bear their fair share of costs. Generally, this equitable concept that meant increasing the costs or repayment obligations of project beneficiaries so that they bear a fair share for the public benefits received. In the case of the Sugar Pine transfer being considered here, Section 507 of the measure relies on the same principle, but for the opposite purpose of relieving numerous Central Valley contractors, both municipal/industrial and agricultural, from project cost allocations where they received no benefits whatever. In short, the authorization for Sugar Pine Dam and Reservoir in 1965 (P.L. 89–161) specifically directed that the project be integrated, both operationally and financially, into the Central Valley Project. As a factual matter, operational integration never occurred, yet the costs of Sugar Pine have nonetheless been included in the pooled costs of the CVP, to be recovered from all CVP contractors through cost of service rates for water which are now in the process of being implemented. My remarks here are intended to clarify the intent and meaning of Section 507 of the Sugar Pine transfer legislation, which relieves CVP contractors of this inequitable financial obligation until operational integration occurs.

Section 507 reflects the recognition of Congress that the Sugar Pine Project is not integrated operationally into the CVP, as well as the principal that there was and is no authority, in the 1965 authorization of Sugar Pine or elsewhere, for these project costs to be included in the pooled reimbursable costs of the CVP in the absence of operational integration. The exclusion of ''all costs'' by Section 507 is meant to ensure that not only principal, but also interest charges on unpaid principle, are excluded from pooled reimbursable costs. This is intended to be consistent with the treatment provided in similar legislation related to the Sly Park Unit of the CVP, which was passed recently by the Congress in the Energy and Water appropriations bill soon to be signed by the President. The Sly Park provision was drafted in the other body, but the Sly Park language addressed similar facts and had the same purpose as the Sugar Pine bill. Both involve transfers of project ownership for small California Bureau of Reclamation projects which originally were directed to be integrated into the CVP but never were, and both provide for the exclusion of costs which were improperly included in the obligations of CVP contractors even though the project was never operationally integrated into the CVP. With respect to the costs to be excluded, the Sly Park bill terms them ''non-reimbursable and non-returnable,'' the same result which is intended here.

Mr. ABERCROMBIE. Madam Speaker, I support S. 1694, the Hawaii Water Resources Development Act and urge its passage.

The legislation authorizes the Bureau of Reclamation to undertake a study of the reclamation and reuse of water and wastewater in Hawaii. The Bureau is to survey irrigation and water delivery systems, identifying the costs of rehabilitating systems and evaluating future water demand.

Much of Hawaii is experiencing a major drought. Sugar, long the dominant agricultural product of Hawaii, is rapidly ending as a viable commercial enterprise, freeing vast quantities of water previously devoted to irrigation. Both factors result in the need to determine prudent use of existing water resources to meet future demands.

In the last 10 years, 96 sugar farms and plantations have closed and only two substantial plantations remain in commercial production. Over 130,000 of 180,000 acres previously in sugar cane production is now idle. Although economic dislocations have resulted, it also affords Hawaii the first opportunity in more than a century to diversify the agricultural sector of our economy. Diversified agriculture is now growing at 5.5% annual rate, surpassing $300 million in value. Vast tracts of some of the most productive land in the world, however, remain empty and idle. The availability of water will be a key factor in determining how these lands will be used for generations to come.

The present water resources transportation and irrigation systems began in 1856 and now involve some of the most extensive and hydraulically complex systems in the world, involving tunnels blasted through mountains, open ditches, syphons and channels carrying water from the wetter sides of the islands to the interior and leeward sides for irrigation. Because of declining use, these facilities, engineering marvels of their time, are falling into disrepair. There may also be opportunities to restore traditional watersheds. But in all cases, it is essential that a comprehensive study be undertaken to assess our current needs and resources before these crucial decisions are made. Under all existing and projected scenarios, water usage will remain high.

Many see Hawaii as a lush paradise filled with unique sights and recreational opportunities. It certainly is all of those, but it would be fewer of those things without water, which is not abundant in many parts of the islands. Prior to 1856, what is now some of the most fertile and productive land in the world was arid due to the geological characteristics of the Hawaiian Islands whereby most of the rain falls in the mountain ranges and windward sides, leaving the interior and leeward sides often sparse in rainfall.

S. 1694, initiated by Senator Akaka, authorizes an important study, focusing on opportunities for water reuse, recycling, reclamation and conservation of water and wastewater for agriculture and non-agriculture uses.

It is essential to the future of generations to come to Hawaii that wise decisions on water conservation and allocation be made. Enactment of S. 1694 is a major step in that direction and I urge passage of the bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1694, as amended.

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

The title of the Senate bill was amended so as to read: ''A bill to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.''.

A motion to reconsider was laid on the table.

ALA KAHAKAI NATIONAL HISTORIC TRAIL ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 700) to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

The Clerk read as follows:

S. 700

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 ''Ala Kahakai National Historic Trail Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important part of the ancient trail known as the ''Ala Loa'' (the long trail), which circumscribes the island of Hawaii;

(2) the Ala Loa was the major land route connecting 600 or more communities of the island kingdom of Hawaii from 1400 to 1700;

(3) the trail is associated with many prehistoric and historic housing areas of the island of Hawaii, nearly all the royal centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many rulers of the kingdom of Hawaii, with battlefields and the movement of armies during their reigns, and with annual taxation;

(5) the use of the trail played a significant part in events that affected Hawaiian history and culture, including—

(A) Captain Cook's landing and subsequent death in 1779;

(B) Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by the overthrow of the ancient religious system, the Kapu, and the arrival of the first western missionaries in 1820; and

(6) the trail—

(A) was used throughout the 19th and 20th centuries and continues in use today; and

(B) contains a variety of significant cultural and natural resources.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

''(21) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as 'Waha'ula', as generally depicted on the map entitled 'Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled 'Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Madam Speaker, S. 700, is to amend the National Trail System to designate the Ala Kahakai Trail as a national historic trail. This trail, known in English as The Trail by the Sea, is part of an important national trail used by the native Hawaiians. It is associated with numerous prehistoric areas and played a significant part in Hawaiian history, including the landing of Captain Cook. This bill will provide a necessary recreational resource to the State of Hawaii, and I urge my colleagues to support S. 700.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 700 completes an important designation. We join the administration in supporting the passage of this measure introduced by Senator AKAKA and the Hawaii delegation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 700.

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

A motion to reconsider was laid on the table.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 938) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

The Clerk read as follows:

S. 938

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 ''Hawaii Volcanoes National Park Adjustment Act of 1999''.

SEC. 2. ELIMINATION OF RESTRICTIONS ON LAND ACQUISITION.

The first section of the Act entitled ''An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes'', approved June 20, 1938 (16 U.S.C. 391b), is amended by striking ''park: *Provided,*'' and all that follows and inserting ''park. Land (including the land depicted on the map entitled 'NPS–PAC 1997HW') may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.''.

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI`I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking ''Hawaii Volcanoes National Park'' each place it appears and inserting ''Hawai`i Volcanoes National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Hawaii Volcanoes National Park'' shall be considered a reference to ''Hawai`i Volcanoes National Park''.

(b) HALEAKALA NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking ''Haleakala National Park'' and inserting ''Haleakala National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Haleakala National Park'' shall be considered a reference to ''Haleakala National Park''.

(c) KALOKO-HONOKOHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking ''KALOKO-HONOKŌHAU'' and inserting ''KALOKO-HONOKOHAU''; and

(B) by striking ''Kaloko-Honokohau'' each place it appears and inserting ''Kaloko-Honokohau''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Kaloko-Honokohau National Historical Park'' shall be considered a reference to ''Kaloko-Honokohau National Historical Park''.

(d) PU`UHONUA O HONAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking ''Puuhonua o Honaunau National Historical Park'' each place it appears and inserting ''Pu`uhonua o Honaunau National Historical Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puuhonua o Honaunau National Historical Park shall be considered a reference to ''Pu`uhonua o Honaunau National Historical Park''.

(e) PU`UKOHOLA HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking ''Puukohola Heiau National Historic Site'' each place it appears and inserting ''Pu`ukohola Heiau National Historic Site''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puukohola Heiau National Historic Site'' shall be considered a reference to ''Pu`ukohola Heiau National Historic Site''.

SEC. 4. CONFORMING AMENDMENTS.

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking ''Hawaii Volcanoes'' each place it appears and inserting ''Hawai`i Volcanoes''.

(b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking ''Haleakala'' each place it appears and inserting ''Haleakala''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Madam Speaker, S. 938, the Hawaiian Volcanoes National Park Adjustment Act of 1999, would provide for the expansion of the Hawaiian Volcanoes National Park in the State of Hawaii. The bill was introduced by the two Senators representing the State of Hawaii. This bill would allow for expansion of the park through willing sellers or through donations.

The bill makes some additional technical amendments to the original park. Currently, the National Park Service may only acquire property by donation. Hawaiian Volcanoes National Park was established as part of Hawaii National Park on August 1, 1916. The park is located on the island of Hawaii, 96 miles from Kailua Kona and 30 miles from Hilo.

There are approximately 2,000 acres that are adjacent to the park that may be placed on the market. This bill would allow the park to expand by buying land from willing sellers.

Madam Speaker, I urge support of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 938 is supported by the administration, the Hawaii congressional delegation, and I support the measure as well, and I urge its adoption.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 938.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the seven bills just considered.

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

There was no objection.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4868, TARIFF SUSPENSION AND TRADE ACT OF 2000

Mr. CRANE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 644) providing for the concurrence by the House, with an amendment, in the amendment of the Senate to H.R. 4868.

The Clerk read as follows:

H. RES. 644

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4868, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with an amendment as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tariff Suspension and Trade Act of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. HIV/AIDS drug.
Sec. 1102. HIV/AIDS drug.
Sec. 1103. Triacetoneamine.
Sec. 1104. Instant print film in rolls.
Sec. 1105. Color instant print film.
Sec. 1106. Mixtures of sennosides and mixtures of sennosides and their salts.
Sec. 1107. Cibacron red LS–B HC.
Sec. 1108. Cibacron brilliant blue FN–G.
Sec. 1109. Cibacron scarlet LS–2G HC.
Sec. 1110. MUB 738 INT.
Sec. 1111. Fenbuconazole.
Sec. 1112. 2,6-Dichlorotoluene.
Sec. 1113. 3-Amino-3-methyl-1-pentyne.
Sec. 1114. Triazamate.
Sec. 1115. Methoxyfenozide.
Sec. 1116. 1-Fluoro-2-nitrobenzene.
Sec. 1117. PHBA.
Sec. 1118. THQ (toluhydroquinone).
Sec. 1119. 2,4-Dicumylphenol.
Sec. 1120. Certain cathode-ray tubes.
Sec. 1121. Other cathode-ray tubes.
Sec. 1122. Certain raw cotton.
Sec. 1123. Rhinovirus drug.
Sec. 1124. Butralin.
Sec. 1125. Branched dodecylbenzene.
Sec. 1126. Certain fluorinated compound.
Sec. 1127. Certain light absorbing photo dye.
Sec. 1128. Filter Blue Green photo dye.
Sec. 1129. Certain light absorbing photo dyes.
Sec. 1130. 4,4′-Difluorobenzophenone.
Sec. 1131. A fluorinated compound.
Sec. 1132. DiTMP.
Sec. 1133. HPA.
Sec. 1134. APE.
Sec. 1135. TMPDE.
Sec. 1136. TMPME.
Sec. 1137. Tungsten concentrates.
Sec. 1138. 2 Chloro Amino Toluene.
Sec. 1139. Certain ion-exchange resins.
Sec. 1140. 11-Aminoundecanoic acid.
Sec. 1141. Dimethoxy butanone (DMB).
Sec. 1142. Dichloro aniline (DCA).
Sec. 1143. Diphenyl sulfide.
Sec. 1144. Trifluralin.
Sec. 1145. Diethyl imidazolidinone (DMI).
Sec. 1146. Ethalfluralin.
Sec. 1147. Benfluralin.
Sec. 1148. 3-Amino-5-mercapto-1,2,4-triazole (AMT).
Sec. 1149. Diethyl phosphorochlorodothioate (DEPCT).
Sec. 1150. Refined quinoline.
Sec. 1151. DMDS.
Sec. 1152. Vision inspection systems.
Sec. 1153. Anode presses.
Sec. 1154. Trim and form machines.
Sec. 1155. Certain assembly machines.
Sec. 1156. Thionyl chloride.
Sec. 1157. Phenylmethyl hydrazinecarboxylate.
Sec. 1158. Tralkoxydim formulated.
Sec. 1159. KN002.
Sec. 1160. KL084.
Sec. 1161. IN–N5297.
Sec. 1162. Azoxystrobin formulated.
Sec. 1163. Fungaflor 500 EC.
Sec. 1164. Norbloc 7966.
Sec. 1165. Imazalil.
Sec. 1166. 1,5-Dichloroanthraquinone.
Sec. 1167. Ultraviolet dye.
Sec. 1168. Vinclozolin.
Sec. 1169. Tepraloxydim.
Sec. 1170. Pyridaben.
Sec. 1171. 2-Acetylnicotinic acid.
Sec. 1172. SAMe.
Sec. 1173. Procion crimson H-EXL.
Sec. 1174. Dispersol crimson SF grains.
Sec. 1175. Procion navy H-EXL.
Sec. 1176. Procion yellow H-EXL.
Sec. 1177. 2-Phenylphenol.
Sec. 1178. 2-Methoxy-1-propene.
Sec. 1179. 3,5-Difluoroaniline.
Sec. 1180. Quinclorac.
Sec. 1181. Dispersol black XF grains.
Sec. 1182. Fluroxypyr, 1-methylheptyl ester (FME).
Sec. 1183. Solsperse 17260.
Sec. 1184. Solsperse 17000.
Sec. 1185. Solsperse 5000.
Sec. 1186. Certain TAED chemicals.

Sec. 1187. Isobornyl acetate.
Sec. 1188. Solvent blue 124.
Sec. 1189. Solvent blue 104.
Sec. 1190. Pro-jet magenta 364 stage.
Sec. 1191. 4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide.
Sec. 1192. Undecylenic acid.
Sec. 1193. 2-Methyl-4-chlorophenoxyacetic acid.
Sec. 1194. Iminodisuccinate.
Sec. 1195. Iminodisuccinate salts and aqueous solutions.
Sec. 1196. Poly(vinyl chloride) (PVC) self-adhesive sheets.
Sec. 1197. 2-Butyl-2-ethylpropanediol.
Sec. 1198. Cyclohexadec-8-en-1-one.
Sec. 1199. Paint additive chemical.
Sec. 1200. o-Cumyl-octylphenol.
Sec. 1201. Certain polyamides.
Sec. 1202. Mesamoll.
Sec. 1203. Vulkalent E/C.
Sec. 1204. Baytron M.
Sec. 1205. Baytron C–R.
Sec. 1206. Baytron P.
Sec. 1207. Molds for use in certain DVDs.
Sec. 1208. KN001 (a hydrochloride).
Sec. 1209. Certain compound optical microscopes.
Sec. 1210. DPC 083.
Sec. 1211. DPC 961.
Sec. 1212. Petroleum sulfonic acids, sodium salts.
Sec. 1213. Pro-jet cyan 1 press paste.
Sec. 1214. Pro-jet black ALC powder.
Sec. 1215. Pro-jet fast yellow 2 RO feed.
Sec. 1216. Solvent yellow 145.
Sec. 1217. Pro-jet fast magenta 2 RO feed.
Sec. 1218. Pro-jet fast cyan 2 stage.
Sec. 1219. Pro-jet cyan 485 stage.
Sec. 1220. Triflusulfuron methyl formulated product.
Sec. 1221. Pro-jet fast cyan 3 stage.
Sec. 1222. Pro-jet cyan 1 RO feed.
Sec. 1223. Pro-jet fast black 287 NA paste/liquid feed.
Sec. 1224. 4-(cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester.
Sec. 1225. 4''-epimethylamino-4''-deoxyavermectin B_{1a} and B_{1b} benzoates.
Sec. 1226. Formulations containing 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
Sec. 1227. Mixtures of 2-(2-chloroethoxy) - N - [[4-methoxy-6-methyl - 1,3,5 - triazin - 2-yl) - mino]carbonyl-benzenesulfonamide] and 3,6-dichloro - 2 - methoxybenzoic acid.
Sec. 1228. (E,E)-α-(methoxyimino) - 2 - [[[[1-[3-(trifluoro- methyl)phenyl]-ethylidene]amino] oxy]methyl]benzeneacetic acid, methyl ester.
Sec. 1229. Formulations containing sulfur.
Sec. 1230. Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin - 2 - yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea.
Sec. 1231. Mixtures of 4-cyclopropyl-6-methyl - N - phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1232. (R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester.
Sec. 1233. Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester.
Sec. 1234. Benzothialdiazole-7-carbothioic acid, S-methyl ester.
Sec. 1235. O-(4-bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate.
Sec. 1236. 1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole.
Sec. 1237. Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4H-1,3,5-oxadiazin-4-imine.
Sec. 1238. 1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.
Sec. 1239. 4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one.
Sec. 1240. 4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1241. Mixtures of 2-(((((4,6-dimethoxypyrimidin - 2 - yl)aminocarbonyl)) aminosulfonyl))-N,N - dimethyl-3-pyridine- carboxamide and application adjuvants.
Sec. 1242. Monochrome glass envelopes.
Sec. 1243. Ceramic coater.
Sec. 1244. Pro-jet black 263 stage.
Sec. 1245. Pro-jet fast black 286 paste.
Sec. 1246. Bromine-containing compounds.
Sec. 1247. Pyridinedicarboxylic acid.
Sec. 1248. Certain semiconductor mold compounds.
Sec. 1249. Solvent blue 67.
Sec. 1250. Pigment blue 60.
Sec. 1251. Menthyl anthranilate.
Sec. 1252. 4-Bromo-2-fluoroacetanilide.
Sec. 1253. Propiophenone.
Sec. 1254. m-chlorobenzaldehyde.
Sec. 1255. Ceramic knives.
Sec. 1256. Stainless steel railcar body shells.
Sec. 1257. Stainless steel railcar body shells of 148-passenger capacity.
Sec. 1258. Pendimethalin.
Sec. 1259. 3,5-Dibromo-4-hydoxybenzonitril ester and inerts.
Sec. 1260. 3,5-Dibromo-4-hydoxybenzonitril.
Sec. 1261. Isoxaflutole.
Sec. 1262. Cyclanilide technical.
Sec. 1263. R115777.
Sec. 1264. Bonding machines.
Sec. 1265. Glyoxylic acid.
Sec. 1266. Fluoride compounds.
Sec. 1267. Cobalt boron.
Sec. 1268. Certain steam or other vapor generating boilers used in nuclear facilities.
Sec. 1269. Fipronil technical.
Sec. 1270. KL540.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1301. Extension of certain existing duty suspensions and reductions.
Sec. 1302. Technical correction.
Sec. 1303. Effective date.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1401. Certain telephone systems.
Sec. 1402. Color television receiver entries.
Sec. 1403. Copper and brass sheet and strip.
Sec. 1404. Antifriction bearings.
Sec. 1405. Other antifriction bearings.
Sec. 1406. Printing cartridges.
Sec. 1407. Liquidation or reliquidation of certain entries of N,N-dicyclohexyl-2-benzothiazolesulfenamide.
Sec. 1408. Certain entries of tomato sauce preparation.
Sec. 1409. Certain tomato sauce preparation entered in 1990 through 1992.
Sec. 1410. Certain tomato sauce preparation entered in 1989 through 1995.
Sec. 1411. Certain tomato sauce preparation entered in 1989 and 1990.
Sec. 1412. Neoprene synchronous timing belts.
Sec. 1413. Reliquidation of drawback claim number R74–10343996.
Sec. 1414. Reliquidation of certain drawback claims filed in 1996.
Sec. 1415. Reliquidation of certain drawback claims relating to exports of merchandise from May 1993 to July 1993.
Sec. 1416. Reliquidation of certain drawback claims relating to exports claims filed between April 1994 and July 1994.
Sec. 1417. Reliquidation of certain drawback claims relating to juices.
Sec. 1418. Reliquidation of certain drawback claims filed in 1997.
Sec. 1419. Reliquidation of drawback claim number WJU1111031–7.
Sec. 1420. Liquidation or reliquidation of certain entries of athletic shoes.
Sec. 1421. Reliquidation of certain drawback claims relating to juices.
Sec. 1422. Drawback of finished petroleum derivatives.
Sec. 1423. Reliquidation of certain entries of self-tapping screws.
Sec. 1424. Reliquidation of certain entries of vacuum cleaners.
Sec. 1425. Liquidation or reliquidation of certain entries of conveyor chains.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

Sec. 1431. Short title.
Sec. 1432. Findings; purpose.
Sec. 1433. Amendments to Harmonized Tariff Schedule of the United States.
Sec. 1434. Regulations relating to entry procedures and sales of prototypes.
Sec. 1435. Effective date.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

Sec. 1441. Short title.
Sec. 1442. Findings and purposes.
Sec. 1443. Prohibition on importation of products made with dog or cat fur.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 1451. Alternative mid-point interest accounting methodology for underpayment of duties and fees.
Sec. 1452. Exception from making report of arrival and formal entry for certain vessels.
Sec. 1453. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1454. International travel merchandise.
Sec. 1455. Change in rate of duty of goods returned to the United States by travelers.
Sec. 1456. Treatment of personal effects of participants in international athletic events.
Sec. 1457. Collection of fees for customs services for arrival of certain ferries.
Sec. 1458. Establishment of drawback based on commercial interchangeability for certain rubber vulcanization accelerators.
Sec. 1459. Cargo inspection.
Sec. 1460. Treatment of certain multiple entries of merchandise as single entry.
Sec. 1461. Report on customs procedures.
Sec. 1462. Drawbacks for recycled materials.
Sec. 1463. Preservation of certain reporting requirements.
Sec. 1464. Importation of gum arabic.
Sec. 1465. Customs services at the Detroit Metropolitan Airport.

Subtitle C—Effective Date

Sec. 1471. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Trade adjustment assistance for certain workers affected by environmental remediation or closure of a copper mining facility.
Sec. 2002. Chief Agricultural Negotiator.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

Sec. 3001. Findings.
Sec. 3002. Termination of application of title IV of the Trade Act of 1974 to Georgia.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

Sec. 4001. Short title.
Sec. 4002. Modifications to rules governing reimportation of tobacco products.
Sec. 4003. Technical amendment to the Balanced Budget Act of 1997.
Sec. 4004. Requirements applicable to imports of certain cigarettes.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.07.10	9902.29.89	9902.30.55
9902.08.07	9902.29.94	9902.30.57
9902.29.10	9902.29.99	9902.30.61
9902.29.14	9902.30.00	9902.30.62
9902.29.22	9902.30.05	9902.30.81
9902.29.25	9902.30.08	9902.30.82
9902.29.27	9902.30.11	9902.30.85
9902.29.30	9902.30.13	9902.30.88
9902.29.31	9902.30.14	9902.30.94
9902.29.33	9902.30.15	9902.30.95
9902.29.38	9902.30.21	9902.30.97
9902.29.39	9902.30.23	9902.31.05
9902.29.40	9902.30.25	9902.38.07
9902.29.41	9902.30.27	9902.39.08
9902.29.42	9902.30.30	9902.39.10
9902.29.47	9902.30.32	9902.44.21
9902.29.48	9902.30.34	9902.57.02
9902.29.49	9902.30.35	9902.62.01
9902.29.56	9902.30.36	9902.62.04
9902.29.59	9902.30.37	9902.64.02
9902.29.64	9902.30.39	9902.70.12
9902.29.70	9902.30.40	9902.70.13
9902.29.71	9902.30.42	9902.70.14
9902.29.73	9902.30.43	9902.70.15
9902.29.77	9902.30.46	9902.78.01
9902.29.78	9902.30.47	9902.84.47
9902.29.79	9902.30.48	9902.85.40
9902.29.80	9902.30.50	9902.85.44
9902.29.81	9902.30.51	9902.98.00
9902.29.83	9902.30.52	
9902.29.84		

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methyl- benzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)-methyl]-4-thiazolidine-carboxamide (CAS No. 186538–00–1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1102. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1H-imidazole-2-methanol carbamate (CAS No. 178979–85–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.80	2,2,6,6-Tetramethyl-4-piperidine (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.02	Instant print film, in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	".

SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1107. CIBACRON RED LS–B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.04	Reactive Red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30) ...	Free	No change	No change	On or before 12/31/2003	".

SEC. 1108. CIBACRON BRILLIANT BLUE FN–G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]amino]-4,11-triphenodioxazinedisulfonic acid lithium sodium salt (CAS No. 163062–28–0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1109. CIBACRON SCARLET LS–2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.86	Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30) ...	Free	No change	No change	On or before 12/31/2003	".

SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.91	2-Amino-4-(4-aminobenzoylamino)-benzenesulfonic acid (CAS No. 167614–37–1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.87	α-(2-(4-Chlorophenyl)ethyl-α-phenyl-1H-1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369–43–6) (provided for in subheading 2933.90.06) ...	Free	No change	No change	On or before 12/31/2003	".

SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.82	2,6-Dichlorotoluene (CAS No. 118–69–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 18369–96–5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1H-1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143–82–5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.93	Benzoic acid, 3-methoxy-2-methyl-,2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1116. 1-FLUORO-2-NITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.04	1-Fluoro-2-nitrobenzene (CAS No. 001493–27–2) (provided for in subheading 2904.90.30)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.03	p-Hydroxybenzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.05	Toluhydroquinone, (CAS No. 95–71–6) (provided for in subheading 2907.29.90)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1119. 2,4-DICUMYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.19.80	2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907.19.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1120. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.85.42	Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1121. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.85.41	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)	1%	No change	No change	On or before 12/31/2003	''.

SEC. 1122. CERTAIN RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

''	9902.52.01	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)	Free	No change	No change	On or before 12/31/2003	
	9902.52.03	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1123. RHINOVIRUS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.97	(2E,4S)-4-(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyly) amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1124. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.00	N-sec-Butyl-4-tert-butyl-2,6-dinitroaniline (CAS No. 33629–47–9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1125. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.01	Branched dodecylbenzenes (CAS No. 123–01–3) (provided for in subheading 2902.90.30)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1126. CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.96	(4-Fluorophenyl)-[3-[(4-fluorophenyl)-ethynyl]phenyl]methanone (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1127. CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.55	4-Chloro-3-[4-[[4-(dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828–81–9) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1128. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.62	Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187–44–6) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1129. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.34	4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (CAS No. 109940–17–2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066–12–9); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H- pyrazol-4-yl]methylene]-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266–02–1); 4-[4-[[4-(Dimethylamino)-phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-l-yl]benzenesulfonic acid, potassium salt (CAS No. 27268–31–1); 4,5-dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazol-4-yl]-2,4- pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863–74–4) (all of the foregoing provided for in subheading 2933.19.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1130. 4,4'-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.85	Bis(4-fluorophenyl)methanone (CAS No. 345–92–6) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1131. A FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.14	(4-Fluorophenyl)phenylmethanone (CAS No. 345–83–5) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1132. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.10	Di-trimethylolpropane (CAS No. 23235–61–2 (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1133. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.09	Hydroxypivalic acid (CAS No. 4835–90–9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1134. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.15	Allyl pentaerythritol (CAS No. 1471–18–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1135. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.58	Trimethylolpropane, diallyl ether (CAS No. 682–09–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1136. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.59	Trimethylolpropane monoallyl ether (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1137. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.26.11	Tungsten concentrates (provided for in subheading 2611.00.60)	Free	No Change	No change	On or before 12/31/2003	".

SEC. 1138. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.62	2-Chloro-p-toluidine (CAS No. 95–74–9) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1139. CERTAIN ION-EXCHANGE RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.39.30	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.31	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethylenylcyclohexane, hydrolyzed (CAS No. 109961–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.32	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832–76–7) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1140. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.49	11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1141. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.16	4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1142. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.17	2,6-Dichloro aniline (CAS No. 608–31–1) (provided for in subheading 2921.42.90) ...	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1143. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.06	Diphenyl sulfide (CAS No. 139–66–2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1144. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.02	α,α,α-Trifluoro-2,6-dinitro-p-toluidine (CAS No. 1582–09–8) (provided for in subheading 2921.43.15)	3.3%	No change	No change	On or before 12/31/2003	''.

SEC. 1145. DIETHYL IMIDAZOLIDINONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.26	1,3-Diethyl-2-imidazolidinone (CAS No. 80–73–9) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1146. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.30.49	N-Ethyl-N-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)- benzenamine (CAS No. 55283–68–6) (provided for in subheading 2921.43.80)	3.5%	No change	No change	On or before 12/31/2003	''.

SEC. 1147. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

''	9902.29.59	N-Butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (CAS No. 1861–40–1) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1148. 3-AMINO-5-MERCAPTO-1,2,4-TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.08	3-Amino-5-mercapto-1,2,4-triazole (CAS No. 16691–43–3) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1149. DIETHYL PHOSPHOROCHLORODOTHIOATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.58	O,O-Diethyl phosphorochlorodothioate (CAS No. 2524–04–1) (provided for in subheading 2920.10.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1150. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.61	Quinoline (CAS No. 91–22–5) (provided for in subheading 2933.40.70)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1151. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.33.92	2,2-Dithiobis(8-fluoro-5-methoxy)-1,2,4- triazolo[1,5-c] pyrimidine (CAS No. 166524–74–9) (provided for in subheading 2933.59.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1152. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.90.20	Automated visual inspection systems of a kind used for physical inspection of capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1153. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.70	Presses for pressing tantalum powder into anodes (provided for in subheading 8462.99.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1154. TRIM AND FORM MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.40	Trimming and forming machines used in the manufacture of surface mounted electronic components other than semiconductors prior to marking (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1155. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.30	Assembly machines for assembling anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1156. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.01	Thionyl chloride (CAS No. 7719–09–7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1157. PHENYLMETHYL HYDRAZINECARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1158. TRALKOXYDIM FORMULATED.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

‘‘	9902.06.62	2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) (provided for in subheading 2925.20.60) ..	Free	No change	No change	On or before 12/31/2001	
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	’’.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—
(A) by striking ‘‘Free’’ each place it appears and inserting ‘‘1.1%’’; and
(B) by striking ‘‘On or before 12/31/2001’’ each place it appears and inserting ‘‘On or before 12/31/2002’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—
(A) by striking ‘‘1.1%’’ each place it appears and inserting ‘‘2.3%’’; and
(B) by striking ‘‘On or before 12/31/2002’’ each place it appears and inserting ‘‘On or before 12/31/2003’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1159. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.63	2-[2,4-Dichloro-5-hydroxyphenyl)-hydrazono]-1-piperidine-carboxylic acid, methyl ester (CAS No. 159393–46–1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1160. KL084.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.69	2-Imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393–48–3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—
(A) by striking ‘‘5.4%’’ and inserting ‘‘4.7%’’; and
(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—
(A) by striking ‘‘4.7%’’ and inserting ‘‘4.0%’’; and
(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(d) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—
(A) by striking ‘‘4.0%’’ and inserting ‘‘3.3%’’; and
(B) by striking ‘‘On or before 12/31/2002’’ and inserting ‘‘On or before 12/31/2003’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1161. IN–N5297.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.35	2-(Methoxycarbonyl)- benzylsulfonamide (CAS No. 59777–72–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1162. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.38.01	Methyl (E)-2-2[6-(2-cyanophenoxy)-pyrimidin-4-xloxy]phenyl-3-methoxyacrylate (CAS No. 131860–33–8) (provided for in subheading 3808.20.15)	5.7%	No change	No change	On or before 12/31/2003	’’.

SEC. 1163. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.09	Mixtures of enilconazole (CAS No. 35554–44–0 or 73790–28–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1164. NORBLOC 7966.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.22	2-(2’-Hydroxy-5’- methacrylyloxyethylphenyl)-2H-benzotriazole (CAS No. 96478–09–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1165. IMAZALIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.10	Enilconazole (CAS No. 35554–44–0 or 73790–28–0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1166. 1,5-DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.14	1,5-Dichloroanthraquinone (CAS No. 82–46–2) (provided for in subheading 2914.70.40)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1167. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.28.19	9-Anthracene-carboxylic acid, (triethoxysilyl)-methyl ester (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1168. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.20	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471–44–8) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1169. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.64	Mixtures of E-2-[1-[[(3-chloro-2-propenyl)oxy]-imino]propyl]-3-hydroxy-5-(tetrahydro-2H-pyran-4-yl)-2-cyclohexen-1-one (CAS No. 149979–41–9) and application adjuvants (provided for in subheading 3808.30.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1170. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.30	4-Chloro-2-(1,1-dimethylethyl)-5-(((4-(1,1-dimethylethyl)phenyl)-methyl)thio)-3-(2H)-pyridazinone (CAS No. 96489–71–3) (provided for in subheading 2933.90.22) ..	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1171. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.02	2-Acetylnicotinic acid (CAS No. 89942–59–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1172. SAME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.21.06	Food supplement preparation of S-adenosylmethionine 1,4-butanedisulfonate (CAS No. 101020–79–5) (provided for in subheading 2106.90.99)	5.5%	No change	No change	On or before 12/31/2003	''.

SEC. 1173. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.60	1,5-Naphthalene-disulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)-azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)amino)-methyl)phenyl)-amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)-azo)-, octa- (CAS No. 186554–26–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1174. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.05	Mixture of 3-phenyl-7-(4-propoxyphenyl)benzo-(1,2-b:4,5-b')-difuran-2,6-dione (CAS No. 79694–17–0); 4-(2,6-dihydro-2,6-dioxo)-7-phenylbenzo-(1,2-b:4,5-b')-difuran-3-ylphenoxyacetic acid, 2-ethoxyethyl ester (CAS No. 126877–05–2); and 4-(2,6-dihydro-2,6-dioxo-7-(4-propoxphenyl)-benzo-(1,2-b:4,5-b')-difuran-3-yl)-phenoxy)phenoxy)-acetic acid, 2-ethoxyethyl ester (CAS No. 126877–06–3) (the foregoing mixture provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1175. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.50	Mixture of 2,7-naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554–27–8); and 1,5-Naphthalenedisulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)-amino)methyl)-phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554–26–7) (the foregoing mixture provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1176. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.46	Reactive yellow 138:1 mixed with non-color dispersing agent, anti-dusting agent and water (CAS No. 72906–25–3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1177. 2-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.25	2-Phenylphenol (CAS No. 90–43–7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1178. 2-METHOXY-1-PROPENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.27	2-Methoxy-1-propene (CAS No. 116–11–0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1179. 3,5-DIFLUOROANILINE.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.56	3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	''.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—
(A) by striking ''7.4%'' and inserting ''6.7%''; and
(B) by striking ''On or before 12/31/2001'' and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—
(A) by striking ''6.7%'' and inserting ''6.3%''; and
(B) by striking ''On or before 12/31/2002'' and inserting ''On or before 12/31/2003''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1180. QUINCLORAC.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.47	3,7-Dichloro-8-quinolinecarboxylic acid (CAS No. 84087–01–4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	’’.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking ‘‘6.8%’’ and inserting ‘‘5.9%’’; and
(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking ‘‘5.9%’’ and inserting ‘‘5.4%’’; and
(B) by striking ‘‘On or before 12/31/2002’’ and inserting ‘‘On or before 12/31/2003’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1181. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.81	Mixture of Disperse blue 284, Disperse brown 19 and Disperse red 311 with non-color dispersing agent (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1182. FLUROXYPYR, 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.77	Fluoroxypyr, 1-methylheptyl ester (1-Methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetate) (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1183. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.29	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879–66–2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1184. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1, 3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1185. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.03	1-Octadecanaminium, N,N-dimethyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-N^{29},N^{30},N^{31},N^{32}]cuprate(1-) (CAS No. 70750–63–9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1186. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.70	Tetraacetylethylenediamine (CAS Nos. 10543–57–4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1187. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.71	Isobornyl acetate (CAS No. 125–12–2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1188. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.73	Solvent blue 124 (CAS No. 29243–26–3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1189. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.72	Solvent blue 104 (CAS No. 116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1190. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.00	5-[4-(4,5-Dimethyl-2-sulfophenylamino)-6-hydroxy-[1,3,5-triazin-2-yl amino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naphthalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1191. 4-AMINO-2,5-DIMETHOXY-N-PHENYLBENZENE SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.73	4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide (CAS No. 52298–44–9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1192. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.78	10-Undecylenic acid (CAS No. 112–38–9) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1193. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.81	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 94–74–6) and its 2-ethylhexyl ester (CAS No. 29450–45–1) (provided for in subheading 2918.90.20); and 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039–46–5) (provided for in subheading 2921.19.60)	2.6%	No change	No change	On or before 12/31/2003	’’.

SEC. 1194. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.83	Mixtures of sodium salts of iminodisuccinic acid (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1195. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.10	Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1196. POLY(VINYL CHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.01	Poly(vinyl chloride) (PVC) self-adhesive sheets, of a kind used to make bandages (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1197. 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.84	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1198. CYCLOHEXADEC-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.85	Cyclohexadec-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1199. PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.33	N-Cyclopropyl-N′-(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159–98–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1200. $_{O}$-CUMYL-OCTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.86	o-Cumyl-octylphenol (CAS No. 73936–80–8) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1201. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.08	Micro-porous, ultrafine, spherical forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS No. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1202. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.14	Mixture of phenyl esters of C_{10}–C_{18} alkylsulfonic acids (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1203. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.31	Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil (provided for in 3824.90.28)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1204. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.87	3,4-Ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1205. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.15	Aqueous catalytic preparations based on iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1206. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.15	Aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly-(styrenesulfonate) (cationic) (CAS No. 155090–83–8) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1207. MOLDS FOR USE IN CERTAIN DVDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.19	Molds for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8480.71.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1208. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.88	2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1209. CERTAIN COMPOUND OPTICAL MICROSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.98.07	Compound optical microscopes: whether or not stereoscopic and whether or not provided with a means for photographing the image; especially designed for semiconductor inspection; with full encapsulation of all moving parts above the stage; meeting ‘‘cleanroom class 1’’ criteria; having a horizontal distance between the optical axis and C-shape microscope stand of 8″ or more; and fitted with special microscope stages having a lateral movement range of 6″ or more in each direction and containing special sample holders for semiconductor wafers, devices, and masks (provided for in heading 9011.20.80)	Free	No Change	No change	On or before 12/31/2003	’’.

SEC. 1210. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.92	(S)-6-Chloro-3,4-dihydro-4E-cyclopropylethnyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–99–7) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1211. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.20.05	(S)-6-Chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–88–4) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1212. PETROLEUM SULFONIC ACIDS, SODIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.34.01	Petroleum sulfonic acids, sodium salts (CAS No. 68608–26–4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1213. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.20	Direct blue 199 acid (CAS No. 80146–12–9) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1214. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.23	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1215. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.99	Direct yellow 173 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1216. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.30.46	Solvent yellow 145 (CAS No. 27425–55–4) (provided for in subheading 3204.19.25) ..	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1217. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.24	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1218. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.17	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1219. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.25	[(2-Hydroxyethylsulfamoyl)-sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1220. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.50	Methyl 2-[[[[[-4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1221. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.30.11	[29H,31H-Phthalocyaninato(2-) -xN29,xN30,xN31,xN32] copper,[[2-[4-(2-aminoethyl)-1-piperazinyl]-ethyl]amino]sulfonylamino-sulfonyl[(2-hydroxy-ethyl)amino]-sulfonyl [[2-[[2-(1-piperazinyl)ethyl]-amino)ethyl]-amino]sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30) ...	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1222. PRO-JET CYAN 1 RO FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.65	Direct blue 199 sodium salt (CAS No. 90295–11–7) (provided for in subheading 3204.14.30)	9.5%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a), is amended—
(A) by striking ‘‘9.5%’’ and inserting ‘‘8.5%’’; and
(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a) and amended by subsection (b), is further amended—
(A) by striking ‘‘8.5%’’ and inserting ‘‘7.4%’’; and
(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1223. PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.67	Direct black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	''.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a), is amended—
(A) by striking ''7.8%'' and inserting ''7.1%''; and
(B) by striking ''On or before 12/31/2000'' and inserting ''On or before 12/31/2001''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a) and amended by subsection (b), is further amended—
(A) by striking ''7.1%'' and inserting ''6.4%''; and
(B) by striking ''On or before 12/31/2001'' and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1224. 4-(CYCLOPROPYL-A-HYDROXYMETHYLENE)-3,5-DIOXO-CYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.93	4-(Cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid, ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1225. 4''-EPIMETHYLAMINO-4''-DEOXYAVERMECTIN B_{1A} AND B_{1B} BENZOATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.94	4''-Epimethyl-amino-4''-deoxyavermectin B_{1a} and B_{1b} benzoates (CAS No. 137512–74–4, 155569–91–8, or 179607–18–2) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1226. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	''.

SEC. 1227. MIXTURES OF 2-(2-CHLOROETHOXY)-$_N$-[[4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)-AMINO]CARBONYLBENZENESULFONAMIDE] AND 3,6-DICHLORO-2-METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.21	Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonylbenzene-sulfonamide] (CAS No. 82097–50–5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918–00–9) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1228. ($_{E,E}$)-A-(METHOXYIMINO)-2-[[[[1-[3-(TRIFLUOROMETHYL)PHENYL]-ETHYLIDENE]AMINO]OXY]METHYL]BENZENEACETIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.41	(E,E)-α-(Methoxyimino)-2-[[[[1-[3-(trifluoromethyl)phenyl]- ethylidene]amino]oxy]- methyl]benzeneacetic acid, methyl ester (CAS No. 141517–21–7) (provided for in subheading 2929.90.20)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1229. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.13	Mixtures of sulfur (80 percent by weight) and application adjuvants (CAS No. 7704–34–9) (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1230. MIXTURES OF 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLOROETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.52	Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea (CAS No. 82097–50–5) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1231. MIXTURES OF 4-CYCLOPROPYL-6-METHYL-$_N$-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1$_H$-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.53	Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1232. (R)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER AND (S)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.31	(R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester (CAS No. 69516–34–3) (both of the foregoing provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1233. MIXTURES OF BENZOTHIADIAZOLE-7-CARBOTHIOIC ACID, $_S$-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.22	Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1234. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID, $_S$-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.42	Benzothialdiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1235. $_O$-(4-BROMO-2-CHLOROPHENYL)-$_O$-ETHYL-$_S$-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.30	O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate (CAS No. 41198–08–7) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1236. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL]-METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.80	1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole (CAS No. 60207–90–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1237. TETRAHYDRO-3-METHYL-N-NITRO-5-[[2-PHENYLTHIO)-5-THIAZOLYL]-4H-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.76	Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine (CAS No. 192439–46–6) (provided for in subheading 2934.10.10)	4.3%	No change	No change	On or before 12/31/2003	''.

SEC. 1238. 1-(4-METHOXY-6-METHYLTRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.40	1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1239. 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYLMETHYLENE)AMINO]-1,2,4-TRIAZIN-3(2H)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.94	4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1240. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.97	4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1241. MIXTURES OF 2-(((((4,6-DIMETHOXYPYRIMIDIN-2-YL)AMINOCARBONYL))AMINOSULFONYL))-N,N-DIMETHYL-3-PYRIDINECARBOXAMIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.69	Mixtures of 2-(((((4,6-dimethoxypyrimidin-2-yl)aminocarbonyl))aminosulfonyl))-N,N-dimethyl-3-pyridinecarboxamide and application adjuvants (CAS No. 111991–09–4) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1242. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.70.01	Monochrome glass envelopes (provided for in subheading 7011.20.40)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1243. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.00	Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1244. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.13	5-[4-(7-Amino-1-hydroxy-3-sulfonaphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30) ..	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1245. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.44	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo-6-sulfo-1-naphthalenylazo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1246. BROMINE-CONTAINING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

''	9902.28.08	2-Bromoethanesulfonic acid, sodium salt (CAS No. 4263–52–9) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2003	
	9902.28.09	4,4'-Dibromobiphenyl (CAS No. 92–86–4) (provided for in subheading 2903.69.70) ..	Free	No change	No change	On or before 12/31/2003	
	9902.28.10	4-Bromotoluene (CAS No. 106–38–7) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1247. PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

''	9902.29.38	1,4-Dihydro-2,6-dimethyl-1,4-diphenyl-3,5-pyridinedicarboxylic acid, dimethyl ester (CAS No. 83300–85–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	
	9902.29.39	1-[2-[2-Chloro-3-[(1,3-dihydro-1,3,3-trimethyl-2H-indol-2-ylidene)ethylidene]-1-cyclopenten-1-yl]ethenyl]-1,3,3-trimethyl-3H-indolium salt with trifluoromethane-sulfonic acid (1:1) (CAS No. 128433–68–1) (provided for in subheading 2933.90.24) ..	Free	No change	No change	On or before 12/31/2003	
	9902.29.40	N-[4-[5-[4-(Dimethylamino)-phenyl]-1,5-diphenyl-2,4-pentadienylidene]-2,5-cyclohexadien-1-ylidene]-N-methylmethanaminium salt with trifluoromethane-sulfonic acid (1:1) (CAS No. 100237–71–6) (provided for in subheading 2921.49.45) ..	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1248. CERTAIN SEMICONDUCTOR MOLD COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.39.07	Thermosetting epoxide molding compounds of a kind suitable for use in the manufacture of semiconductor devices, via transfer molding processes, containing 70 percent or more of silica, by weight, and having less than 75 parts per million of combined water-extractable content of chloride, bromide, potassium and sodium (provided for in subheading 3907.30.00)	3.5%	No change	No change	On or before 12/31/2003	''.

SEC. 1249. SOLVENT BLUE 67.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.53	Solvent blue 67 (CAS No. 81457–65–0) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1250. PIGMENT BLUE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.08	Pigment blue 60 (CAS No. 81–77–6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1251. MENTHYL ANTHRANILATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.08.10	Menthyl anthranilate (CAS No. 134–09–08) (provided for in subheading 2922.49.27)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1252. 4-BROMO-2-FLUOROACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.15	4-Bromo-2-fluoroacetanilide (CAS No. 326–66–9) (provided for in subheading 2924.21.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1253. PROPIOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.16	Propiophenone (CAS No. 93–55–0) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1254. M-CHLOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.17	m-Chlorobenzaldehyde (CAS No. 587–04–2) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1255. CERAMIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.69.01	Knives having ceramic blades, such blades containing over 90 percent zirconia by weight (provided for in subheading 6911.10.80 or 6912.00.48)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1256. STAINLESS STEEL RAILCAR BODY SHELLS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.86.07	Railway car body shells of stainless steel, the foregoing which are designed for gallery type railway cars each having an aggregate capacity of 138 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1257. STAINLESS STEEL RAILCAR BODY SHELLS OF 148-PASSENGER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.86.08	Railway car body shells of stainless steel, the foregoing which are designed for use in gallery type cab control railway cars each having an aggregate capacity of 148 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1258. PENDIMETHALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.21.42	N-(Ethylpropyl)-3,4-dimethyl-2,6-dinitroaniline (Pendimethalin) (CAS No. 40487–42–1) (provided for in subheading 2921.49.50)	1.1%	No change	No change	On or before 12/31/2003	''.

SEC. 1259. 3,5-DIBROMO-4-HYDOXYBENZONITRIL ESTER AND INERTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.04	Mixtures of octanoate and heptanoate esters of bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile) (CAS Nos. 1689–99–2 and 56634–95–8) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1260. 3,5-DIBROMO-4-HYDOXYBENZONITRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.18	Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile), octanoic acid ester (CAS No. 1689–99–2) (provided for in subheading 2926.90.25)	4.2%	No change	No change	On or before 12/31/2003	''.

SEC. 1261. ISOXAFLUTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.79	4-(2-Methanesulfonyl-4-trifluoromethylbenzoyl)-5-cyclopropylisoxazole (CAS No. 141112–29–0) (provided for in subheading 2934.90.15)	1.0%	No change	No change	On or before 12/31/2003	''.

SEC. 1262. CYCLANILIDE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.64	1-(2,4-Dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)	5.7%	No change	No change	On or before 12/31/2003	''.

SEC. 1263. R115777.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.40	(R)-6-[Amino(4-chlorophenyl)(1-methyl-1H-imidazol-5-yl)methyl]-4-(3-chlorophenyl)-1-methyl-2(1H)-quinoline (CAS No. 192185–72–1) (provided for in subheading 2933.40.26)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1264. BONDING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.16	Bonding machines for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8479.89.97)	1.7%	No change	No change	On or before 12/31/2003	''.

SEC. 1265. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.13	Glyoxylic acid (CAS No. 298–12–4) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1266. FLUORIDE COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

''	9902.28.20	Ammonium bifluoride (CAS No. 1341–49–7) (provided for in subheading 2826.11.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1267. COBALT BORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.80.05	Cobalt boron (provided for in subheading 8105.10.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1268. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.02	Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)	4.9%	No change	No change	On or before 12/31/2003	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

SEC. 1269. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.98	5-Amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((l,r,s)-(trifluromethylsulfinyl))-1H-pyrazole-3-carbonitrile (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	5.6%	No change	No change	On or before 12/31/2003	''.

SEC. 1270. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.91	Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	''.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting ''12/31/2003'':

(1) Heading 9902.32.12 (relating to DEMT).

(2) Heading 9902.39.07 (relating to a certain polymer).

(3) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(4) Heading 9902.29.37 (relating to certain sensitizing dyes).

(5) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(7) Heading 9902.33.59 (relating to DPX–E6758).

(8) Heading 9902.33.60 (relating to rimsulfuron).

(9) Heading 9902.70.03 (relating to rolled glass).

(10) Heading 9902.72.02 (relating to ferroboron).

(11) Heading 9902.70.06 (relating to substrates of synthetic quartz or synthetic fused silica).

(12) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).

(13) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).

(14) Heading 9902.32.06 (relating to yttrium).

(15) Heading 9902.32.55 (relating to methyl thioglycolate).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetrafluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting ''12/31/2003''.

(c) OTHER MODIFICATIONS.—

(1) METHYL ESTERS.—

(A) CALENDAR YEAR 2001.—

(i) IN GENERAL.—Heading 9902.38.24 (relating to methyl esters) is amended—

(I) by striking ''Free'' and inserting ''1.6%''; and

(II) by striking ''12/31/2000'' and inserting ''12/31/2001''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2001.

(B) CALENDAR YEAR 2002.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (A), is amended—

(I) by striking ''1.6%'' and inserting ''1.8%''; and

(II) by striking ''12/31/2001'' and inserting ''12/31/2002''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2002.

(C) CALENDAR YEAR 2003.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (B), is amended—

(I) by striking ''1.8%'' and inserting ''1.9%''; and

(II) by striking ''12/31/2002'' and inserting ''12/31/2003''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2003.

(2) CERTAIN MANUFACTURING EQUIPMENT.—Headings 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 (relating to certain manufacturing equipment) are each amended—

(A) by striking ''4011.91.50'' each place it appears and inserting ''4011.91'';

(B) by striking ''4011.99.40'' each place it appears and inserting ''4011.99''; and

(C) by striking ''86 cm'' each place it appears and inserting ''63.5 cm''.

(3) CARBAMIC ACID (U-9069).— Heading 9902.33.61 (relating to carbamic acid (U–9069)) is amended—

(A) by striking ''7.6%'' and inserting ''Free''; and

(B) by striking the date in the effective period column and inserting ''12/31/2003''.

(4) DPX–E9260.— Heading 9902.33.63 (relating to DPX–E9260) is amended—

(A) by striking ''5.3%'' and inserting ''Free''; and

(B) by striking the date in the effective period column and inserting ''12/31/2003''.

SEC. 1302. TECHNICAL CORRECTION.

Heading 9902.32.70 is amended by striking ''(provided for in subheading 2916.39.45)'' and inserting ''(provided for in subheading 2916.39.75)''.

SEC. 1303. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580–803–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
E85–0001814–6	10/05/89	Miami, FL
E85–0001844–3	10/30/89	Miami, FL
E85–0002268–4	07/21/90	Miami, FL
E85–0002510–9	12/15/90	Miami, FL
E85–0002511–7	12/15/90	Miami, FL
E85–0002509–1	12/15/90	Miami, FL
E85–0002527–3	12/12/90	Miami, FL
E85–0002550–0	12/20/90	Miami, FL
102–0121558–8	12/11/91	Miami, FL
E85–0002654–5	04/08/91	Miami, FL
E85–0002703–0	05/01/91	Miami, FL
E85–0002778–2	06/05/91	Miami, FL
E85–0002909–3	08/05/91	Miami, FL
E85–0002913–5	08/02/91	Miami, FL
102–0120990–4	10/18/91	Miami, FL
102–0120668–6	09/03/91	Miami, FL
102–0517007–8	11/20/91	Miami, FL
102–0122145–3	03/05/91	Miami, FL
102–0121173–6		Miami, FL
102–0121559–6		Miami, FL
E85–0002636–2		Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990, and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A–583–009).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for

by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
509–0210046–5	August 18, 1989
815–0908228–5	June 25, 1989
707–0836829–8	April 4, 1990
707–0836940–3	April 12, 1990
707–0837161–5	April 25,1990
707–0837231–6	May 3, 1990
707–0837497–3	May 17, 1990
707–0837498–1	May 24, 1990
707–0837612–7	May 31, 1990
707–0837817–2	June 13, 1990
707–0837949–3	June 19, 1990
707–0838712–4	August 7, 1990
707–0839000–3	August 29, 1990
707–0839234–8	September 15, 1990
707–0839284–3	September 12, 1990
707–0839595–2	October 2, 1990
707–0840048–9	November 1, 1990
707–0840049–7	November 1, 1990
707–0840176–8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110–1197671–6	10/18/86	7/6/92
110–1198090–8	12/19/86	1/23/87
110–1271919–8	11/12/86	11/6/87
110–1272332–3	11/26/86	11/20/87
110–1955373–1	12/17/86	7/26/96
110–1271914–9	11/12/86	11/6/87
110–1279006–6	09/09/87	8/26/88
110–1279699–8	10/06/87	11/6/87
110–1280399–2	11/03/87	12/11/87
110–1280557–5	11/11/87	12/28/87
110–1280780–3	11/24/87	01/29/88
110–1281399–1	12/16/87	2/12/88
110–1282632–4	02/17/88	3/18/88
110–1286027–3	02/26/88	2/17/89
110–1286056–2	02/23/88	2/12/89
719–0736650–5	07/27/87	3/13/92
110–1285877–2	09/08/88	06/02/89
110–1285885–5	09/08/88	06/02/89
110–1285959–8	09/13/88	06/02/89
110–1286057–0	03/01/88	04/01/88
110–1286061–2	03/02/88	02/24/89
110–1286120–6	03/13/88	03/03/89
110–1286122–2	03/13/88	03/03/89
110–1286123–0	03/13/88	03/03/89
110–1286124–8	03/13/88	03/03/89
110–1286133–9	03/20/88	04/15/88
110–1286134–7	03/20/88	04/15/88
110–1286151–1	03/15/88	09/15/89
110–1286194–1	03/22/88	08/24/90
110–1286262–6	04/04/88	06/09/89
110–1286264–2	03/30/88	06/09/89
110–1286293–1	04/09/88	06/02/89
110–1286294–9	04/09/88	06/02/89
110–1286330–1	04/13/88	06/02/89
110–1286332–7	04/13/88	06/02/89
110–1286376–4	04/20/88	06/02/89
110–1286398–8	04/29/88	06/02/89
110–1286399–6	04/29/88	06/02/89
110–1286418–4	05/06/88	06/02/89
110–1286419–2	05/06/88	06/02/89
110–1286465–5	05/13/88	06/02/89
110–1286467–1	05/13/88	06/02/89
110–1286488–7	05/20/88	07/01/88
110–1286489–5	05/20/88	07/01/88
110–1286490–3	05/20/88	07/01/88
110–1286567–8	05/27/88	06/02/89
110–1286578–5	06/03/88	06/02/89
110–1286579–3	06/03/88	06/02/89
110–1286638–7	06/10/88	06/02/89
110–1286683–3	06/17/88	06/02/89
110–1286685–8	06/17/88	06/02/89
110–1286703–9	06/24/88	07/29/88
110–1286725–2	06/24/88	06/02/89
110–1286740–1	07/01/88	06/02/89
110–1286824–3	07/08/88	06/02/89
110–1286863–1	07/20/88	06/02/89
110–1286910–0	07/24/88	06/02/89
110–1286913–4	07/29/88	06/02/89
110–1286942–3	07/26/88	09/09/88
110–1286990–2	08/02/88	06/02/89
110–1287007–4	08/05/88	06/02/89
110–1287058–7	08/09/88	06/02/89
110–1287195–7	09/22/88	06/02/89
110–1287376–3	09/29/88	06/02/89
110–1287377–1	09/29/88	06/02/89
110–1287378–9	09/29/88	06/02/89
110–1287573–5	10/06/88	06/02/89
110–1287581–8	10/06/88	06/02/89
110–1287756–6	10/11/88	06/29/90
110–1287762–4	10/11/88	06/02/89
110–1287780–6	10/14/88	06/02/89
110–1287783–0	10/14/88	06/02/89
110–1287906–7	10/18/88	06/02/89
110–1288061–0	10/25/88	06/02/89
110–1288086–7	10/27/88	06/02/89
110–1288229–3	11/03/88	06/02/89
110–1288370–5	11/08/88	06/29/90
110–1288408–3	11/10/88	06/29/90
110–1288688–0	11/24/88	06/02/89
110–1288692–2	11/24/88	06/02/89
110–1288847–2	11/29/88	06/29/90
110–1289041–1	12/07/88	06/02/89
110–1289248–2	12/22/88	06/02/89
110–1289250–8	12/21/88	06/02/89
110–1289260–7	12/22/88	06/02/89
110–1289376–1	12/29/88	06/02/89
110–1289588–1	01/15/89	06/02/89
110–0935207–8	01/05/90	03/13/92
110–1294738–5	10/31/89	03/20/90
110–1204990–1	06/08/89	09/29/89
11036694146	01/17/91	12/18/92
11036706841	03/06/91	2/19/93
11036725270	05/24/91	2/19/93
110–1231352–1	07/24/88	08/26/88
110–1231359–6	07/31/88	09/09/88
110–1286029–9	02/25/88	03/25/88
110–1286078–6	03/04/88	04/08/88
110–1286079–4	03/04/88	06/29/90
110–1286107–3	03/10/88	04/08/88
110–1286153–7	03/11/88	04/15/88
110–1286154–5	03/17/88	04/22/88
110–1286155–2	03/31/88	04/22/88
110–1286203–0	03/24/88	06/29/90
110–1286218–8	03/18/88	04/22/88
110–1286241–0	03/31/88	03/24/89
110–1286272–5	03/31/88	08/03/90
110–1286278–2	04/04/88	08/03/90
110–1286362–4	04/21/88	06/29/90
110–1286447–3	05/06/88	06/29/90
110–1286448–1	05/06/88	06/29/90
110–1286472–1	05/11/88	06/29/90
110–1286664–3	06/16/88	06/29/90
110–1286666–8	06/16/88	07/13/90
110–1286889–6	07/22/88	08/03/90
110–1286982–9	08/04/88	06/29/90
110–1287022–3	08/11/88	06/29/90
110–1804941–8	05/04/88	07/29/94
037–0022571–1	01/05/89	02/17/89
110–1135050–8	04/01/89	02/19/93
110–1135292–6	04/23/89	02/19/93
110–1135479–9	05/04/89	12/28/92
110–1136014–3	06/01/89	02/19/93
110–1136111–7	06/09/89	02/19/93
110–1136287–5	06/15/89	12/28/92
110–1136678–5	07/14/88	02/19/93
110–1136815–3	07/17/89	12/28/92
110–1137008–4	07/17/89	02/19/93
110–1137010–0	07/28/89	02/19/93
110–1231614–4	12/06/88	02/17/89
110–1231630–0	12/13/88	02/17/89
110–1231666–4	12/30/88	02/17/89
110–1231694–6	01/16/89	03/24/89
110–1231708–4	01/30/89	03/24/89
110–1231767–0	03/12/89	07/14/89
110–1232086–4	07/27/89	12/01/89
110–1287256–7	09/20/88	09/08/89
110–1287285–6	09/22/88	09/15/89
110–1287442–3	09/29/88	06/29/90
110–1287491–0	09/27/88	06/29/90
110–1287631–1	09/29/88	06/29/90
110–1287693–1	10/06/88	06/29/90
110–1288491–9	11/10/88	06/29/90
110–1288492–7	11/10/88	06/29/90
110–1288937–1	12/08/88	06/29/90
110–1710118–6	01/27/89	01/13/89
110–1137082–9	09/03/89	2/19/93
110–1138058–8	10/11/89	2/19/93
110–1138059–6	09/28/89	2/19/93
110–1138691–6	11/02/89	2/19/93
110–1138698–1	11/02/89	2/19/93
110–1139217–9	12/09/89	2/19/93
110–1139218–7	12/09/89	12/21/89
110–1139219–5	12/02/89	2/19/93
110–1139481–1	01/05/90	2/19/93
110–1140423–0	02/17/90	2/19/93
110–1140641–7	03/08/90	2/19/93
110–1141086–4	04/01/90	2/19/93
110–1142313–1	06/06/90	2/19/93
110–1142728–0	06/30/90	2/19/93
110–1232095–5	08/06/89	12/01/89
110–1232136–7	09/02/89	12/29/89
110–1293737–8	08/29/89	8/21/92
110–1293738–6	08/31/89	8/21/92
110–1293859–0	09/07/89	8/21/92
110–1293861–6	09/06/89	8/21/92
110–1294009–1	09/14/89	8/21/92
110–1294111–5	09/19/89	8/21/92
110–1294328–5	10/05/89	8/21/92
110–1294685–8	10/24/89	8/21/92
110–1294686–6	10/24/89	8/21/92
110–1294798–9	10/31/89	8/21/92
110–1295026–4	11/09/89	8/21/92
110–1295087–6	11/14/89	3/16/90
110–1295088–4	11/16/89	8/21/92
110–1295089–2	11/16/89	8/21/92
110–1295245–0	11/21/89	8/21/92
110–1295493–6	12/05/89	8/21/92
110–1295497–7	12/05/89	8/21/92
110–1295898–6	12/28/89	8/21/92
110–1295903–4	12/28/89	8/21/92
110–1296025–5	01/04/90	8/21/92
110–1296161–8	01/11/90	8/21/92
11011443535	09/25/90	12/18/92
11011448211	10/25/90	12/18/92
11001688032	04/12/88	06/03/88
11001691390	06/01/88	06/02/88
11009971950	03/07/88	03/03/89
11009972545	04/06/88	04/21/89
11012860745	03/04/88	04/08/88
11012861024	03/08/88	04/08/88
11012862071	03/24/88	04/29/88
11012862139	03/22/88	04/22/88
11012869316	07/28/88	06/29/90
11018048717	04/25/88	05/31/88
11018051323	06/08/88	07/08/88
11018054467	07/27/88	07/27/88
11018055324	08/10/88	08/20/88
11009976470	08/29/88	09/01/89
11017086056	10/26/88	12/02/88
11018057726	09/14/88	11/04/88
11018061991	11/09/88	12/30/88
11011366611	07/13/89	03/05/93
11012044811	03/18/89	04/23/93
11012053952	07/27/89	06/12/92
11012906159	03/09/89	06/29/90
11012908841	03/21/89	06/29/90
11012910227	03/28/89	06/29/90
11012911407	04/06/89	07/21/89
11012911415	04/06/89	06/29/90
11012911423	04/06/89	06/29/90
11012916240	05/04/89	06/29/90
11012922586	06/06/89	06/29/90
11012923964	06/15/89	06/29/90
11012928534	07/11/89	06/29/90
11012929771	07/19/89	06/29/90
11010060926	12/05/89	12/14/90
11012137037	10/02/90	06/12/92
11012941107	09/19/89	08/21/92
11012942238	09/28/89	08/21/92
11012943319	10/05/89	08/21/92
11012944374	10/13/89	03/02/90
11012944390	10/12/89	08/21/92
11012944408	10/13/89	08/21/92
11012946932	10/26/89	08/21/92
11012950918	11/17/89	11/09/90
11012952351	11/21/89	08/21/92
11012953821	11/29/89	08/21/92
11012954621	12/07/89	08/21/92
11012954803	12/07/89	08/21/92
11010103270	01/23/90	05/11/90
11011425391	06/16/90	02/19/93
11015255588	07/03/90	11/02/90
11018670254	01/11/90	01/22/90
11018671211	01/11/90	01/30/90
11018113123	06/06/90	
11010113105	09/06/90	01/04/91
11018133634	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days

after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016–0112010–6	May 26, 1989
(4601)016–0112028–8	June 28, 1989
(4601)016–0112126–0	December 5, 1989
(4601)016–0112132–8	December 18, 1989
(4601)016–0112164–1	February 5, 1990
(4601)016–0112229–2	April 12, 1990
(4601)016–0112211–0	March 21, 1990.

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016–0112223–5	April 4, 1990
(4601)710–0225218–8	August 24, 1990
(4601)710–0225239–4	September 5, 1990
(4601)710–0226079–3	May 21, 1991
(1704)J50–0016544–7	January 31, 1991
(4601)016–0112237–5	April 19, 1990
(4601)710–0226033–0	May 7, 1991
(4601)710–0226078–5	May 15, 1991
(4601)710–0225181–8	August 24, 1990
(4601)710–0225381–4	October 3, 1990.

SEC. 1406. PRINTING CARTRIDGES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.90.08 of the Harmonized Tariff Schedule of the United States (relating to parts of facsimile machines) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8473.30.50 of the Harmonized Tariff Schedule of the United States (relating to parts and accessories of machines classified under heading 8471 of such Schedule).

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Date of liquidation
01/29/97	112–9640193–6	05/23/97
01/30/97	112–9640390–8	05/16/97
02/01/97	112–9640130–8	05/16/97
02/21/97	112–9642191–8	06/06/97
02/18/97	112–9642236–1	06/06/97
02/24/97	112–9642831–9	06/06/97
02/28/97	112–9643311–1	06/13/97
03/07/97	112–9644155–1	06/20/97
03/14/97	112–9645020–6	06/27/97
03/18/97	112–9645367–1	07/07/97
03/20/97	112–9646067–6	07/11/97
03/20/97	112–9646027–0	07/11/97
03/24/97	112–9646463–7	07/11/97
03/26/97	112–9646461–1	07/11/97
03/24/97	112–9646390–2	07/11/97
03/31/97	112–9647021–2	07/18/97
04/04/97	112–9647329–9	07/18/97
04/07/97	112–9647935–3	02/20/98
04/11/97	112–9300307–3	02/20/98
04/11/97	112–9300157–2	02/20/98
04/24/97	112–9301788–3	03/06/98
04/25/97	112–9302061–4	03/06/98
04/28/97	112–9302268–5	03/13/98
04/25/97	112–9302328–7	03/13/98
04/25/97	112–9302453–3	03/13/98
04/25/97	112–9302438–4	03/13/98
04/25/97	112–9302388–1	03/13/98
05/30/97	112–9306611–2	10/31/97
05/02/97	112–9302488–9	03/13/98
05/09/97	112–9303720–4	03/20/98
05/06/97	112–9303761–8	03/20/98
05/14/97	112–9304827–6	03/27/98
05/16/97	112–9304932–4	03/27/98
01/02/97	112–9636637–8	04/18/97
01/10/97	112–9637688–0	04/25/97
01/06/97	112–9637316–8	04/18/97
01/31/97	112–9640064–9	05/16/97
01/28/97	112–9639734–0	05/09/97
01/25/97	112–9639410–7	05/09/97
01/24/97	112–9639109–5	05/09/97
04/04/97	112–9647321–6	07/18/97

SEC. 1407. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF N,N-DICYCLOHEXYL-2-BENZOTHIAZOLESULFENAMIDE.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, the Customs Service shall—

(1) not later than 90 days after receiving a request described in subsection (b), liquidate or reliquidate as free from duty the entries listed in subsection (c); and

(2) within 90 days after such liquidation or reliquidation, refund any duties paid with respect to such entries, including interest from the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0359145–4	November 26, 1996
0359144–7	November 26, 1996
0358011–9	October 30, 1996
0358010–1	October 30, 1996
0357091–2	October 8, 1996
0356909–6	October 1, 1996
0356480–8	September 27, 1996
0356482–4	September 24, 1996
0354733–2	August 7, 1996
0355663–0	August 27, 1996
0355278–7	August 20, 1996
0353571–7	July 3, 1996
0354382–8	July 23, 1996
0354204–4	July 18, 1996
0353162–5	June 25, 1996
0351633–7	May 14, 1996
0351558–6	May 7, 1996
0351267–4	April 27, 1996
0350615–5	April 12, 1996
0349995–5	March 25, 1996
0349485–7	March 11, 1996
0349243–0	February 27, 1996
0348597–6	February 17, 1996
0347203–6	January 2, 1996
0347759–7	January 17, 1996
0346113–8	December 12, 1995
0346119–5	November 29, 1995
0345065–1	October 31, 1995
0345066–9	October 31, 1995
0343859–9	October 3, 1995
0343860–7	October 3, 1995
0342557–0	August 30, 1995
0342558–8	August 30, 1995
0341557–1	July 31, 1995
0341558–9	July 31, 1995
0340382–5	July 6, 1995
0340838–6	June 28, 1995
0339139–2	June 7, 1995
0339144–2	May 31, 1995
0337866–2	April 26, 1995
0337667–4	April 26, 1995
0347103–8	April 12, 1995
0336953–9	March 29, 1995
0336954–7	March 29, 1995
0335799–7	March 1, 1995
0335800–3	March 1, 1995
0335445–7	February 14, 1995
0335020–8	February 9, 1995
0335019–0	February 1, 1995

SEC. 1408. CERTAIN ENTRIES OF TOMATO SAUCE PREPARATION.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
599–1501057–9	10/26/89
614–2717371–3	10/28/89
614–2717788–8	11/16/89
614–2717875–3	11/17/89
614–2723776–5	10/31/90
614–2725016–4	01/14/91
614–2725155–0	01/28/91
614–2725267–3	02/04/91
614–2725531–2	02/26/91
614–2725662–5	03/06/91
614–2725767–2	03/20/91
614–2725944–7	03/27/91
614–2726273–0	04/23/91
614–2726465–2	05/06/91
614–2726863–8	06/05/91
614–2727011–3	06/13/91
614–2727277–0	07/03/91

Entry Number	Entry Date
614–2727724–1	07/30/91
112–4021152–1	11/13/91
112–4021203–2	11/13/91
112–4021204–0	11/13/91
614–0081685–8	12/19/91
614–0081763–3	12/30/91
614–0082193–2	01/23/92
614–0082201–3	01/23/92
614–0082553–7	02/12/92
614–0082572–7	02/18/92
614–0082785–5	02/25/92
614–0082831–7	03/02/92
614–0083084–2	03/10/92
614–0083228–5	03/18/92
614–0083267–3	03/19/92
614–0083270–7	03/19/92
614–0083284–8	03/19/92
614–0083370–5	03/24/92
614–0083371–3	03/24/92
614–0083372–1	03/24/92
614–0083395–2	03/24/92
614–0083422–4	03/26/92
614–0083426–5	03/26/92
614–0083444–8	03/26/92
614–0083468–7	03/26/92
614–0083517–1	03/30/92
614–0083518–9	03/30/92
614–0083519–7	03/30/92
614–0083574–2	04/02/92
614–0083626–0	04/07/92
614–0083641–9	04/08/92
614–0083655–9	04/08/92
614–0083782–1	04/13/92
614–0083812–6	04/14/92
614–0083862–1	04/20/92
614–0083880–3	04/20/92
614–0083940–5	04/22/92
614–0083967–8	04/22/92
614–0084008–0	04/28/92
614–0084052–8	04/28/92
614–0084076–7	04/29/92
614–0084128–6	04/30/92
614–0084127–8	05/04/92
614–0084163–3	05/05/92
614–0084181–5	05/06/92
614–0084182–3	05/06/92
614–0084498–3	05/19/92
614–0084620–2	05/26/92
614–0084724–2	06/02/92
614–0084725–9	06/02/92
614–0084981–8	06/14/92
614–0084982–6	06/14/92
614–0084983–4	06/14/92
614–0086456–9	08/11/92
614–0086707–5	08/21/92
614–0086807–3	08/28/92
614–0086808–1	08/28/92
614–0088148–0	11/05/92
614–0088687–7	11/24/92
614–0091241–8	03/30/93
614–0091756–5	04/22/93
614–0091803–5	04/26/93
614–0096840–2	12/06/93
614–0095883–3	10/22/93
614–0095940–1	10/21/93
614–0096051–6	10/22/93
614–0096058–1	10/22/93
614–0096063–1	10/25/93
614–0096069–8	10/25/93
614–0100624–4	04/28/94
614–0100701–0	05/02/94
614–0099508–2	06/07/94
614–0002824–9	02/09/95
788–1003306–4	07/14/89

SEC. 1409. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1990 THROUGH 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
521–0010813–4	11/28/90
521–0011263–1	3/15/91
551–2047066–5	3/18/92
551–2047231–5	3/19/92
551–2047441–0	3/20/92
551–2053210–0	4/28/92
819–0565392–9	12/12/92

SEC. 1410. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 THROUGH 1995.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
614–2716855–6	10–11–89
614–2717619–5	11–11–89
614–2717846–4	11–25–89
614–2722580–2	09–01–90
614–2723739–3	11–03–90
614–2722163–7	08–04–90
614–2723558–7	10–25–90
614–2723104–0	09–29–90
614–2720674–5	05–10–90
614–2721638–9	07–07–90
614–2718704–4	01–06–90
614–2718411–6	12–16–89
614–2719146–7	02–03–90
614–2719562–5	03–03–90
614–2726258–1	04–26–91
614–2726290–4	05–03–91
614–2725646–8	03–21–91
614–2725926–4	04–06–91
614–2725443–0	02–23–91
614–0081157–8	12–02–91
614–0081303–8	12–03–91
614–2725276–4	02–09–91
614–2728765–3	10–05–91
614–2729005–3	10–19–91
614–2728060–9	08–24–91
614–2727885–0	08–10–91
614–2726744–0	06–01–91
614–2726987–5	06–15–91
614–2725094–1	01–26–91
614–2724766–4	01–07–91
614–2724768–1	12–30–90
614–0084694–7	05–30–92
614–0085303–4	06–30–92
614–0081812–8	01–07–92
614–0082595–8	02–23–92
614–0083467–9	03–31–92
614–0083466–1	03–31–92
614–0083680–7	04–18–92
614–0084025–4	05–02–92
614–0092533–7	05–14–93
614–0093248–1	06–25–93
614–0095915–3	10–26–93
614–0095752–0	10–13–93
614–0095753–8	10–13–93
614–0095275–2	09–24–93
614–0095445–1	10–07–93
614–0095421–2	10–08–93
614–0095814–8	10–22–93
614–0095813–0	10–22–93
614–0095811–4	10–22–93
614–0095914–6	10–26–93
614–0102424–7	06–23–94
614–0096922–8	12–07–93
614–0001090–8	10–20–94
614–0006610–8	06–23–95
614–0004345–3	03–29–95
614–0005582–0	04–28–95

SEC. 1411. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 AND 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
812–0507705–0	07/27/89
812–0507847–0	08/03/89
812–0507848–8	08/03/89
812–0509191–1	10/18/89
812–0509247–1	10/25/89
812–0509584–7	11/08/89
812–0510077–9	12/08/89
812–0510659–4	01/12/90

SEC. 1412. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entry described in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY.—The entry referred to in subsection (a) is the following:

Entry number	Date of entry	Date of liquidation
469–0015023–9	11/14/89	3/9/90

SEC. 1413. RELIQUIDATION OF DRAWBACK CLAIM NUMBER R74–10343996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1994	R74–1034399 6	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1414. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1993	R74–1034035 6	07/03/96
April 1993	R74–1034070 3	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1415. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS OF MERCHANDISE FROM MAY 1993 TO JULY 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
May 1993	R74–1034098 4	07/03/96
June 1993	R74–1034126 3	07/03/96
July 1993	R74–1034154 5	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1416. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS CLAIMS FILED BETWEEN APRIL 1994 AND JULY 1994.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
April 1994	R74–1034427 5	07/03/96
May 1994	R74–1034462 2	07/03/96
July 1994	C04–0032112 8	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1417. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
August 1993	R74–1034189 1	07/03/96
September 1993	R74–1034217 0	07/03/96
December 1993	R74–1034308 7	07/03/96
January 1994	R74–1034336 8	07/03/96
February 1994	R74–1034371 5	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1418. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1997.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Drawback Claim Number	Filing Date
WJU1111015–0	May 30, 1997
WJU1111030–9	August 6, 1997
WJU1111006–9	April 16, 1997
WJU1111005–2	February 26, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1419. RELIQUIDATION OF DRAWBACK CLAIM NUMBER WJU1111031–7.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Drawback Claim Number	Filing Date
WJU1111031–7 (excluding Invoice #24051)	October 16, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1420. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF ATHLETIC SHOES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221–0590991–9
221–0890500–5 through 221–0890675–5
221–0890677–1 through 221–0891427–0
221–0891430–4 through 221–0891537–6
221–0891539–2 through 221–0891554–1
221–0891556–6 through 221–0891557–4
221–0891559–0
221–0891561–6 through 221–0891565–7
221–0891567–3 through 221–0891578–0
221–0891582–0
221–0891584–8 through 221–0891587–1
221–0891589–7
221–0891592–1 through 221–0891597–0
221–0891604–4 through 221–0891605–1
221–0891607–7 through 221–0891609–3

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1421. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate each entry described in subsection (b) by applying the column 1 general rate of duty of the Harmonized Tariff Schedule of the United States to each entry that is reliquidated, regardless of whether the entry was made under the column 1 special rate of duty of such Schedule.

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Port of Entry	Date of Entry
T71-0000954-9	2809	10/16/96
T71-0000965-5	2809	11/05/96
T71-0000966-3	2809	11/05/96
T71-0000968-9	2809	11/25/96
T71-0000969-7	2809	12/23/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the reliquidation of an entry described in subsection (b) shall be paid not later than 90 days after the date of such reliquidation.

SEC. 1422. DRAWBACK OF FINISHED PETROLEUM DERIVATIVES

(a) ADDITION OF CRUDE OIL, VINYL CHLORIDE, TEREPHTHALIC ACID, TRIMELLITIC ANYDRIDE, ISOPHTHALIC ACID, ACRYLONITRILE, LUBRICATING OIL ADDITIVES, AND PREPARED ADDITIVES FOR MINERAL OILS FOR SUBSTITUTION.—

(1) IN GENERAL.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended—

(A) by inserting ''2709.00,'' after ''2708,''; and

(B) by striking ''2902, and 2909.19.14'' and inserting ''and 2902, and subheadings 2903.21.00, 2909.19.14, 2917.36, 2917.39.04, 2917.39.15, 2926.10.00, 3811.21.00, and 3811.90.00''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply to—

(A) any drawback claim filed on or after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(b) DESIGNATION OF CERTAIN FINISHED PETROLEUM DERIVATIVES AS COMMERCIALLY INTERCHANGEABLE.—Section 313(p)(3)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(B)) is amended by adding at the end the following: ''If an article is referred to under the same eight-digit classification of the Harmonized Tariff Schedule of

the United States as the qualified article on January 1, 2000, then whether or not the article has been reclassified under another eight-digit classification after January 1, 2000, the article shall be deemed to be an article that is referred to under the same eight-digit classification of such Schedule as the qualified article for purposes of the preceding sentence.''.

SEC. 1423. RELIQUIDATION OF CERTAIN ENTRIES OF SELF-TAPPING SCREWS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 7318.12 of the Harmonized Tariff Schedule of the United States (relating to wood screws); and

(2) shall reliquidate such merchandise under subheading 7318.14 of the Harmonized Tariff Schedule of the United States (relating to self-tapping screws), depending upon their diameter, at the rate of duty then applicable for such merchandise.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Philadelphia, are as follows:

Entry No.	Date of entry	Liquidation Date
Av1–0893629–3	08–11–93	01–14–94
Av1–0893735–8	09–09–93	01–14–94
Av1–0893766–3	09–20–93	01–14–94
Av1–0893809–1	10–13–93	01–14–94
Av1–0893810–9	10–11–93	01–14–94
Av1–0893811–7	10–06–93	01–14–94
Av1–0893846–3	10–19–93	03–18–94
Av1–0893872–9	10–25–93	01–14–94
Av1–0893873–7	10-25–93	01–14–94
Av1–0893904–0	11–02–93	03–18–94
Av1–0893913–1	11–08–93	01–14–94
Av1–0893936–2	11–15–93	01–14–94
Av1–0893949–5	11–18–93	01–14–94
Av1–0893963–6	11–22–93	01–14–94
Av1–0893981–8	11–30–93	03–18–94
Av1–0894012–1	12–06–93	03–18–94
Av1–0894013–9	12–06–93	03–18–94
Av1–0894057–6	12–20–93	03–18–94
Av1–0894058–4	12–20–93	03–18–94
Av1–0894095–6	12–29–93	04–01–94
Av1–0894100–4	01–05–94	04–01–94
Av1–0894108–7	01–04–94	04–22–94
Av1–0894159–0	01–31–94	05–20–94
Av1–0894222–6	02–14–94	04–08–94
Av1–0894245–7	02–19–94	04–08–94
Av1–0894274–7	02–25–94	04–08–94
Av1–0894298–6	03–07–94	04–22–94
Av1–0894299–4	03–08–94	04–22–94
Av1–0894335–6	03–14–94	05–06–94
Av1–0894348–9	03–17–94	05–06–94
Av1–0894355–4	03–30–94	05–06–94
Av1–0894382–8	03–24–94	06–17–94
Av1–0894420–6	04–06–94	06–17–94
Av1–0894429–7	04–11–94	06–24–94
Av1–0894356–2	04–04–94	08–12–94
Av1–0894516–1	05–23–94	07–29–94
Av1–0894517–9	05–23–94	07–29–94
Av1–0894531–0	06–01–94	07–29–94
Av1–0894570–8	05–27–94	09–30–94
Av1–0894580–7	05–31–94	07–29–94
Av1–0894606–0	06–07–94	07–29–94
Av1–0894607–8	06–15–94	07–29–94
Av1–0894608–6	06–06–94	07–29–94
Av1–0894661–5	06–21–94	08–19–94
Av1–0894682–1	06–24–94	08–12–94
Av1–0894685–4	07–05–94	08–12–94
Av1–0894697–9	07–06–94	08–12–94
Av1–0894698–7	07–12–94	08–12–94
Av1–0894820–7	07–27–94	09–16–94
Av1–0894910–6	08–18–94	09–30–94

SEC. 1424. RELIQUIDATION OF CERTAIN ENTRIES OF VACUUM CLEANERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 8509.80.00 of the Harmonized Tariff Schedule of the United States; and

(2) shall reliquidate such merchandise under subheading 8509.10.00 of the Harmonized Tariff Schedule of the United States at the duty-free rate then applicable for such appliances.

(b) PAYMENTS OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the ports indicated, are as follows:

Port of Entry	Entry Number	Date of Entry	Date of Liquidation
Baltimore, MD	004–7872032–9	1/11/99	11/19/99
Los Angeles, CA	004–7849971–8	11/19/98	10/1/99
Los Angeles, CA	004–7852693–2	11/25/98	10/8/99
Los Angeles, CA	004–7852699–9	11/25/98	10/8/99
Los Angeles, CA	004–7852722–9	11/25/98	10/8/99
Los Angeles, CA	004–7861673–3	12/8/98	10/22/99
Los Angeles, CA	004–7861692–3	12/8/98	10/22/99
Los Angeles, CA	004–7861704–6	12/8/98	10/22/99
Los Angeles, CA	004–7867000–3	12/17/98	11/5/99
Los Angeles, CA	004–7867004–5	12/17/98	11/5/99
Los Angeles, CA	004–7875266–0	1/3/99	11/19/99
Los Angeles, CA	004–7870717–7	1/6/99	11/5/99
Los Angeles, CA	004–7870733–4	1/6/99	11/5/99
Los Angeles, CA	004–7877886–3	1/7/99	11/19/99
Los Angeles, CA	004–7875246–2	1/13/99	11/12/99
San Francisco, CA	004–7850789–0	11/20/98	10/8/99
San Francisco, CA	004–7864752–2	12/14/98	10/29/99
San Francisco, CA	004–7869967–1	12/22/98	11/5/99
San Francisco, CA	004–7872055–0	1/11/99	11/12/99
Seattle, WA	004–7847960–3	11/17/98	10/1/99
Seattle, WA	004–7850796–5	11/20/98	10/8/99
Seattle, WA	004–7856642–5	12/2/98	10/15/99
Seattle, WA	004–7861684–0	12/8/98	10/22/99
Seattle, WA	004–7861909–1	12/9/98	10/22/99
Seattle, WA	004–7866974–0	12/17/98	10/29/99
Seattle, WA	004–7870790–4	1/6/99	11/12/99
Seattle, WA	004–7877856–6	1/8/99	11/19/99
Seattle, WA	004–7875238–9	1/13/99	11/12/99
Tacoma, WA	004–7861076–9	12/8/98	10/22/99
Tacoma, WA	004–7869848–3	12/31/98	11/19/99
Tacoma, WA	004–7955061–8	5/7/99	7/2/99
Chicago, IL	004–7843214–9	11/10/98	11/25/98
Newark, NJ	004–7854863–9	11/30/98	10/15/99
Newark, NJ	004–7872138–4	1/11/99	11/19/99
New York City/ JFK	004–7866439–4	12/16/98	10/29/99
Miami, FL	004–7859052–4	12/4/98	10/15/99
Miami, FL	004–7872013–9	1/11/99	11/12/99

SEC. 1425. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF CONVEYOR CHAINS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
110–0790274–3	April 2, 1996
110–0790467–3	April 3, 1996
110–0790424–4	April 8, 1996
110–0790537–3	April 11, 1996
110–0790637–1	April 11, 1996
110–0790754–4	April 17, 1996
110–0790655–3	April 23, 1996
110–0790690–0	April 24, 1996
110–0790938–3	April 29, 1996
110–0791044–9	May 3, 1996
110–0790873–2	May 3, 1996
110–0791060–5	May 8, 1996
110–0791198–3	May 15, 1996
110–0791255–1	May 17, 1996
110–0791403–7	May 31, 1996
110–0791555–4	June 5, 1996
110–0791506–7	June 5, 1996
110–0791665–1	June 11, 1996
110–0791621–4	June 12, 1996
110–0791766–7	June 20, 1996
110–0791863–2	June 24, 1996
110–0791832–7	June 26, 1996
110–0792094–3	July 6, 1996
110–0792098–4	July 10, 1996
110–0792216–2	July 15, 1996
110–0792287–3	July 20, 1996
110–0792366–5	August 1, 1996
110–0792570–2	August 7, 1996
110–0792644–5	August 14, 1996
110–0792790–6	August 22, 1996
110–0792926–6	August 27, 1996
110–0792935–7	August 29, 1996
110–0793053–8	September 5, 1996
110–0793054–6	September 5, 1996
110–0793023–1	September 10, 1996
110–0793092–6	September 13, 1996
110–0793246–8	September 16, 1996
110–0793440–7	October 1, 1996
110–0793345–8	October 1, 1996
110–0793499–3	October 3, 1996
110–0793495–1	October 3, 1996
110–0793596–6	October 10, 1996
110–0793542–0	October 14, 1996
110–0793656–8	October 18, 1996
110–0793725–1	October 23, 1996
110–0793775–6	October 28, 1996
110–0793962–0	October 30, 1996
110–0794019–8	November 10, 1996
110–0794066–9	November 11, 1996
110–0793839–0	November 11, 1996
110–0794200–4	November 14, 1996
110–0794242–6	November 15, 1996
110–0794358–0	November 26, 1996
110–0794408–3	November 26, 1996
110–0794335–8	November 27, 1996
110–0794459–6	December 2, 1996
110–0794442–2	December 4, 1996
110–0794610–4	December 9, 1996
110–0794592–4	December 11, 1996
110–0794704–5	December 13, 1996
110–0794667–4	December 19, 1996
110–0794893–6	December 30, 1996
110–0794928–0	December 30, 1996
110–0794965–2	January 4, 1997
110–0795166–6	January 10, 1997
110–0795237–5	January 14, 1997
110–0795256–5	January 15, 1997
110–0795478–5	February 2, 1997
110–0795526–1	February 3, 1997
110–0795484–3	February 6, 1997
110–0795611–1	February 7, 1997
110–0795563–4	February 13, 1997
110–0795757–2	February 17, 1997
110–0795735–8	February 19, 1997
110–0795820–8	February 19, 1997
110–0795968–5	February 27, 1997
110–0795959–4	February 27, 1997
110–0796083–2	March 4, 1997
110–0796289–5	March 17, 1997
110–0796115–2	March 18, 1997
110–0796272–1	March 19, 1997
110–0796375–2	March 20, 1997
110–0796390–1	March 26, 1997
110–0796480–0	March 27, 1997
110–0790469–9	April 3, 1996
110–0791663–6	June 12, 1996
110–0792017–4	July 1, 1996
110–0792106–5	July 10, 1996
110–0792890–4	August 22, 1996
110–0793215–3	September 20, 1996
110–0793340–9	September 23, 1996
110–0793405–0	September 30, 1996
110–0795102–1	January 1, 1997
110–0795349–8	January 23, 1997
110–0795672–3	February 11, 1997

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

SEC. 1431. SHORT TITLE.

This chapter may be cited as the ''Product Development and Testing Act of 2000''.

SEC. 1432. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as ''prototypes'', used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) PURPOSE.—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1433. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) HEADING.—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

''	9817.85.01	Prototypes to be used exclusively for development, testing, product evaluation, or quality control purposes	Free		The rate applicable in the absence of this heading	''.

(b) U.S. NOTE.—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

''6. The following provisions apply to heading 9817.85.01:

''(a) For purposes of this subchapter, including heading 9817.85.01, the term 'prototypes' means originals or models of articles that—

''(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

''(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing for purse, prize, or commercial competition shall not be considered to be ''development, testing, product evaluation, or quality control.''.

''(b)(i) Prototypes may be imported only in limited noncommercial quantities in accordance with industry practice.

''(ii) Except as provided for by the Secretary of the Treasury, prototypes or parts of prototypes may not be sold after importation into the United States or be incorporated into other products that are sold.

''(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes if they comply with all applicable provisions of law and otherwise meet the definition of 'prototypes' under paragraph (a).''.

SEC. 1434. REGULATIONS RELATING TO ENTRY PROCEDURES AND SALES OF PROTOTYPES.

(a) IDENTIFICATION OF PROTOTYPES.—The Secretary of the Treasury shall promulgate regulations regarding the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

(b) SALES OF PROTOTYPES.—Not later than 10 months after the date of enactment of this Act, the Secretary of the Treasury shall promulgate final regulations regarding the sale of prototypes entered under heading 9817.85.01 of the Harmonized Tariff Schedule of the United States as scrap, or waste, or for recycling, if all duties are tendered for sales of the prototypes, including prototypes and parts of prototypes incorporated into other products, as scrap, waste, or recycled materials, at the rate of duty in effect for such scrap, waste, or recycled materials at the time of importation of the prototypes.

SEC. 1435. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1433(a), on or after the date of enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1433(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of enactment of this Act.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1441. SHORT TITLE.

This chapter may be cited as the ''Dog and Cat Protection Act of 2000''.

SEC. 1442. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true nature of the fur and mislead United States wholesalers, retailers, and consumers.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing products. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1443. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

(a) IN GENERAL.—Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

''SEC. 308. PROHIBITION ON IMPORTATION OF DOG AND CAT FUR PRODUCTS.

''(a) DEFINITIONS.—In this section:

''(1) CAT FUR.—The term 'cat fur' means the pelt or skin of any animal of the species Felis catus.

''(2) INTERSTATE COMMERCE.—The term 'interstate commerce' means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

''(3) CUSTOMS LAWS.—The term 'customs laws of the United States' means any other law or regulation enforced or administered by the United States Customs Service.

''(4) DESIGNATED AUTHORITY.—The term 'designated authority' means the Secretary of the Treasury, with respect to the prohibitions under subsection (b)(1)(A), and the President (or the President's designee), with respect to the prohibitions under subsection (b)(1)(B).

''(5) DOG FUR.—The term 'dog fur' means the pelt or skin of any animal of the species Canis familiaris.

''(6) DOG OR CAT FUR PRODUCT.—The term 'dog or cat fur product' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

''(7) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

''(8) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

''(b) PROHIBITIONS.—

''(1) IN GENERAL.—It shall be unlawful for any person to—

''(A) import into, or export from, the United States any dog or cat fur product; or

''(B) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

''(2) EXCEPTION.—This subsection shall not apply to the importation, exportation, or transportation, for noncommercial purposes, of a personal pet that is deceased, including a pet preserved through taxidermy.

''(c) PENALTIES AND ENFORCEMENT.—

''(1) CIVIL PENALTIES.—

''(A) IN GENERAL.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under title 18, United States Code, or any other provision of law, be assessed a civil penalty by the designated authority of not more than—

''(i) $10,000 for each separate knowing and intentional violation;

''(ii) $5,000 for each separate grossly negligent violation; or

''(iii) $3,000 for each separate negligent violation.

''(B) DEBARMENT.—The designated authority may prohibit a person from importing, exporting, transporting, distributing, manufacturing, or selling any fur product in the United States, if the designated authority finds that the person has engaged in a pattern or practice of actions that has resulted in a final administrative determination with respect to the assessment of civil penalties for knowing and intentional or grossly negligent violations of any provision of this section or any regulation issued under this section.

''(C) FACTORS IN ASSESSING PENALTIES.—In determining the amount of civil penalties under this paragraph, the designated authority shall take into account the degree of culpability, any history of prior violations under this section, ability to pay, the seriousness of the violation, and such other matters as fairness may require.

''(D) NOTICE.—No penalty may be assessed under this paragraph against a person unless the person is given notice and opportunity for a hearing with respect to such violation in accordance with section 554 of title 5, United States Code.

''(2) FORFEITURE.—Any dog or cat fur product manufactured, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, imported, or exported contrary to the provisions of this section or any regulation issued under this section shall be subject to forfeiture to the United States.

''(3) ENFORCEMENT.—The Secretary of the Treasury shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(A), and the President shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(B).

''(4) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the designated authorities shall, after notice and opportunity for comment, issue regulations to carry out the provisions of this section. The regulations of the Secretary of the Treasury shall provide for a process by which testing laboratories, whether domestic or foreign, can qualify for certification by the United States Customs Service by demonstrating the reliability of the procedures used for determining the type of fur contained in articles intended for sale or consumption in interstate commerce. Use of a laboratory certified by the United States Customs Service to determine the nature of fur contained in an item to which subsection (b) applies is not required to avoid liability under this section but may, in a case in which a person can establish that the goods imported were tested by such a laboratory and that the item was not found to be a dog or cat fur product, prove dispositive in determining whether that person exercised reasonable care for purposes of paragraph (6).

''(5) REWARD.—The designated authority shall pay a reward of not less than $500 to any person who furnishes information that establishes or leads to a civil penalty assessment, debarment, or forfeiture of property for any violation of this section or any regulation issued under this section.

''(6) AFFIRMATIVE DEFENSE.—Any person accused of a violation under this section has a defense to any proceeding brought under this section on account of such violation if that person establishes by a preponderance of the evidence that the person exercised reasonable care—

''(A) in determining the nature of the products alleged to have resulted in such violation; and

''(B) in ensuring that the products were accompanied by documentation, packaging, and labeling that were accurate as to the nature of the products.

''(7) COORDINATION WITH OTHER LAWS.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

''(d) PUBLICATION OF NAMES OF CERTAIN VIOLATORS.—The designated authorities shall, at least once each year, publish in the Federal Register a list of the names of any producer, manufacturer, supplier, seller, importer, or exporter, whether or not located within the customs territory of the United States or subject to the jurisdiction of the United States, against whom a final administrative determination with respect to the assessment of a civil penalty for a knowing and intentional or a grossly negligent violation has been made under this section.

''(e) REPORTS.—In order to enable Congress to engage in active, continuing oversight of this section, the designated authorities shall provide the following:

''(1) PLAN FOR ENFORCEMENT.—Within 3 months after the date of enactment of this section, the designated authorities shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that United States Government personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

''(2) REPORT ON ENFORCEMENT EFFORTS.—Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the designated authorities shall submit a report to Congress on the efforts of the United States Government to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of United States Government personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section. The report shall include the findings of the designated authorities as to whether any government has engaged in a pattern or practice of support for trade in products the importation of which are prohibited under this section.''.

(b) CONFORMING AMENDMENT.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by inserting ''(other than any dog or cat fur product to which section 308 of the Tariff Act of 1930 applies)'' after ''shall not include such articles''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1451. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking ''For the period beginning on'' and all that follows through ''the Secretary may prescribe'' and inserting ''The Secretary may prescribe''.

SEC. 1452. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) REPORT OF ARRIVAL AND FORMAL ENTRY OF VESSELS.—(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking ''bonded merchandise, or''.

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking ''bonded merchandise or''.

(3) Section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) is amended in subsection (a)(2) by striking ''bonded merchandise or''.

(b) ADDITIONAL AMENDMENT.—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

''(6) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.''.

SEC. 1453. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) DESIGNATION.—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection

(b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term ''private aircraft'' has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) REPORT.—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1454. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

''(c) INTERNATIONAL TRAVEL MERCHANDISE.—

''(1) DEFINITIONS.—For purposes of this section—

''(A) the term 'international travel merchandise' means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

''(B) the term 'staging area' is an area controlled by the proprietor of a bonded warehouse outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

''(C) the term 'duty-free merchandise' means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

''(D) the term 'manipulation' means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

''(E) the term 'cart' means a portable container holding international travel merchandise on an aircraft for exportation.

''(2) BONDED WAREHOUSE FOR INTERNATIONAL TRAVEL MERCHANDISE.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

''(3) RULES FOR TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE AND BONDED WAREHOUSES AND STAGING AREAS.—(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor's bond shall also secure the manipulation of international travel merchandise in a staging area.

''(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

''(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

''(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.''.

SEC. 1455. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking ''10 percent'' each place it appears and inserting ''5 percent'';

(B) effective January 1, 2001, by striking ''5 percent'' each place it appears and inserting ''4 percent''; and

(C) effective January 1, 2002, by striking ''4 percent'' each place it appears and inserting ''3 percent''.

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking ''5 percent'' each place it appears and inserting ''3 percent'';

(B) effective January 1, 2001, by striking ''3 percent'' each place it appears and inserting ''2 percent''; and

(C) effective January 1, 2002, by striking ''2 percent'' each place it appears and inserting ''1.5 percent''.

SEC. 1456. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

''	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics and Paralympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow		Free	Free	''.

(b) TAXES, FEES, INSPECTION.—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

''6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.''

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) TERMINATION OF TEMPORARY PROVISIONS.—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1457. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

''(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or''.

SEC. 1458. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) IN GENERAL.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as ''commercially interchangeable'' within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to any entry, or withdrawal from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1459. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such servcies have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1460. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

''(j) TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION.—In the case of merchandise that is purchased and invoiced as a single entity but—

''(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

''(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.''.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

SEC. 1461. REPORT ON CUSTOMS PROCEDURES.

(a) REVIEW AND REPORT.—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

(2) report to the Congress, not later than 180 days after the date of enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) SPECIFIC MATTERS.—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

SEC. 1462. DRAWBACKS FOR RECYCLED MATERIALS.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

''(x) DRAWBACKS FOR RECOVERED MATERIALS.—For purposes of subsections (a), (b), and (c), the term 'destruction' includes a process by which materials are recovered from imported merchandise or from an article manufactured from imported merchandise. In determining the amount of duties to be refunded as drawback to a claimant under this subsection, the value of recovered materials (including the value of any tax benefit or royalty payment) that accrues to the drawback claimant shall be deducted from the value of the imported merchandise that is destroyed, or from the value of the merchandise used, or designated as used, in the manufacture of the article.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to drawback claims filed on or after the date of enactment of this Act.

SEC. 1463. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 163 of the Trade Act of 1974 (19 U.S.C. 2213).

(2) Section 181 of the Trade Act of 1974 (19 U.S.C. 2241).

SEC. 1464. IMPORTATION OF GUM ARABIC.

(a) FINDINGS.—The Congress finds the following:

(1) The Republic of the Sudan produces 60 percent of the world's supply of gum arabic in raw form and has a virtual monopoly on the world's supply of the highest grade of gum arabic.

(2) The President imposed comprehensive sanctions against Sudan on November 3, 1997, under Executive Order 13067.

(3) The Secretary of the Treasury, upon recommendation of the Secretary of State, has issued limited licenses each year since the imposition of sanctions against Sudan under Executive Order 13067 to permit United States gum arabic processors to import gum arabic in raw form from Sudan due to a lack of alternative sources in other countries.

(4) The United States gum arabic processing industry consists of three small companies whose existence is threatened by the comprehensive sanctions in effect against Sudan.

(5) The United States gum arabic processing industry is working with the United States Agency for International Development to develop alternative sources of gum arabic in raw form in countries that are not subject to sanctions, but alternative sources of the highest grade of gum arabic in raw form are not currently available.

(b) LICENSE APPLICATIONS TO IMPORT GUM ARABIC FROM SUDAN.—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of State, in consultation with the Secretary of Commerce and the heads of other appropriate agencies—

(1) shall consider promptly any license application by a United States gum arabic processor to import gum arabic in raw form from the Republic of the Sudan; and

(2) in reviewing such license applications by United States gum arabic processors, shall consider whether adequate commercial quantities of the highest grade of gum arabic in raw form are available from countries not subject to United States sanctions in order to allow such United States processors of gum arabic to remain in business.

(c) DEVELOPMENT OF ALTERNATIVE SOURCES OF GUM ARABIC.—The President shall utilize such authority as is available to the President to promote the development in countries other than Sudan of alternative sources of the highest grade of gum arabic in raw form of sufficient commercial quality to be utilized in products intended for human consumption.

(d) DEFINITION.—In this section, the term ''gum arabic in raw form'' means gum arabic of the type described in subheadings 1301.20.00 and 1301.90.90 of the Harmonized Tariff Schedule of the United States.

SEC. 1465. CUSTOMS SERVICES AT THE DETROIT METROPOLITAN AIRPORT.

The Commissioner of the Customs Service shall re-implement the policy in effect prior to January 1, 1999, at the Detroit Metropolitan Airport to provide services at remote locations of the Airport, except that such services shall be provided only on a reimbursable basis.

Subtitle C—Effective Date

SEC. 1471. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a ''qualified worker'' means a worker who—

(A) was employed at the copper mining facility referenced in Trade Adjustment Assistance Certification TAW–31,402 during any part of the period covered by that certification and was separated from employment after the expiration of that certification; and

(B) was necessary for the environmental remediation or closure of such mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 2002. CHIEF AGRICULTURAL NEGOTIATOR.

Section 5314 of title 5, United States Code, is amended by inserting after ''Deputy United States Trade Representatives (3).'' the following:

''Chief Agricultural Negotiator.''.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

SEC. 3001. FINDINGS.

Congress finds that Georgia has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction;

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974;

(4) made progress toward democratic rule and creating a free market economic system since its independence from the Soviet Union;

(5) demonstrated strong and effective enforcement of internationally recognized core labor standards and a commitment to continue to improve effective enforcement of its laws reflecting such standards;

(6) committed to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the ''Helsinki Final Act'') regarding human rights and humanitarian affairs;

(7) endeavored to address issues related to its national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(8) also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism;

(9) continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of Georgia and establishing the legal framework for completion of this process in the future;

(10) concluded a bilateral trade agreement with the United States in 1993 and a bilateral investment treaty in 1994;

(11) demonstrated a strong desire to build a friendly and cooperative relationship with the United States; and

(12) acceded to the World Trade Organization on June 14, 2000, and the extension of unconditional normal trade relations treatment to the products of Georgia will enable the United States to avail itself of all rights under the World Trade Organization with respect to Georgia.

SEC. 3002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO GEORGIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Georgia; and

(2) after making a determination under paragraph (1) with respect to Georgia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Georgia, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Imported Cigarette Compliance Act of 2000''.

SEC. 4002. MODIFICATIONS TO RULES GOVERNING REIMPORTATION OF TOBACCO PRODUCTS.

(a) RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.—Section 5754 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

''(a) EXPORT-LABELED TOBACCO PRODUCTS.—

''(1) IN GENERAL.—Tobacco products and cigarette papers and tubes manufactured in the United States and labeled for exportation under this chapter—

''(A) may be transferred to or removed from the premises of a manufacturer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

''(B) may be imported or brought into the United States, after their exportation, only if such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5704(d) or are returned to the original manufacturer of such article as provided in section 5704(c); and

''(C) may not be sold or held for sale for domestic consumption in the United States unless such articles are removed from their export packaging and repackaged by the original manufacturer into new packaging that does not contain an export label.

''(2) ALTERATIONS BY PERSONS OTHER THAN ORIGINAL MANUFACTURER.—This section shall apply to articles labeled for export even if the packaging or the appearance of such packaging to the consumer of such articles has been modified or altered by a person other than the original manufacturer so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any export label.

''(3) EXPORTS INCLUDE SHIPMENTS TO PUERTO RICO.—For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

''(b) EXPORT LABEL.—For purposes of this section, an article is labeled for export or contains an export label if it bears the mark, label, or notice required under section 5704(b).

''(c) CROSS REFERENCES.—

''(1) For exception to this section for personal use, see section 5761(c).

''(2) For civil penalties related to violations of this section, see section 5761(c).

''(3) For a criminal penalty applicable to any violation of this section, see section 5762(b).

''(4) For forfeiture provisions related to violations of this section, see section 5761(c).''.

(b) CLARIFICATION OF REIMPORTATION RULES.—Section 5704(d) of such Code (relating to tobacco products and cigarette papers and tubes exported and returned) is amended—

(1) by striking ''a manufacturer of'' and inserting ''the original manufacturer of such'', and

(2) by inserting ''authorized by such manufacturer to receive such articles'' after ''proprietor of an export warehouse''.

(c) REQUIREMENT TO DESTROY FORFEITED TOBACCO PRODUCTS.—The last sentence of subsection (c) of section 5761 of such Code is amended by striking ''the jurisdiction of the United States'' and all that follows through the end period and inserting ''the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(e) STUDY.—The Secretary of the Treasury shall report to Congress on the impact of requiring export warehouses to be authorized by the original manufacturer to receive relanded export-labeled cigarettes.

SEC. 4003. TECHNICAL AMENDMENT TO THE BALANCED BUDGET ACT OF 1997.

(a) IN GENERAL.—Subsection (c) of section 5761 of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 4004. REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following:

''TITLE VIII—REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES

''SEC. 801. DEFINITIONS.

''In this title:

''(1) SECRETARY.—Except as otherwise indicated, the term 'Secretary' means the Secretary of the Treasury.

''(2) PRIMARY PACKAGING.—The term 'primary packaging' refers to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed 'permanently imprinted' only if printed directly on such primary packaging and not by way of stickers or other similar devices.

''SEC. 802. REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES.

''(a) GENERAL RULE.—Except as provided in subsection (b), cigarettes may be imported into the United States only if—

''(1) the original manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit, to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manufacture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

''(2) the precise warning statements in the precise format specified in section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

''(A) the primary packaging of all those cigarettes; and

''(B) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;

''(3) the manufacturer or importer of those cigarettes is in compliance with respect to those cigarettes being imported into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c));

''(4) if such cigarettes bear a United States trademark registered for such cigarettes, the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

''(5) the importer has submitted at the time of entry all of the certificates described in subsection (c).

''(b) EXEMPTIONS.—Cigarettes satisfying the conditions of any of the following paragraphs shall not be subject to the requirements of subsection (a):

''(1) PERSONAL-USE CIGARETTES.—Cigarettes that are imported into the United States in personal use quantities that are allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States.

''(2) CIGARETTES IMPORTED INTO THE UNITED STATES FOR ANALYSIS.—Cigarettes that are imported into the United States solely for the purpose of analysis in quantities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal or State government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

''(3) CIGARETTES INTENDED FOR NONCOMMERCIAL USE, REEXPORT, OR REPACKAGING.—Cigarettes—

''(A) for which the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

''(B) for which the importer submits a certificate signed by the manufacturer or export warehouse (or a person authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in subparagraph (A)) stating, under penalties of perjury, with respect to those cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with paragraphs (1), (2), and (3) of subsection (a), and, to the extent applicable, section 5754(a)(1) (B) and (C) of the Internal Revenue Code of 1986.

For purposes of this section, a trademark is registered in the United States if it is registered in the United States Patent and Trademark Office under the provisions of title I of the Act of July 5, 1946 (popularly known as the 'Trademark Act of 1946'), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

''(c) CUSTOMS CERTIFICATIONS REQUIRED FOR CIGARETTE IMPORTS.—The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with subsection (a)(5) are—

''(1) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury, with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

''(2) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that—

''(A) the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

''(i) the primary packaging of all those cigarettes; and

''(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers; and

''(B) with respect to those cigarettes being imported into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)); and

''(3)(A) if such cigarettes bear a United States trademark registered for cigarettes, a certificate signed by the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and

''(B) a certificate signed by the importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in subparagraph (A) is accurate, remains in effect, and has not been withdrawn.

The Secretary may provide by regulation for the submission of certifications under this section in electronic form if, prior to the entry of any cigarettes into the United States, the person required to provide such certifications submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

''SEC. 803. ENFORCEMENT.

''(a) CIVIL PENALTY.—Any person who violates a provision of section 802 shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

''(b) FORFEITURES.—Any tobacco product, cigarette papers, or tube that was imported into the United States or is sought to be imported into the United States in violation of, or without meeting the requirements of, section 802 shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this title shall be destroyed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from Wisconsin (Mr. KLECZKA) each will control 20 minutes.

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

GENERAL LEAVE

Mr. CRANE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4868.

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

There was no objection.

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

Madam Speaker, H.R. 4868 would make miscellaneous technical and clerical corrections to the trade laws. The House unanimously passed this legislation on July 25 of this year, and the Senate amended the bill on October 31 of this year, also by a unanimous vote.

This bill contains over 155 provisions temporarily suspending or reducing duties on a wide variety of chemicals, including drugs used in the battle against HIV/AIDS and anticancer drugs, environmentally friendly herbicides and insecticides, and many organic dyes. By suspending or reducing these duties, we can enable U.S. companies that use these products to be more competitive and cost efficient. This would help create jobs for American workers, as well as reduce costs for consumers. At the same time, because there is no domestic production of these products, no U.S. industry would be harmed by these suspensions.

The bill includes two other important provisions which I introduced earlier in this Congress. The first provision would reduce the duty rate returning travelers pay to an amount more in line with the average duty rate of imported commercial merchandise. My second provision would provide duty-free treatment to participants and individuals associated with all international athletic events held in the United States such as the 2002 Winter Olympics in Salt Lake City.

The bill contains a ban on imports, exports, and domestic commerce covering dog and cat fur. This provision establishes a zero tolerance policy with strong penalties for anyone who violates the ban in order to end this terrible practice. The bill also contains several other provisions that would benefit Americans and protect the environment.

In addition, the bill contains a provision authorizing the President to extend Permanent Normal Trade Relations to the country of Georgia. Georgia has had conditional Normal Trade Relations under the Jackson-Vanik amendment since 1993 and has been found in full compliance with the statutory requirements. Georgia became a member of the World Trade Organization in June of this year, and this legislation is necessary in order for the United States to have a relationship with Georgia in the WTO.

This legislation should be noncontroversial, and it should be embraced by the other body and sent quickly to the President.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, first of all, let me thank my colleague, the gentleman from Illinois (Mr. CRANE), for yielding me this time. I do concur with his explanation of the bill, and I do rise in support of the technical corrections bill.

Let me just point out, Madam Speaker, that the bill reflects a bipartisan effort; it reflects the input of individual Members as well as the administration. As the title suggests, the provisions of the bill are of a technical nature; but these are technical changes that will have a real concrete impact on U.S. businesses, farmers, workers, and consumers.

For example, the bill suspends and reduces import duties on over 150 items. The bill also includes an important provision to encourage product development by testing those products in the United States. The bill also includes important provisions to streamline the import processing. This will alleviate some of the administrative burden that can delay the shipment of goods from port to consumer.

The bill also contains a piece of legislation that I introduced in the House last year, along with Senator ROTH. The background of the bill is that the Humane Society of the United States did a study on the importation of dog and cat fur on articles of clothing and children's toys. They went and did this study, and they found, and they made film footage, of animals being slaughtered for their fur. They did document the fact that these articles were brought in and put on our racks and shelves in retail establishments here in the United States. That study was followed up by a ''Dateline'' episode, the ''Dateline Magazine,'' which showed in graphic detail how the slaughters of these animals was done and how the actual articles of clothing got into this country.

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The bill does contain our legislation, that is, my legislation, Senator ROTH's legislation, which does provide a prohibition on importation of these types of goods coming into this country.

The bill before us changes a couple items from the original bill. It does leave out the criminal penalties, and, hopefully, the bill will still be effective without that provision. It also changes the labeling.

But I think, all in all, the measure that is contained in the legislation is effective, will stop this practice, will also stop any of that type of manufacturing going on in this country.

So I do thank the gentleman from Illinois (Mr. CRANE) for his inclusion of this piece of the bill which I think many constituents and the Humane Society of the United States really fought long and hard for. So I thank the gentleman from Illinois (Mr. CRANE) for that.

Madam Speaker, I reserve the balance of my time.

Mr. CRANE. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

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

Madam Speaker, I just rise to very briefly thank him and the members of the committee for their work on this bill. It is a very important piece of work which will benefit many, many people in our Nation. I particularly wanted to thank him and the Members of the committee, particularly the gentleman from California (Mr. THOMAS) for their work on a provision to correct an injustice which was done to one of the manufacturers in my district.

The Customs Service had made a mistake and decision on tariffs. In the process, either through misunderstanding or mistake, some money was set aside which was then ruled to belong to the United States Government. This bill will clarify that, correct it. I appreciate the efforts of the committee and particularly the chairman in resolving this difficulty satisfactorily, and I hope satisfactorily to all parties.

Mr. KLECZKA. Madam Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, I rise to congratulate Philip Morris and the big tobacco lobby because this bill represents a victory of massive proportion for the addictive industry as well as its beneficiaries and supporters here in the Congress. Indeed, big tobacco is three for three with this Congress.

First, this particular bill grants it a new type of trademark protection that our Federal law does not provide to any other industry in the entire world. This special protection will cost Federal taxpayers millions of dollars to provide this special cuddly treatment to the tobacco industry.

Second, the House has already approved from the Committee on Ways and Means a very nice gift of about $100 million a year in Federal tax subsidies to the tobacco industry to promote sales of tobacco abroad.

Third, the same friends of tobacco over in the Senate who tucked this provision in are restricting through the appropriations process our ability to maintain a lawsuit in Federal court to allow Federal taxpayers to recoup all the losses we have had as a result of the tobacco industry and its misdeeds.

Americans can look at what has happened, indeed not only with this bill, but over the last 6 years in this House, and rightly say that the tobacco industry has a stranglehold on the United States House of Representatives. Sometimes those of us who care about public health can prevent some of the wrongdoing, but we are totally unable to overcome the power of the tobacco industry to get largely what it wants from this Congress.

As a result, 3,000 children every day will get addicted to tobacco and tobacco will remain a world pandemic affecting millions of people and causing millions of deaths.

So while big tobacco has plenty to celebrate this evening with the special treatment that Congress is according it, we who are concerned with this plague have hope for a better Congress next year that will be more sensitive to public health needs.

This particular measure prohibits so-called gray market cigarettes, for example, Marlboros that are made in Mexico and imported into the United States and sold at discounted rates by discounters around the country.

Reasonable measures to address these gray market cigarettes are not unreasonable. The State attorneys general have rightly complained that these tobacco products are sold, and the revenues, though they pay Federal and State excise taxes, fall outside the master settlement account that they negotiated. But Philip Morris and the other tobacco companies have hidden behind the State attorneys general who will really only see for their States pennies while the tobacco industry earns millions of dollars as a direct benefit of this piece of legislation.

As Matt Myers, the president of the Campaign For Tobacco-Free Kids, has said, we should not be going forward with a gray market bill without addressing the real black market problem that exists in this country. These black-market smuggled cigarettes are costing our States hundreds of millions of dollars, and they are leading to problems, not only here, but around the world.

Far from hurting business, tobacco companies have found that they can move their lethal products around the world by assisting smugglers. Big tobacco profits from selling cigarettes to smugglers who reduce the price for the black market and increase consumption and sales, helping them to build a global market.

A good example of this right off the pages of The Washington Post is ''Tobacco affiliate pleads guilty to role in smuggling scheme.'' This was a major smuggling operation through RJ Reynolds to move cigarettes into Canada and avoid the taxes in Canada. My colleagues will remember that this was the same argument that the tobacco industry used to thwart reform in 1998, saying we were not doing enough about smuggling.

Well, this bill provided an excellent opportunity to do just that. The gentleman from Illinois (Mr. CRANE) mentioned that this bill was approved by the Committee on Ways and Means. When it was approved by the Committee on Ways and Means, it did not have this benefit for the tobacco industry.

When it was approved by the House of Representatives originally, it did not have this benefit for the tobacco industry. But to avoid real reform, they waited until the Senate to add it back in, knowing how compliant the House would be on this matter.

It is estimated that about a third of the cigarettes in international commerce are smuggled cigarettes through the black market. Recent documents in the litigation that has occurred here in the United States shows that U.S. tobacco companies were well aware of such smuggling and considered it an important advantage to them.

I believe that we need to do more than just provide special protection for this industry. Can my colleagues imagine every other industry in America, whether it is Ralph Lauren or Nike, if they need a trademark protected, they do not turn to the Customs Services or to the Alcohol, Tobacco and Firearm divisions of the Treasury Department. They go to court.

But instead of turning to court, what Philip Morris and the other tobacco companies will do as a result of this bill is that they can turn to the American taxpayer and ask the taxpayer, through the Treasury Department, to enforce their trademarks in a way that no other company, no other industry is entitled to.

That is one of the reasons that ENACT, a coalition of 55 major national medical and public health organizations, including the American Cancer Society and the American Heart Association, have urged that we address the black market issue.

Madam Speaker, we need to stop the real smuggling problem that affects children in this country and children around the world that will lead to a pandemic in which 10 million unique human beings die every year as a result of addiction.

We ought to stop the smuggling. We ought to stop the mugging of the world's children through nicotine addiction. Instead this bill, this bill provides more help to the muggers.

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

Mr. KLECZKA. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Madam Speaker, I thank the gentleman from Wisconsin for yielding me this time.

Many of us do not necessarily disagree with what the gentleman from Texas (Mr. DOGGETT) has said, and certainly the newspaper article that he was showing was directly related to an issue dealing with black market.

But I have to tell my colleagues, we have heard from the State or from the attorneys general across this country. We have heard from the State legislatures across this country who are very, very, very concerned about the health and welfare of their constituencies as well as we are.

One of the ways that they believe that we best can get a handle on some of this is through this thing called the gray market cigarette, part of this tariff act.

I just want to let my colleagues know that, just a couple of months ago, Bob Butterworth, the Attorney General for the State of Florida, and

by the way was one of the first attorneys general to successfully sue the tobacco companies, came to me with this problem: gray marketers have been flooding the State of Florida and other States with cigarettes that skirt the tobacco master settlement agreement.

Loopholes in the Federal law allow gray market cigarettes to enter the country without paying the higher taxes imposed by the master settlement agreement. General Butterworth estimates that the State of Florida alone, just in the State of Florida, will lose $100 million.

Now, I have to tell my colleagues my guess is we could have 434 other folks get up here from all 50 States and talk about these same kinds of monies that are going to be lost.

What are these monies being used for? They are being used for exactly what the settlement was intended. They are to stop teenage smoking, to help with the health and welfare of these constituencies.

Now, I do not want to have an argument with the gentleman from Texas (Mr. DOGGETT) because you know what, we agree. Maybe the black market issue needs to be addressed. But right now, in this bill, at this time, with a compromise and with consensus from the Senate and the House, this is the part of the piece of legislation that we believe takes the right step.

I think our attorneys general agree with us because they have sent letters. We have all of our State legislatures, 44 of who also have passed legislation.

So I would just say that I believe that, while we still have black market out there, this particular part of this bill needs to be passed. We need to do it for the welfare and health of our constituents.

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

Mr. KLECZKA. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in yielding me this time.

Madam Speaker, there is an important element in this bill that I would like to express my appreciation to the gentleman from Illinois (Chairman CRANE); to the gentleman from Texas (Chairman ARCHER); the gentleman from New York (Mr. RANGEL), ranking member; the gentleman from Michigan (Mr. LEVIN); and the staff on both sides of the aisle for dealing with something that actually would penalize good corporate environmental leadership on the part of American companies.

One of the reasons we have been interested in the opportunities for freer trade for American enterprise is an opportunity to extend American environmental standards and expertise around the world.

In my State of Oregon, we have a homegrown shoe company that is now the largest in the world, Nike. It is not just the largest shoe company in the world, but it has developed into a significant leader in environmental standards.

For example, in all the factories in which Nike does business around the world, they meet OSHA U.S. air quality standards. They also have developed a fascinating approach to recycling shoes. They call it Reuse a Shoe, where they recycle them instead of landfilling them.

But this company was faced with a bizarre and I think counterproductive interpretation by the U.S. Customs Service because they were going to be penalized for recycling the shoes and giving them away to charity as opposed to simply throwing them in the landfill.

The provisions of the U.S. Customs Law allows companies to get the Customs duty drawback if it is destroyed to the extent that the product has no commercial value. Unfortunately, the Customs Service interpreted that so narrowly that Nike would have been penalized for this Reuse a Shoe program where they grind it up, they make playgrounds for underserved inner-city youth.

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In fact, the track at the White House is used of this recycled material.

I firmly believe that the Customs Service could and should have interpreted the provisions that the product has no commercial value to cover this, because clearly Nike was not benefiting. In fact, it was costing them money to be a good environmental steward, but they thought it was the right thing to do.

I really appreciate the committee's placing a provision in this bill that made clear that a company that is a good environmental steward, that is recycling, is not going to be penalized. I would like to express my appreciation to the committee and the staff for making that adjustment.

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

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

I appreciate profoundly the bipartisan support that we have for this legislation and would urge all of my colleagues to support H. Res. 644.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and agree to the resolution, House Resolution 644.

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

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1109, BEAR PROTECTION ACT OF 2000

Mr. CRANE. Madam Speaker, I rise to a question of the privileges of the House.

Madam Speaker, I offer a privileged resolution (H. Res. 645) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 645

Resolved, That the bill of the Senate (S. 1109) entitled the ''Bear Protection Act of 2000'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. CRANE) and the gentleman from Wisconsin (Mr. KLECZKA) will each control 30 minutes.

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

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

Madam Speaker, this resolution is necessary to return to the Senate the bill S. 1109 because it contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. S. 1109 would create a new basis for applying import restrictions and, therefore, violates this constitutional requirement.

S. 1109 prohibits the sale, import and export of bear viscera or any product, item, substance containing, or labeled or advertised as containing, bear viscera. The legislation passed by the other body would have the effect of creating a new basis and mechanism for applying import restrictions. The provision would have a direct effect on tariff revenues. The proposed change in our import laws is a revenue-affecting infringement on the prerogatives of the House, which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on February 25, 1992, the House returned to the Senate S. 884, requiring the President to impose sanctions, including import restrictions, against countries that failed to eliminate large-scale driftnet fishing. On April 16, 1996, the House returned to the Senate S. 1463, amending the definition of industry under the Safeguard Law with respect to investigations involving the import of perishable agricultural products. Again on October 15, 1998, the House returned to the Senate S. 361, prohibiting the import of products containing, or labeled as containing, any substance derived from rhinoceros or tiger.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. S. 1109, however, was passed by the other body as a free-standing bill in contravention to the constitutional requirement that revenue measures originate in the House of Representatives.

Accordingly, the proposed action today is purely procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue matters. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Madam Speaker, I reserve the balance of my time.

Mr. KLECZKA. Madam Speaker, I yield myself such time as I may consume to simply say that I support the resolution and concur with the remarks of the gentleman from Illinois.

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

Mr. CRANE. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ACCOMPLISHMENTS FOR AMERICA

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

Mr. GIBBONS. Madam Speaker, as the 106th Congress comes to a close, I would like to highlight the achievements of this Republican Congress, achievements which I think make a difference in the lives of millions of Americans.

This Republican Congress is paying down the national debt, boosting education funding, and providing prescription drug coverage for millions of seniors, just to name a few of its significant accomplishments.

To expand on these, Madam Speaker, we reduced the national debt by more than $500 billion, that is half a trillion dollars, and devoted 100 percent of the Social Security and Medicare Trust Funds to strengthen retirement security.

Also, Republicans increased funding for education by more than $2 billion over the last year. We have given parents and local school officials, not Washington bureaucrats, more control over Federal education dollars.

Madam Speaker, we have also worked to ensure that in America no senior has to choose between putting food on the table and medicine in the cabinet. Our Republican $40 billion plan establishes a voluntary, affordable prescription drug benefit that is available to every senior.

I am confident that history will be as good to this Republican-led Congress as we have been to the American people.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO GAIL WEISS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes.

Mr. CLAY. Madam Speaker, my colleagues are all aware of my pending departure at the end of this Congress. Since my announcement, not a day has gone by without someone wishing me their best or an organization or a university giving me a tribute in acknowledgment of my commitment to their causes.

For 32 years, I have served in this body representing the people of Missouri, but Madam Speaker, there is another person who has served beside me for those 32 years and will also leave this House at the end of this session. She was never elected to this body, never placed her signature on the corner of any bill that was placed in the hopper, but she has had a great impact on the proceedings of this House. That person, Madam Speaker, is Gail Weiss, the Democratic staff director of the Committee on Education and the Workforce.

At the end of the Johnson administration, she was a young legislative liaison in the office of Economic Development who chose not to stay on for the new Nixon administration. I was a new Member in need of a legislative assistant who knew the issues of my committee assignment, education and labor. Gail came to work for me, and other than for a brief sabbatical to live in London working for a British member of parliament, she has been at my side for the entire 32 years.

After a few years in my personal office, she additionally has assisted me on the Education and Labor staff, then the Post Office and Civil Service staff, where she became the queen of amending the Hatch Act. For 20 years, she carried the torch to grant political rights to Federal and postal workers, and finally stood proudly by my side as President Clinton signed my bill into law allowing for those rights. This was shortly after she stood by my side as President Clinton signed his first bill into law, another piece of Clay legislation that Gail helped to enact, the Family and Medical Leave Act.

As the last staff director of the Post Office and Civil Service Committee, she turned out the lights after my colleagues from the majority abolished that committee. She did so with a smile and the resolve that showed she was dedicated to serving this House. No words or phrases could tear down the commitment she had to help fight to improve the lives of working families and to raise the standard of living for the less fortunate among us.

Dedication and commitment are words often bantered about in tributes to Members of this House, but rarely have words so aptly described a staff member. Gail's demeanor has always been predicated upon hard work. Ask any of her colleagues to describe her, and they will always say fair, frank, honest, and hard working. She lived by the motto of never asking anyone to do anything that she would not do. There is no doubt about her toughness, her tenacity, and her frank New York mannerisms. But at the end of the battle, she always has a smile on her face.

When our party lost control of this House, many wondered how we could protect the ideals and philosophy that we were committed to. Gail helped to find a way to do just that. When I informed her that we would lose 75 percent of the staff we had operated with, she just smiled and thought of how we could get jobs for those who were leaving.

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So I am very fortunate that Gail has been committed to my legislative ideas. We all are blessed by the dedication of great staff members. But 32 years, 16 Congresses is a tenure of service rarely achieved. There are few legislative times that have served as long as Gail.

I once said that she was my fair lady. But she is one of the fairest ladies to have graced this House. I ask that my colleagues join me in expressing our thanks, appreciation, and admiration for her service, loyalty, and friendship. Because of her presence, my service in this House, in this Congress, has been for the better.

So, Madam Speaker, I thank Gail, my fair lady, for helping to make that possible.

GENERAL LEAVE

Ms. PRYCE of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

RETIREMENT OF HON. TILLIE FOWLER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. PRYCE) is recognized for 5 minutes.

Ms. PRYCE of Ohio. Madam Speaker, I rise now to honor one of our colleagues who will be sorely missed next year in the United States House of Representatives, my good friend, the

gentlewoman from Florida (Mrs. TILLIE FOWLER).

TILLIE and I were both elected to Congress in 1992. As Members of the Class of 1992, we quickly became close friends. I consider her one of my best friends and confidants here in the House. She was a true friend through some of the toughest times of my personal life and professional career. She was a tremendous source of strength for me, and I will never ever forget her for that.

I have a great amount of admiration for TILLIE FOWLER. She has served the people of the Fourth District of Florida and our Nation with distinction, and I am so proud of her.

I have been privileged to serve in the Republican leadership with her. After her 1998 election, she was elected Vice Chair of the Republican Conference, making her the highest ranking woman in all of Congress.

I feel it so appropriate that TILLIE holds this position because I know for me and for many of my colleagues that she has been a true leader among leaders. She is a tough negotiator, a strong voice, and she never wavered from her heartfelt convictions.

As a senior Republican woman on the House Committee on Armed Services, the gentlewoman from Florida (Mrs. FOWLER) has demonstrated her expertise on defense issues. She has gained a reputation as a leading advocate of a strong national defense and has worked with great success on behalf of the military personnel in her district and all around this country.

TILLIE also chairs the Subcommittee on Investigations, Oversight and Emergency Management of the House Committee on Transportation and Infrastructure. She played a critical role in the passage of the 1998 reauthorization of the 6-year transportation bill, or TEA–21, which benefited so many of our districts and fulfilled our Nation's transportation needs.

Additionally, TILLIE has also been an advocate for women and children of our country. Together, we have worked with our colleagues to tackle issues, including children's health, child abuse prevention, providing treatment for breast and cervical cancer patients, providing relief from the marriage penalty, and bringing education flexibility to our schools, just to name a few. TILLIE has been a true champion on so many of these issues important to women and families.

TILLIE is an outstanding role model for those considering a career in politics. Before she was elected to the United States House of Representatives, she served as the first Republican and first woman president of the Jacksonville City Council. TILLIE has always led by example and did that so beautifully prior to becoming involved in elected politics herself.

Prior to her service on the Jacksonville City Council, TILLIE was active in her community, serving as president of the Junior League of Jacksonville, Chair of the Florida Humanities Council, and a volunteer for the American Red Cross and other important nonprofits.

In fact, TILLIE started her career as a congressional staffer right here on Capitol Hill and later served as the White House counsel before moving back to Florida with her beloved husband, Buck. We should acknowledge the sacrifices of TILLIE's family, including her lovely little daughters, TILLIE ANNE and Elizabeth, who watched proudly as their mother accomplished so much for so many.

TILLIE FOWLER is a dedicated public servant who believes in keeping her word. When she was elected to the House in 1992, she stated that she intended to accomplish a lot in a short period of time. And she has done just that.

I want to personally thank TILLIE for being a public servant in this, the people's House. I will miss my good friend greatly. However, the House of Representatives is a better place as a result of her dedicated service.

I wish TILLIE the best of luck in her future endeavors. She will leave this Chamber knowing that she left a distinguished mark on this institution through her thoughtful leadership, her common sense legislation, and she has definitely left a mark on the hearts of the Members who knew her best and loved her most.

It is an honor to call TILLIE FOWLER a friend, and we wish her Godspeed.

Mr. SPENCE. Mr. Speaker, it is a pleasure to join in this tribute to a truly exceptional Member of Congress and great American, TILLIE FOWLER of Jacksonville, Florida. After eight years of dedicated service, has made the difficult decision to retire from Congress. Without question, she leaves behind a tremendous record of service, and returns to Florida having changed Congress and America for the better.

As the chairman of the House Armed Services Committee, I have worked closely with TILLIE on the annual national defense authorization legislation and countless national security issues the committee has addressed. As a senior member of the committee and of the House leadership team, TILLIE has been an indispensable ally in helping us arrive at the best possible outcomes on so many difficult issues over the years. Each of these experiences further convinced me that TILLIE is truly committed to rebuilding our nation's military.

TILLIE served on two key panels of the House Armed Services Committee—the Subcommittee on Military Readiness and the Subcommittee on Military Installations and Facilities. Over her eight years in Congress, she proved herself to be a leader on both panels, earning the trust and confidence of her fellow committee members. TILLIE jumped headfirst into finding ways to stop the decline in military readiness, and her successful efforts to boost readiness budgets is largely responsible for reducing shortfalls in training and spare parts budgets.

America owes thanks to TILLIE for raising the level of discourse and concern about defense issues at the top levels of congressional leadership. During her time in the Congress, TILLIE has served as the Vice Chairman of the Republican Conference in the 106th Congress (the highest-ranking woman in Congress), a Deputy Majority Whip (1995 to present), and a member of the Republican Steering Committee (1995–1996 and 1999–2000). Throughout her service, TILLIE ensured that congressional leadership shares our concerns about declining U.S. military capabilities and provides the resources and attention necessary to fix it.

Her efforts have been particularly critical since the end of the cold war, when many Americans came to believe that the end of the Soviet threat was the end of the need for a strong United States military. TILLIE has always recognized the important role of America's military in ensuring the future welfare of the United Sates and our allies. And as she well knows, though the threats may have changed, the 21st century world is every bit as dangerous as it was a decade ago.

TILLIE departure from Congress is a loss to this institution, our nation, and the U.S. military. We will miss her leadership and her patriotism—she has been an inspiration to us all.

My wife, Debbie, joins me in offering our best wishes to TILLIE, her husband, Buck—who has also become a good friend—and her family as they move on to bigger and better things. In light of her strong support of the U.S. military, especially the Navy, it is only fitting to send TILLIE off with the traditional Navy farewell wish—''Fair Winds and Following Seas!''

Mr. BOYD. Mr. Speaker, I rise today to pay tribute to one of our colleagues in the House of Representatives a dear friend of mine from my home State of Florida, Congresswoman TILLIE FOWLER.

Representative FOWLER was first elected to the House in 1992. Since then, she has quickly climbed the leadership ladder and currently serves as Vice-Chairman of the Republican Conference. This notable accomplishment makes her the highest ranking woman in Congress and the only Floridian in the House Leadership. In addition to her role as Vice Chairman, Mrs. FOWLER also serves as a Deputy Majority Whip.

Throughout her career in Congress, Representative FOWLER has been an inexhaustible voice for the importance of a strong and ready national defense. Her Congressional District is home to many military installations, including Jacksonville's Mayport Naval Air Station. Mrs. FOWLER has worked not only to enhance the readiness of our military forces and to ensure that our combat equipment is modernized, but to improve the quality of life for military personnel and their dependents—the very reason that our military is the most powerful fighting force in the world.

Her political deftness and ability to bring people together have been a huge benefit to the people of Florida and our nation. For example, when allegations of sexual misconduct arose at several military training bases, Representative FOWLER was appointed to cochair a Congressional Task Force investigating the matter.

Mrs. FOWLER has also served on the House Transportation and Infrastructure Committee. From her position on this committee, she worked with other key members of the Florida delegation to steer millions of needed transportation dollars to Florida when the House reauthorized the nation's transportation system.

Representative FOWLER worked to ensure the state of Florida, long short-changed under past funding formulas, would get its fair share of federal transportation dollars. Thanks to her, Florida now receives $440 million more each year than it had in the past to deal with the severe transportation obstacles that we face.

Mrs. FOWLER will leave Congress with a legacy that is her own; one of kindness, compassion, and accomplishment. She will forever serve as a role model to young women and it has been a pleasure and distinct honor to serve with her in the U.S. House of Representatives. Her leadership, intellect, charm and grace will be sorely missed when she retires from the House of Representatives at the end of the 106th Congress.

In closing, I wish to extend a heartfelt thank you to the Fowler family, her husband Buck and daughters, Tillie Anne and Elizabeth, for sharing their loving mother and adoring wife with the American people.

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to my friend and colleague, the gentlewoman from Florida, U.S. Representative TILLIE FOWLER. I am proud to recognize the gentlewoman for her accomplishments and wish her continued success as she retires from the United States Congress.

TILLIE FOWLER is one of the hardest working and most effective Members of our Florida Delegation. She brings to the job a level of commitment, intelligence and thoughtfulness that transcends partisan considerations. In addition, TILLIE has been a pleasure to work with. I know I speak for Members on both sides of the aisle, when I say that her calm judgment and pleasant manner has been truly appreciated in our deliberations and will be sorely missed.

Congresswoman FOWLER has a long history of public and community service. In 1985, she was elected to the Jacksonville City Council and was soon named President of the City Council, the first woman and first Republican to serve in that role. After devoting more than two decades to serving the community of Jacksonville, TILLIE FOWLER was elected to the United States House of Representatives November 3rd, 1992. As a new member of Congress, she brought her energetic, compassionate, common sense approach to getting things done in Washington. She has worked to end the governmental gridlock so that the real needs of the people—jobs, education, health care—can be addressed in a conservative but constructive manner.

As a Member serving on the Armed Services Committee, Congresswoman FOWLER has gained a reputation as a determined advocate of a strong national defense and she has worked with great success on behalf of the military personnel and facilities in her district and around the country. Congressional Quarterly said of Fowler's work on the committee, ''FOWLER is a polite but persistent advocate for building new military, upgrading wharf facilities and the like.'' Her position on the House Transportation and Infrastructure Committee has provided her with a tremendous opportunity to improve our nation's roads, mass transit, water and public works infrastructure. Last year, her colleagues elected her to the 5th-ranking position in the House Republican Leadership, Vice Chairperson of the Republican Conference, making her the highest-ranking Republican woman in Congress and the only Floridian in the House Leadership.

In addition to her work in both local and national government, she has been active in many organizations which work to improve the quality of life in Jacksonville. She was a founding member of the Duval County Public Education Foundation, past president of the Junior League, past chairman of Volunteer Jacksonville, a member of the Mayor's Commission on the Status of Women and of Leadership Jacksonville. On the state level, she served for two years as the Chair of the Florida Endowment for the Humanities.

TILLIE, I think you can take great pride in your accomplishments here and in the imprint that you have made in this institution. We, who will be returning to the 107th Congress, will miss you. I wish you the very best in any challenge you undertake.

Mr. Speaker, Congresswoman FOWLER's decision not to run for a fifth term is a loss to this institution, to her colleagues, and in particular to her constituents. She promised that she would only serve four terms. It is very much like TILLIE to keep her word and I am sad to see that the time has gone so fast. She will be remembered for her commitment and determination to bring about change for the people of her District and for her fair and skilled leadership in public service. The people of Florida's Fourth Congressional District will miss her and so will we.

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute in the best bipartisan tradition to my colleague and my friend, Congresswoman TILLIE FOWLER of Florida. I can truly say I am sorry to see her go.

TILLIE and I have served together on the House Armed Services Committee during her entire tenure in the House of Representatives. I believe I can speak for my colleagues on the committee on both sides of the aisle when I say that she has never failed to impress us with her deep understanding and grasp of the issues and challenges facing our national defense structure. She constantly showed her skills as an attorney in her probing questioning of hearing witnesses and her summations to the committee members. She never backed away from a flight, but she never made it personal, either.

More particularly, TILLIE and I have worked together for these 6 years as members of the executive committee of the House Depot Caucus. Again, we put partisan differences aside as we fought with the Pentagon, industry and even our own colleagues here in the Congress in our efforts to ensure that the Department of Defense always has a ready and controlled source of repair for our vital weapon systems, namely our organic depots. We won most of those battles, and those victories are due to the strong consensus and teamwork that TILLIE helped forge among our Depot Caucus members, both Democrats and Republicans.

Mr. Speaker, I don't like term limits, and TILLIE FOWLER is one of the best reasons I know of to do away with them. While I admire her for sticking to her principles and adhering to her self-imposed limit of three terms in the House, I for one know that our nation is losing a fine public servant and our armed forces, including the Naval Academy where she is a member of the Board of Visitors, are losing a dedicated advocate. However, I expect we will see Tillie again in some other job at the national level which will put the skills she refined here in the House to good use for our country.

TILLIE, mi amiga y mi comadre, we will miss you here in the House and on the Armed Services Committee. Thank you for your service to this great institution and to our nation. Vaya con Dios!

Mr. STEARNS. Mr. Speaker, as the 106th Congress draws to an end, we can celebrate many of our accomplishments—the Social Security lockbox, the third annual budget surplus in a row, and more than $300 billion in debt reduction.

The end of the 106th Congress also means bidding farewell to many of our colleagues. Among the outstanding public servants who are stepping down is TILLIE FOWLER of Jacksonville. Her dedication and expertise will be sorely missed.

Mr. Speaker, my district covers all or part of nine counties and is contiguous to 6 other congressional districts—five of them in Florida. My district stretches from just outside of Orlando all the way to the Georgia border. This gives me the honor of representing a portion of Jacksonville, and this has given me the privilege of working closely with Congresswoman FOWLER on many issues.

Not so long ago, Jacksonville was looked upon as a small city supporting paper mills, a commercial port, and military bases. Today, the Jacksonville area numbers one million people and the city is recognized as a vibrant, growing urban center. Although it has shed some its past, Jacksonville maintains its strong commitment to our armed services as the host to major military facilities.

The successful transformation of Jacksonville over the past two decades owes much to TILLIE FOWLER. She has worked on behalf of the area as a volunteer, and as an elected official at the local and federal levels. This dedication to public service is a family trait.

TILLIE'S father, Culver Kidd, served for 42 years in the Georgia legislature; and her mother, Katherine Kidd, was a community leader. TILLIE learned about civic and local involvement in Milledgeville, Georgia. I should point out that Milledgeville has contributed a great deal to this nation. It was also the home of the distinguished writer Flannery O'Connor and the long-time Chairman of the House Armed Services Committee Carl Vinson.

From her small hometown, my colleague pursued her education at Emory University in Atlanta earning a B.A. in political science and late a J.D. Armed with her law degree, TILLIE came here to Washington, D.C., and worked on the staff of Congressman Robert Stephens of Georgia. Her strong talents were soon recognized and she was brought to the White House as a counsel in the Nixon Administration.

During this period, TILLIE not only expanded her professional horizons, she met and married a fellow attorney, L. Buck Fowler. In 1971, she moved with her husband to Jacksonville, Florida, where she set about the important job of raising a family, two daughters, Tillie Ann and Elizabeth. Although she put her career on hold, TILLIE did not ease up on public service. She volunteered her efforts as the President of the Junior League of Jacksonville, with the American Red Cross, and other charitable groups.

In 1985, she returned to the political scene with her election to the City Council and served on the council from 1985 through 1992. In 1989, she became President of the Jacksonville City Council, the first Republican and the first woman to hold that position. Although she retired from the council in 1992,

her political career was just changing direction; she then successfully ran for Congress.

Congresswoman FOWLER returned to Washington with an ambitious agenda. She had vowed to make Mayport Naval Station a top priority and she succeeded. Through her position on the Armed Services Committee, she has built a reputation as an advocate of a strong national defense. She has improved the nation's commitment to military personnel and facilities in her district, throughout the nation, and around the world.

Her tenure on the Transportation and Infrastructure Committee has also resulted in major improvements for Florida. Florida is a rapidly growing state and deserves a greater share of transportation funding. Through Mrs. FOWLER's efforts, Florida is receiving an additional $440 million annually for its transportation needs. Due to her experience with the Transportation Committee, Congressman FOWLER was named Chairman of the newly created Subcommittee on Oversight, Investigations and Emergency Management.

While making her first run for Congress in 1992, Mrs. FOWLER offered to limit herself to four terms. Although she was asked by her leadership and her colleagues to reconsider, TILLIE is stepping down after four terms. After all, she has accomplished the goals she set out to achieve eight years ago.

We are losing more than an experienced lawmaker, we are losing a good friend. In fact, Mrs. FOWLER has been a good friend to the people of Florida, and perhaps more importantly, the men and women of our armed services. It has been an honor to serve and work with TILLIE and we will miss her.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO HON. TILLIE K. FOWLER

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I am delighted to join the gentlewoman from Ohio (Ms. PRYCE) to honor the remarkable career of my friend and colleague, TILLIE FOWLER.

TILLIE has served the Fourth District of Florida, this body, and her country with integrity and loyalty. She has been a role model and a friend to me during my freshman term here in Congress, and I will miss her greatly.

When I first met TILLIE, I knew we would get along well because of our similar background. TILLIE and I are two of only three Republican women attorneys in the House, and both of us have been very active in our home communities before coming to Washington.

At the time when TILLIE and I graduated from our law schools, there were very few women going into the legal profession and even fewer options for women attorneys. We had to create our own options, and TILLIE certainly did so by deciding to move to Washington and begin a career in public service.

She worked first as a congressional staffer, then as counsel in the Nixon administration before moving to Jacksonville, Florida, with her husband, Buck, to raise their daughters, Tillie and Elizabeth. TILLIE established a solid reputation in Jacksonville as a local leader long before running for Congress. She was president of the Junior League, chairman of the Florida Humanities Council, and president of the City Council.

Because of this background, TILLIE is dedicated to maintaining excellent relations with her constituents. TILLIE serves her district with pride, which you can tell just by walking into her office. In addition to the Jacksonville Jaguars football helmet proudly displayed in her office, artwork from her district lines the walls, and books around her district decorate the reception area.

From the beginning, TILLIE made strong national defense one of her top priorities. When bases around the country were being closed in the early 1990's, TILLIE fought to ensure that two of the bases in Jacksonville were kept open. Because of such dedication, she is known and admired by the military community.

Our Tuesday Lunch Bunch relies heavily on her expertise in military affairs. As such an effective leader, TILLIE has been the true role model, not only for those of us who follow her in Congress but for people everywhere.

An even greater testament to her character and leadership is that not only do so many Members respect and admire her but that her own staff does as well. Her staff is extremely loyal to her and most of them have been with her for many years.

TILLIE established herself as the leader from her first day in Congress. As a freshman, she was elected co-chair of the Freshmen Republican Task Force; and in her second term, she became a deputy whip. She is currently the chairman of the Committee on Transportation Subcommittee on Investigations, Oversight and Emergency Management and is the senior Republican woman on the Committee on Armed Services.

As Vice Chair of the Republican Conference, she is not only the highest ranking woman in Congress but the first Floridian to hold the position. With such a record of leadership, it is no wonder she was elected unopposed in 1994, 1996, and 1998.

A few weeks ago, I heard a fellow Member on the floor affectionately refer to TILLIE as a real-life Steel Magnolia. I could not agree more. In fact, TILLIE takes great pride in being referred to by Working Women Magazine as a drill sergeant disguised as a Southern belle.

Throughout her career, TILLIE has always been dedicated to standing up for what is right. The strength of character has made her a great asset to this body.

TILLIE has been a true friend, and we will all miss her leadership. However, I am very confident to say that this is not, as they say, farewell and not goodbye. I know this will not be the last time that we will hear from TILLIE FOWLER. I look forward to seeing what she will do next because I know that, in whatever capacity she chooses to serve, she will serve her country and the good people of Florida with integrity, courage, and unending enthusiasm.

Mr. CALLAHAN. Mr. Speaker, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, I want to join with those of us who are praising TILLIE FOWLER to tell them that I had the opportunity to be in Jacksonville and give the commencement address to the Jacksonville University senior class; and while there, I had the opportunity to meet with most all of the leaders of Jacksonville.

Up here it is easy almost to be a hero amongst ourselves. But we are seldom a hero in our own hometown. And the respect that TILLIE FOWLER has in her hometown is something that is almost astonishing. Every business leader there praised her. They were so happy to have her here. And they knew that she was term-limiting herself and they knew that she was not coming back, and they were remorseful of that.

I think it is a great compliment that we also recognize that not only is she a hero to us, but TILLIE FOWLER is a hero in her own hometown.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. ROUKEMA) is recognized for 5 minutes.

(Mrs. ROUKEMA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO HON. TILLIE K. FOWLER

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN. Madam Speaker, I too rise today to pay tribute to an extraordinary woman and someone I call a friend, the Honorable TILLIE K. FOWLER.

Representative FOWLER is a dynamic and compassionate leader, who I am

sorry to say is retiring this year from Congress after 8 years of dedicated service to the people of Florida.

As the daughter of an esteemed and respected member of the Georgia legislature, Mrs. FOWLER grew up with a commitment to public service. Certainly, in the Fowler family, you could say the apple does not fall far from the tree.

After serving as a White House aide during the Nixon administrations, the gentlewoman from Florida (Mrs. FOWLER) moved to Jacksonville, Florida, to start a political career of her own. From 1985 to 1992, she served on the Jacksonville City Council with distinction. During that period, the gentlewoman from Florida (Mrs. FOWLER) became the council's first woman president.

Her experience in Jacksonville prepared her to seek higher office by shaping her into an innovative and effective leader.

After being elected to Congress in 1992, Representative FOWLER secured appointments on both the House Committee on Armed Services and on the Committee on Transportation and Infrastructure. She also earned the esteemed title of Vice Chair of the Republican Conference, making her the highest ranking woman in the Congress and the first Floridian to hold a position in the elected majority leadership. She also serves as the deputy majority whip.

Representative FOWLER has continually and successfully worked in a bipartisan way to improve the quality of life for Floridians. I have had the privilege of working closely with Representative FOWLER on several key bills for the State of Florida. I will always greatly appreciate Representative FOWLER's willingness to build bipartisan coalitions for the betterment of our State.

A primary example of her ability to foster bipartisan consensus in the House evolves around our State's great need to develop alternative water sources. Together, Representative FOWLER and I authored an alternative water source development bill that overwhelmingly passed the House this session.

The measure would provide a 5-year Federal grant program to fund water projects designed to meet Florida's growing demands for water through planning and advanced technology.

I am pleased to say that Congresswoman FOWLER is among the many members of the Florida congressional delegation who are committed to improving and securing Florida's water supply for generations to come. This is an issue of great concern to Florida, where a booming population threatens to strain existing drinking water resources.

I have always admired TILLIE's foresight in addressing this potential future problem by reusing and reclaiming alternative water sources. This is the best way to prevent a drinking water crisis from occurring in the State. Her help in furthering this legislation promises to one day benefit all in Florida's communities.

I have been further impressed by Congresswoman FOWLER's efforts to improve Florida's highways and to expand access to mass transit. In 1998, Congresswoman FOWLER, through her position on the House Committee on Transportation and Infrastructure, was able to secure millions of dollars in additional Federal funding for Florida's transportation needs. Her hard work and commitment to passing these bills underscores once again her dedication to the people of Florida.

TILLIE FOWLER is also an advocate for maintaining our country's strong national defense. In that role, she has worked to improve the lives of our men and women in uniform and our Nation's veterans.

Among her many accomplishments, she was instrumental in the passage of expanded health care benefits for military retirees, which were included in the U.S. Department of Defense Conference Report. This shows her true commitment to honoring our Nation's promise to its veterans and military retirees.

I would also like to take the time to commend Congresswoman FOWLER for her work to promote the humanities. As a past chairwoman of the Florida Humanities Council, she brought her appreciation for preserving culture with her to Washington.

In recognition of her contributions, Representative FOWLER was awarded this year the Distinguished Service Award by the National Humanities Alliance.

Madam Speaker, please join me in paying tribute to the Honorable TILLIE K. FOWLER, a woman of integrity, perseverance, and honor.

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We are so grateful for her devoted service to the people of Florida. I wish her well in the years ahead and I hope she will continue to stay active in the community. After all, Florida needs dedicated public servants like TILLIE FOWLER, whose legacy will live on in the many lives she has touched.

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Florida (Mrs. FOWLER) is recognized for 5 minutes.

(Mrs. FOWLER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CONFERENCE REPORT ON H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

Mr. CALLAHAN submitted the following conference report and statement on the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–997)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4811) ''making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Section 101. (a) The provisions of H.R. 5526 of the 106th Congress, as introduced on October 24, 2000, are hereby enacted into law.

(b). In publishing the Act in slip form and in the United States Statues at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section.

And the Senate agreed to the same.

SONNY CALLAHAN,
JOHN EDWARD PORTER,
FRANK R. WOLF,
RON PACKARD,
JOE KNOLLENBERG,
JACK KINGSTON,
JERRY LEWIS,
ROGER F. WICKER,
BILL YOUNG,
NANCY PELOSI,
NITA M. LOWEY,
JESSE JACKSON, Jr.,
CAROLYN C. KILPATRICK,
MARTIN OLAV SABO,
DAVE OBEY,
(except for cap adjustment),
Managers on the Part of the House.

MITCH MCCONNELL,
ARLEN SPECTER,
JUDD GREGG,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
KIT BOND,
TED STEVENS,
PATRICK LEAHY,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
PATTY MURRAY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4811) ''making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001'', submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The conference agreement would enact the provisions of H.R. 5526 as introduced on October 24, 2000. The text of that bill follows:

A BILL Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $865,000,000 to remain available until September 30, 2004: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2019 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2001, 2002, 2003, and 2004: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $62,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2001.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $38,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2001 and 2002: Provided further, That such sums shall remain available through fiscal year 2010 for the disbursement of direct and guaranteed loans obligated in fiscal years 2001 and 2002: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until September 30, 2002.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2001, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, $963,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other infectious diseases; and (7) basic education programs for children: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for basic education and ongoing health programs: Provided further, That of the funds appropriated under this heading, not to exceed $125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $295,000,000 for child survival and maternal health; $30,000,000 for vulnerable children; $300,000,000 for HIV/AIDS; $125,000,000 for other infectious diseases; $103,000,000 for children's basic education; and $110,000,000 for UNICEF: Provided further, That of the funds appropriated under this heading, up to $50,000,000 may be made available for a United States contribution to the Global Fund for Children's Vaccines, up to $10,000,000 may be made available for the International AIDS Vaccine Initiative, and up to $20,000,000 may be made available for a United States contribution to an international HIV/AIDS fund as authorized by subtitle B, title I of Public Law 106–264, or a comparable international HIV/AIDS fund.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,305,000,000, to remain available until September 30, 2002: Provided, That of the amount appropriated under this heading, up to $12,000,000 may be made available for and apportioned directly to the Inter-American Foundation: Provided further, That of the amount appropriated under this heading, up to $16,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that

might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, not less than $310,000,000 should be made available for agriculture and rural development programs of which $30,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $5,200,000 shall be made available to AmeriCares for the construction, rehabilitation, and operation of community-based primary healthcare facilities in Nicaragua, Honduras, Guatemala, and El Salvador: Provided further, That of the funds appropriated under this heading, not less than $500,000 should be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $17,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, not less than $2,000,000 should be available to support an international media training center.

CYPRUS

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $35,000,000 shall be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

BURMA

Of the funds appropriated under the headings ''Economic Support Fund'' and ''Development Assistance'', not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CONSERVATION FUND

Of the funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $4,000,000 should be made available to support the preservation of habitats and related activities for endangered wildlife.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $165,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2002.

DEVELOPMENT CREDIT PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 635 of the Foreign Assistance Act of 1961: Provided, That such funds shall be made available only for urban and environmental programs: Provided further, That for the cost of direct loans and loan guarantees, up to $5,000,000 of funds appropriated by this Act under the heading ''Development Assistance'', may be transferred to and merged with funds appropriated under this heading to be made available for the purposes of part I of the Foreign Assistance Act of 1961: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the Agency for International Development, $4,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds appropriated under this heading shall remain available until September 30, 2002.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $44,489,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $520,000,000: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $27,000,000, to remain available until September 30, 2002, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,295,000,000, to remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, not less than $840,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That not less than $695,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 should be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for East Timor of which up to $1,000,000 may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That of the funds appropriated under this heading, in addition to funds otherwise made available for Indonesia, not less than $5,000,000 should be made available for economic rehabilitation and related activities in Aceh, Indonesia: Provided further, That funds made available in the previous proviso may be transferred to and merged with the appropriation for Transition Initiatives: Provided further, That none of the funds appropriated under this heading shall be obligated for regional or global programs, except as provided through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds made available under this heading not less than $12,000,000 should be made available for Mongolia: Provided further, That up to $10,000,000 of the funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term ''assistance'' includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $25,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2002.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $600,000,000, to remain available until September 30, 2002, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading not less than $5,000,000 shall be made available for assistance for the Baltic States: Provided further, That funds made available for assistance for Kosova from funds appropriated under this heading and under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' shall not exceed 15 percent of the total resources pledged by all donors for calendar year 2001 for assistance for Kosova as of March 31, 2001: Provided further, That of the funds made available under this heading for Kosova, not less than $1,300,000 should be made available to support the National Albanian American Council's training program for Kosovar women: Provided further, That none of the funds made available under this Act for assistance for Kosova shall be made available for large scale physical infrastructure reconstruction: Provided further, That of the funds made available under this heading and the headings ''International Narcotics Control and Law Enforcement'' and ''Economic Support Fund'', not to exceed $80,000,000 shall be made available for Bosnia and Herzegovina.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(f) The provisions of section 532 of this Act shall apply to funds made available under subsection (e) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 532 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(g) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $810,000,000, to remain available until September 30, 2002: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, 15 percent may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the amounts appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East: Provided further, That of the funds appropriated under this heading, not less than $1,500,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons.

(b) Of the funds appropriated under this heading, not less than $170,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than $25,000,000 should be made available for nuclear reactor safety initiatives, and not less than $5,000,000 should be made available for the Ukranian Land and Resource Management Center.

(c) Of the funds appropriated under this heading, not less than $92,000,000 shall be made available for assistance for Georgia of which not less than $25,000,000 should be made available to support Border Security Guard and export control initiatives.

(d) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Not more than 25 percent of the funds appropriated under this heading may be made available for assistance for any country in the region. Activities authorized under title V (nonproliferation and disarmament programs and activities) of the FREEDOM Support Act shall not be counted against the 25 percent limitation.

(g) Of the funds made available under this heading for nuclear safety activities, not to exceed 8 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(h)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation.

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability;

(B) is cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya;

(C) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya; and

(D) is in compliance with article V of the Treaty on Conventional Armed Forces in Europe regarding forces deployed in the flank zone in and around Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(i) Of the funds appropriated under this heading for assistance for Russia, and the heading ''Migration and Refugee Assistance'', not less than $10,000,000 shall be made available to nongovernment organization providing humanitarian relief in Checknya and Ingushetia.

(j) Of the funds appropriated under this heading, not less than $45,000,000 shall be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental health, and to combat infectious diseases, and for related activities.

INDEPENDENT AGENCY

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $265,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2002.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $325,000,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2001, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $700,000,000, which shall remain available until expended: Provided, That not more than $14,500,000 shall be available for administrative expenses: Provided further, That funds appropriated under this heading to support activities and programs conducted by the United Nations High Commissioner for Refugees shall be made available after reporting at least 5 days in advance to the Committees on Appropriations: Provided further, That the reporting requirement contained in the previous proviso may be waived for any such obligation if failure to waive this requirement would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, a report to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 5 days after such obligation: Provided further, That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $311,600,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 20 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $6,000,000, to remain available until expended, which shall be available nowithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $238,000,000, to remain available until expended: Provided, That of this amount, not less than $13,000,000 shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That funds appropriated or otherwise made available under this heading in this Act may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided

further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(a) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign exchange which are generally referred to as ''enclave'' loans; and

(b) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $55,000,000, of which up to $1,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Indonesia and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,545,000,000: Provided, That of the funds appropriated under this heading, not less than $1,980,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $520,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 should be available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $3,000,000 shall be made available for assistance for Malta: Provided further, That of the funds appropriated by this paragraph, not less than $8,500,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That of the funds appropriated by this paragraph, not less than $8,000,000 shall be made available for Georgia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $4,000,000 under the authority of this proviso for Georgia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $33,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2001 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2001 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2000, whichever is later: Provided further, That the Committees on Appropriations shall be informed at least 10 days prior to the obligation of any interest accrued by the account established by the previous proviso.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $127,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $108,000,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $775,000,000, to remain available until expended: Provided: That the Secretary of the Treasury shall: (1) accord high priority to encouraging the International Development Association to establish and implement a policy to provide new assistance on grant terms to enhanced HIPC Initiative countries that have reached the completion point; and (2) submit a report to the Speaker of the House of Representatives, the President of the Senate, and the Committees on Appropriations no later than June 30, 2001, on the progress reached in achieving the objective set forth in clause (1): Provided further, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $10,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share

of such capital stock in an amount not to exceed $50,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $25,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $10,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $72,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $6,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $97,548,522.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $5,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $186,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That not less than $5,000,000 should be made available to the World Food Program: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: Provided, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying a foreign country's loan obligations to such institution.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2001.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Child Survival and Disease Programs Fund'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Peacekeeping Operations'', ''Operating Expenses of the Agency for International Development'', ''Operating Expenses of the Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2002.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading ''Assistance for the Independent States of the Former Soviet Union'' and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds

made available under this Act may be used to lobby for or against abortion.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2001, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Serbia, Sudan, Ethiopia, Eritrea, Zimbabwe, Pakistan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND DISEASE PREVENTION ACTIVITIES

SEC. 522. Up to $16,000,000 of the funds made available by this Act for assistance under the heading ''Child Survival and Disease Programs Fund'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: Provided, That up to $1,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings ''International Military Education and Training'' and ''Foreign Military Financing Program'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for ''Economic Support Fund'' may be made available to provide general support and grants for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster rule of law and democracy in that country: Provided, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country, except that funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available for the National Endowment for Democracy or its grantees may be made available for activities to foster democracy in that country notwithstanding this proviso and any other provision of law: Provided further, That upon enactment of this Act funds appropriated by this or any prior Acts making appropriations for foreign operations, export financing, and related programs, that are provided to the National Endowment for Democracy shall be provided notwithstanding any other provision of law or regulation: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not to exceed $2,000,000 may be made available to nongovernmental organizations located outside the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country: Provided further, That the final proviso in section 526 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113) is amended by striking ''Robert F. Kennedy Memorial Center for Human Rights'' and inserting ''Jamestown Foundation''.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

REPORT ON IMPLEMENTATION OF SUPPLEMENTAL APPROPRIATIONS

SEC. 528. (a) Beginning not later than January 1, 2001, the Secretary of State shall provide quarterly reports to the Committees on Appropriations providing information on the use of funds appropriated in title VI of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113). Each report shall include the following—

(1) the current and projected status of obligations and expenditures by appropriations account, by country, and by program, project, and activity;

(2) the contractors and subcontractors engaged in activities funded from appropriations contained in title VI; and

(3) the procedures and processes under which decisions have been or will be made on which programs, projects, and activities are funded through appropriations contained in title VI.

(b) For each report required by this section, a classified annex may be submitted if deemed necessary and appropriate.

(c) The last quarterly report required by this section shall be provided to the Committees on Appropriations by January 1, 2002.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

PERU

SEC. 530. (a) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter during fiscal year 2001, the Secretary of State shall determine and report to the Committees on Appropriations whether the Government of Peru has made substantial progress in creating the conditions for free and fair elections, and in respecting human rights, the rule of law, the independence and constitutional role of the judiciary and national congress, and freedom of expression and independent media.

(b) PROHIBITION.—If the Secretary determines and reports pursuant to subsection (a) that the Government of Peru has not made substantial progress, no funds appropriated by this Act may be made available for assistance for the Central Government of Peru.

(c) Of the funds appropriated by this Act, not less than $2,000,000 should be made available to support the work of nongovernmental organizations and the Organization of American States in promoting free and fair elections, democratic institutions, and human rights in Peru.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations

in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for ''International Organizations and Programs'' in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

CLEAN COAL TECHNOLOGY

SEC. 537. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility,

and activities funded from USAID's Development Credit Authority.

SPECIAL AUTHORITIES

SEC. 538. (a) AFGHANISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, that not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; and the Bureau for Asia and the Near East: Provided further, that such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 540. Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2001, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased

with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2001, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Child Survival and Disease Programs Fund'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 556. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern

of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 557. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

ASSISTANCE FOR HAITI

SEC. 558. (a) None of the funds appropriated by this or any previous appropriations Act for foreign operations, export financing and related programs shall be made available for assistance for the central Government of Haiti until—

(1) the Secretary of State reports to the Committees on Appropriations that Haiti has held free and fair elections to seat a new parliament; and

(2) the Director of the Office of National Drug Control Policy reports to the Committees on Appropriations that the Government of Haiti is fully cooperating with United States efforts to interdict illicit drug traffic through Haiti to the United States.

(b) Not more than 11 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 559. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 2000.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term ''United States assistance'' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 560. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term ''United States person'' refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI COAST GUARD

SEC. 561. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 562. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 563. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 564. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(I) assistance to refugees and internally displaced persons returning to their homes in Bosnia from which they had been forced to leave on the basis of their ethnicity.

(2) NOTIFICATION.—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in any sanctioned country, entity, or municipality described in subsection (e) in which a person publicly indicted by the Tribunal is in residence or is engaged in extended activity and competent local authorities have failed to notify the Tribunal or failed to take necessary and significant steps to apprehend and transfer such persons to the Tribunal or in which competent local authorities have obstructed the work of the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) SPECIAL RULE.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) REPORT.—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(h) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committees on Appropriations and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Appropriations and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term ''country'' means Bosnia-Herzegovina, Croatia, and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosova, Montenegro, and the Republika Srpska.

(3) DAYTON AGREEMENT.—The term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) TRIBUNAL.—The term ''Tribunal'' means the International Criminal Tribunal for the Former Yugoslavia.

(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 565. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 566. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2001, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2002: Provided, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix: Provided further, That such report shall identify with regard to the Agency

for International Development, obligations and expenditures by country or central program and activity.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 567. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 568. Of the funds appropriated in titles II and III of this Act under the headings ''Economic Support Fund'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peacekeeping Operations'', for refugees resettling in Israel under the heading ''Migration and Refugee Assistance'', and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', not more than a total of $5,241,150,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of the enactment of this Act obligated or allocated for other recipients may not during fiscal year 2001 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 569. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 570. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

FOREIGN MILITARY TRAINING REPORT

SEC. 571. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2001, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2000 and 2001, including those proposed for fiscal year 2001. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 572. (a) Of the funds made available under the heading ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', not to exceed $55,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as ''KEDO''), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended;

(5) there is no credible evidence that North Korea is seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel;

(6) North Korea is complying with its commitments regarding access to suspect underground construction at Kumchang-ni;

(7) there is no credible evidence that North Korea is engaged in a nuclear weapons program, including efforts to acquire, develop, test, produce, or deploy such weapons; and

(8) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (b) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2002 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

AFRICAN DEVELOPMENT FOUNDATION

SEC. 573. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations in advance of exercising such waiver authority.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 574. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 575. Notwithstanding any other provision of law, of the funds appropriated under the heading ''Economic Support Fund'', not less than $25,000,000 shall be made available for programs benefiting the Iraqi people, of which not less than $12,000,000 should be made available for food, medicine, and other humanitarian assistance (including related administrative, communications, logistical, and transportation costs) to be provided to the Iraqi people inside Iraq: Provided, That such assistance should be provided through the Iraqi National Congress Support Foundation or the Iraqi National Congress: Provided further, That not less than $6,000,000 of the amounts made available for programs benefiting the Iraqi people should be made available to the Iraqi National Congress Support Foundation or the Iraqi National Congress for the production and broadcasting inside Iraq of radio and satellite television programming: Provided further, That funds may be made available to support efforts to bring about political transition in Iraq which may be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105–338) for political, economic, humanitarian, and other activities of such groups, and not to exceed $2,000,000 may be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi government officials for war crimes: Provided further, That none of these funds may be made available for administrative expenses of the Department of State: Provided further, That the President shall, not later than 60 days after the date of enactment of this Act, submit to the Committees on Appropriations of the Senate and the House of Representatives a plan (in classified or unclassified form) for the transfer to the Iraqi National Congress Support Foundation or the Iraqi National Congress of humanitarian assistance for the Iraqi people pursuant to this paragraph, and for the commencement of broadcasting operations pursuant to this paragraph.

AGENCY FOR INTERNATIONAL DEVELOPMENT BUDGET JUSTIFICATION

SEC. 576. The Agency for International Development shall submit to the Committees on Appropriations a detailed budget justification that is consistent with the requirements of section 515, for each fiscal year. The Agency shall submit to the Committees on Appropriations a proposed budget justification format no later than November 15, 2000, or 30 days after the enactment of this Act, whichever occurs later. The proposed format shall include how the Agency's budget justification will address: (1) estimated levels of obligations for the current fiscal year and actual levels for the 2 previous fiscal years; (2) the President's request for new budget authority and estimated carryover obligational authority for the budget year; (3) the disaggregation of budget data and staff levels by program and activity for each bureau, field mission, and central office; and (4) the need for a user-friendly, transparent budget narrative.

KYOTO PROTOCOL

SEC. 577. None of the funds appropriated by this Act shall be used to propose or issue rules,

regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

WEST BANK AND GAZA PROGRAM

SEC. 578. For fiscal year 2001, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

INDONESIA

SEC. 579. (a) Funds appropriated by this Act under the headings ''International Military Education and Training'' and ''Foreign Military Financing Program'' may be made available for Indonesia if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and militia groups responsible for human rights violations in Indonesia and East Timor.

MAN AND THE BIOSPHERE

SEC. 580. None of the funds appropriated or otherwise made available by this Act may be provided for the United Nations Man and the Biosphere Program or the United Nations World Heritage Fund.

TAIWAN REPORTING REQUIREMENT

SEC. 581. Not less than 30 days prior to the next round of arms talks between the United States and Taiwan, the President shall consult, on a classified basis, with appropriate Congressional leaders and committee chairmen and ranking members regarding the following matters:

(1) Taiwan's requests for purchase of defense articles and defense services during the pending round of arms talks;

(2) the Administration's assessment of the legitimate defense needs of Taiwan, in light of Taiwan's requests; and

(3) the decision-making process used by the Executive branch to consider those requests.

RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN CENTRAL EUROPE

SEC. 582. Funds appropriated or otherwise made available by this Act for United States assistance for Eastern Europe and the Baltic States should to the maximum extent practicable be used for the procurement of articles and services of United States origin.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 583. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country that the Secretary of State determines there is credible evidence that such government has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous 6 months to the Sierra Leone Revolutionary United Front (RUF), or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country that the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) Whenever the prohibition on assistance required under subsection (a) or (b) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 584. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), is amended by striking ''December 31, 2000'' and inserting in lieu thereof ''December 31, 2001''.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 585. (1) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under ''International Organizations and Programs'', not more than $25,000,000 for fiscal year 2001 shall be available for the United Nations Population Fund (hereafter in this subsection referred to as the ''UNFPA'').

(2) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under ''International Organizations and Programs'' may be made available for the UNFPA for a country program in the People's Republic of China.

(3) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under ''International Organizations and Programs'' for fiscal year 2001 for the UNFPA may not be made available to UNFPA unless—

(A) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(B) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(C) the UNFPA does not fund abortions.

(4) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(A) Not later than February 15, 2001, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(B) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

INDOCHINESE PAROLEES

SEC. 586. (a) The status of certain aliens from Vietnam, Cambodia, and Laos described in subsection (b) of this section may be adjusted by the Attorney General, under such regulations as she may prescribe, to that of an alien lawfully admitted permanent residence if—

(1) within three years after the date of promulgation by the Attorney General of regulations in connection with this title the alien makes an application for such adjustment and pays the appropriate fee;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence except as described in subsection (c); and

(3) the alien had been physically present in the United States prior to October 1, 1997.

(b) The benefits provided by subsection (a) shall apply to any alien who is a native or citizen of Vietnam, Laos, or Cambodia and who was inspected and paroled into the United States before October 1, 1997 and was physically present in the United States on October 1, 1997; and

(1) was paroled into the United States from Vietnam under the auspices of the Orderly Departure Program; or

(2) was paroled into the United States from a refugee camp in East Asia; or

(3) was paroled into the United States from a displaced person camp administered by the United Nations High Commissioner for Refugees in Thailand.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraph (4), (5), and 7(A) and (9) of section 212(a) of the Immigration and Nationality Act shall not be applicable to any alien seeking admission to the United States under this subsection, and, notwithstanding any other provision of law, the Attorney General may waive 212(a)(1); 212(a)(6)(B), (C), and (F); 212(8)(A); 212(a)(10) (B) and (D) with respect to such an alien in order to prevent extreme hardship to the alien or the alien's spouse, parent, son or daughter, who is a citizen of the United States or an alien lawfully admitted for permanent residence. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation.

(d) CEILING.—The number of aliens who may be provided adjustment of status under this provision shall not exceed 5,000.

(e) DATE OF APPROVAL.—Upon the approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission as a lawful permanent resident as of the date of the alien's inspection and parole described in subsection (b)(1), (b)(2) and (b)(3).

(f) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence under this section the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act.

AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 587. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador shall be made public to the fullest extent possible.

(b) The Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders.

(c) The President shall order all Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible.

(d) In making determinations concerning the declassification and release of relevant information, the Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 588. (a) FUNDING CONDITIONS.—Of the funds made available under the heading ''International Financial Institutions'' in this Act, 10 percent of the United States portion or payment to such International Financial Institution

shall be withheld by the Secretary of the Treasury, until the Secretary certifies to the Committees on Appropriations that, to the extent pertinent to its lending programs, the institution is—

(1) Implementing procedures for conducting annual audits by qualified independent auditors for all new investment lending;

(2) Implementing procedures for annual independent external audits of central bank financial statements for countries making use of International Monetary Fund resources under new arrangements or agreements with the Fund;

(3) Taking steps to establish an independent fraud and corruption investigative organization or office;

(4) Implementing a process to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new investment lending; and

(5) Taking steps to fund and implement programs and policies to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) REPORT.—The Secretary of the Treasury shall report on March 1, 2001 to the Committees on Appropriations on progress made by each International Financial Institution, and, to the extent pertinent to its lending programs, the International Monetary Fund, to fulfill the objectives identified in subsection (a) and on progress of the International Monetary Fund to implement procedures for annual independent external audits of central bank financial statements for countries making use of Fund resources under all new arrangements with the Fund.

(c) DEFINITIONS.—The term ''International Financial Institutions'' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 589. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

FOREIGN MILITARY EXPENDITURES REPORT

SEC. 590. Section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391) is amended by repealing paragraph (2) relating to military expenditures.

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 591. Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of Public Law 106–113, is amended—

(1) in subsection (b), by striking ''year 2000'' and inserting in lieu thereof ''years 2000 and 2001''; and

(2) in subsection (c)(2), by striking ''6290f'' and inserting in lieu thereof ''290f''.

REPEAL OF REQUIREMENT FOR ANNUAL GAO REPORT ON THE FINANCIAL OPERATIONS OF THE INTERNATIONAL MONETARY FUND

SEC. 592. Section 1706 of the International Financial Institutions Act (22 U.S.C. 262r–5) is repealed.

EXTENSION OF GAO AUTHORITIES

SEC. 593. The funds made available to the Comptroller General pursuant to Title I, Chapter 4 of Public Law 106–31 shall remain available until expended.

FUNDING FOR SERBIA

SEC. 594. (a) Of the funds made available in this Act, up to $100,000,000 may be made available for assistance for Serbia: Provided, That none of these funds may be made available for assistance for Serbia after March 31, 2001 unless the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2001, the Secretary of the Treasury should instruct the United States executive directors to international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations of the House of Representatives and the Senate that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosova, humanitarian assistance or assistance to promote democracy in municipalities.

(e) The Secretary of State should instruct the United States representatives to regional and international organizations to support membership for the Government of the Federal Republic of Yugoslavia (FRY) subject to a certification by the President to the Committees on Appropriations of the House of Representatives and the Senate that the FRY has applied for membership on the same basis as the other successor states to the FRY and has taken appropriate steps to resolve issues related to state liabilities, assets and property.

FORESTRY INITIATIVE

SEC. 595. (a) The provisions of S. 3140 of the 106th Congress, as introduced on September 28, 2000 are hereby enacted into law.

(b) In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bill referred to in subsection (a) of this section.

USER FEES

SEC. 596. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' lending programs.

BASIC EDUCATION ASSISTANCE FOR PAKISTAN

SEC. 597. Funds appropriated by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for assistance for basic education programs for Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries: Provided, That such assistance is subject to the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 598. Not to exceed $425,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance: Provided, That notwithstanding section 614 of the Foreign Assistance Act of 1961, or any other provision of law, none of such funds may be obligated or expended until February 15, 2001.

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $135,000,000, for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended: Provided, That none of the funds appropriated under this heading may be made available for nonproject assistance: Provided further, That prior to any obligation of funds appropriated under this heading, the Administrator of the Agency for International Development shall provide the Committees on Appropriations with a detailed report containing the amount of the proposed obligation and a description of the programs and projects, on a country-by-country basis, to be funded with such amount: Provided further, That up to $12,000,000 of the funds appropriated under this heading may be charged to finance obligations for which appropriations available under chapter 1 and 10 of part I of the Foreign Assistance Act of 1961 were initially charged for assistance for rehabilitation and reconstruction for Mozambique, Madagascar, and southern Africa: Provided further, That of the funds appropriated under this heading, up to $5,000,000 may be used for administrative expenses, including auditing costs, of the Agency for International Development associated with the assistance furnished under this heading: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the Agency for International Development'', $13,000,000, to remain available until September 30, 2001: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER BILATERAL ECONOMIC ASSISTANCE

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for ''Assistance for Eastern Europe and the Baltic States'', $75,825,000, to remain available until September 30, 2002: Provided, That this amount shall only be available for assistance for Montenegro, Croatia, and Serbia: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For an additional amount for ''International Military Education and Training'', $2,875,000, to remain available until September 30, 2002, for grants to countries of the Balkans and southeast Europe: Provided, That funds appropriaed in this paragraph shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', to enable the President to carry out section 23 of the Arms Export Control Act, $31,000,000, to remain available until September 30, 2002, for grants to countries of the Balkans and southeast Europe: Provided, That funds appropriated in this paragraph shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That funds made available under this heading shall be nonrepayable, notwithstanding sections 23(b) and 23(c) of the Act: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

For an additional amount for ''Debt restructuring'' $210,000,000 for a contribution to the ''Heavily Indebted Poor Countries Trust Fund'' of the International Bank for Reconstruction and Development (HIPC Trust Fund): Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. LIMITATION ON SUPPLEMENTAL FUNDS FOR POPULATION PLANNING.—Amounts appropriated under this title or under any other provision of law for fiscal year 2001 that are in addition to the funds made available under title II of this Act shall be deemed to have been appropriated under title II of such Act and shall be subject to all limitations and restrictions contained in section 599 of this Act, notwithstanding section 543 of this Act.

TITLE VII—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.

GENERAL PROVISION

ADJUSTMENT OF 2001 DISCRETIONARY SPENDING CAPS

SEC. 701. (a) Section 251(c)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)(5)) is amended by striking subparagraph (A) and inserting the following:

''(A) for discretionary category: $637,000,000,000 in new budget authority and $612,695,000,000 in outlays;''.

(b) (1) Except as provided in paragraph (2), in preparing the report in calendar year 2000 as required by section 254(f) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(f)) with respect to fiscal year 2001, the Office of Management and Budget shall not make the calculations required by section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Paragraph (1) shall not apply to the calculations permitted by subparagraph (B), (C), (F), and (G) of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Under the terms of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, adjustments for rounding shall be provided for the first amount referred to in section 251(c)(5)(A) of such Act, as amended by this section, equal to 0.5 percent of such amount.

TITLE VIII—INTERNATIONAL DEBT FORGIVENESS AND INTERNATIONAL FINANCIAL INSTITUTIONS REFORM

SEC. 801. DEBT RELIEF UNDER THE HEAVILY INDEBTED POOR COUNTRIES (HIPC) INITIATIVE.

(a) REPEAL OF LIMITATION ON AVAILABILITY OF EARNINGS ON PROFITS OF NONPUBLIC GOLD SALES.—Paragraph (1) of section 62 of the Bretton Woods Agreements Act, as added by section 503(a) of H.R. 3425 of the 106th Congress (as enacted by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1536)), is amended—

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

(2) by striking subparagraph (D).

(b) CONTRIBUTIONS TO HIPC TRUST FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS.—There is authorized to be appropriated for the period beginning October 1, 2000, and ending September 30, 2003, $435,000,000 for purposes of United States contributions to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the Bank.

(2) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(c) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days after the date of enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the following requirements are satisfied:

(A) IMPLEMENTATION BY THE BANK OF CERTAIN POLICIES.—The Bank is implementing—

(i) policies providing for the suspension of a loan if funds are being diverted for purposes other than the purpose for which the loan was intended;

(ii) policies seeking to prevent loans from displacing private sector financing;

(iii) policies requiring that loans other than project loans must be disbursed—

(I) on the basis of specific prior reforms; or

(II) incrementally upon implementation of specific reforms after initial disbursement;

(iv) policies seeking to minimize the number of projects receiving financing that would displace a population involuntarily or be to the detriment of the people or culture of the area into which the displaced population is to be moved;

(v) policies vigorously promoting open markets and liberalization of trade in goods and services;

(vi) policies providing that financing by the Bank concentrates chiefly on projects and programs that promote economic and social progress rather than short-term liquidity financing; and

(vii) policies providing for the establishment of appropriate qualitative and quantitative indicators to measure progress toward graduation from receiving financing on concessionary terms, including an estimated timetable by which countries may graduate over the next 15 years.

(B) IMPLEMENTATION BY THE FUND OF CERTAIN POLICIES.—The Fund is implementing—

(i) policies providing for the suspension of a financing if funds are being diverted for purposes other than the purpose for which the financing was intended;

(ii) policies seeking to ensure that financing by the Fund normally serves as a catalyst for private sector financing and does not displace such financing;

(iii) policies requiring that financing must be disbursed—

(I) on the basis of specific prior reforms; or

(II) incrementally upon implementation of specific reforms after initial disbursement;

(iv) policies vigorously promoting open markets and liberalization of trade in goods and services;

(v) policies providing that financing by the Fund concentrates chiefly on short-term balance of payments financing; and

(vi) policies providing for the use, in conjunction with the Bank, of appropriate qualitative and quantitative indicators to measure progress toward graduation from receiving financing on concessionary terms, including an estimated timetable by which countries may graduate over the next 15 years.

(2) EXCEPTION.—In the event that the Secretary cannot certify that a policy described in paragraph (1)(A) or (1)(B) is being implemented, the Secretary shall, not later than 30 days after the date of enactment of this Act, submit a report to the appropriate congressional committees on the progress, if any, made by the Bank or the Fund in adopting and implementing such policy, as the case may be.

SEC. 802. STRENGTHENING PROCEDURES FOR MONITORING USE OF FUNDS BY MULTILATERAL DEVELOPMENT BANKS.

(a) IN GENERAL.—The Secretary shall instruct the United States Executive Director of each multilateral development bank to exert the influence of the United States to strengthen the bank's procedures and management controls intended to ensure that funds disbursed by the bank to borrowing countries are used as intended and in a manner that complies with the conditions of the bank's loan to that country.

(b) PROGRESS EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report evaluating the progress made toward achieving the objectives of subsection (a), including a description of—

(1) any progress made in improving the supervision, monitoring, and auditing of programs and projects supported by each multilateral development bank, in order to identify and reduce bribery and corruption;

(2) any progress made in developing each multilateral development bank's priorities for allocating anticorruption assistance;

(3) country-specific anticorruption programs supported by each multilateral development bank;

(4) actions taken to identify and discipline multilateral development bank employees suspected of knowingly being involved in corrupt activities; and

(5) the outcome of efforts to harmonize procurement practices across all multilateral development banks.

SEC. 803. REPORTS ON POLICIES, OPERATIONS, AND MANAGEMENT OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) ANNUAL REPORT ON FINANCIAL OPERATIONS.—Beginning 180 days after the date of enactment of this Act, or October 31, 2000, whichever is later, and on October 31 of each year thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the sufficiency of audits of the financial operations of each multilateral development bank conducted by persons or entities outside such bank.

(b) ANNUAL REPORT ON UNITED STATES SUPPORTED POLICIES.—Beginning 180 days after the date of enactment of this Act, or October 31, 2000, whichever is later, and on October 31 of each year thereafter, the Secretary shall submit a report to the appropriate congressional committees on—

(1) the actions taken by recipient countries, as a result of the assistance allocated to them by the multilateral development banks under programs referred to in section 802(b), to strengthen governance and reduce the opportunity for bribery and corruption; and

(2) how International Development Association-financed projects contribute to the eventual graduation of a representative sample of countries from reliance on financing on concessionary terms and international development assistance.

(c) AMENDMENT OF REPORT ON FUND.—Section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r–4(a)) is amended—

(1) by inserting ''(1)'' before ''the progress''; and

(2) by inserting before the period at the end the following: '', and (2) the progress made by the International Monetary Fund in adopting and implementing the policies described in section 801(c)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001''.

(d) REPORT ON DEBT RELIEF.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the history of debt relief programs led by, or coordinated with, international financial institutions, including but not limited to—

(1) the extent to which poor countries and the poorest-of-the-poor benefit from debt relief, including measurable evidence of any such benefits; and

(2) the extent to which debt relief contributes to the graduation of a country from reliance on financing on concessionary terms and international development assistance.

SEC. 804. REPEAL OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS.

Section 209(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2169(d); relating to bilateral funding for international financial institutions) is repealed.

SEC. 805. REFOCUSED ACTIVITIES OF THE IMF. The Bretton Woods Agreement Act is amended by adding the following new section—

''SEC. 63. PRINCIPLES FOR INTERNATIONAL MONETARY FUND LENDING.

''It is the policy of the United States to work to implement reforms in the International Monetary Fund (IMF) to achieve the following goals:

''(a) SHORT-TERM BALANCE OF PAYMENTS FINANCING.—Lending from the general resources of the Fund should concentrate chiefly on short-term balance of payments financing.

''(b) LIMITATIONS ON MEDIUM-TERM FINANCING.—Use of medium-term lending from the general resources of the Fund should be limited to a set of well-defined circumstances, such as—

''(1) when a member's balance of payments problems will be protracted,

''(2) such member has a strong structural reform program in place, and

''(3) the member has little or no access to private sources of capital.

''(c) PREMIUM PRICING.—Premium pricing should be introduced for lending from the general resources of the Fund, for greater than 200 per centum of a member's quota in the Fund, to discourage excessive use of Fund lending and to encourage members to rely on private financing to the maximum extent possible.

''(d) REDRESSING MISREPORTING OF INFORMATION.—The Fund should have in place and apply systematically a strong framework of safeguards and measures to respond to, correct, and discourage cases of misreporting of information in the context of a Fund program, including—

''(1) Suspending Fund disbursements and ensuring that Fund lending is not resumed to members that engage in serious misreporting of material information until such time as remedial actions and sanctions, as appropriate, have been applied;

''(2) Ensuring that members make early repayments, where appropriate, of Fund resources disbursed on the basis of misreported information;

''(3) Making public cases of serious misreporting of material information;

''(4) Requiring all members receiving new disbursements from the Fund to undertake annually independent audits of central bank financial statements and publish the resulting audits; and

''(5) Requiring all members seeking new loans from the Fund to provide to the Fund detailed information regarding their internal control procedures, financial reporting and audit mechanisms and, in cases where there are questions about the adequacy of these systems, undertaking an on-site review and identifying needed remedies.''.

SEC. 806. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Banking and Financial Services and the Committee on Appropriations of the House of Representatives.

(2) BANK.—The term ''Bank'' means the International Bank for Reconstruction and Development.

(3) FUND.—The term ''Fund'' means the International Monetary Fund.

(4) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term ''international financial institutions'' means the multilateral development banks and the International Monetary Fund.

(5) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

This Act may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001''.

Following is explanatory language on H.R. 5526, as introduced on October 24, 2000.

The conferees on H.R. 4811 agree with the matter in H.R. 5526 and enacted in this conference report by reference and the following description of it. This bill was developed through negotiations by subcommittee member of the Foreign Operations, Export Financing, and Related Programs Subcommittees of the House and Senate on the differences in the House passed and Senate passed versions of H.R. 4811. References in the following description to the ''conference agreement'' mean the matter included in the introduced bill enacted by this conference report. References to the House bill mean the House passed version of H.R. 4811. References to the Senate bill or Senate amendment mean the Senate passed version of H.R. 4811.

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

The conference agreement appropriates $865,000,000 for the subsidy appropriation of the Export-Import Bank instead of $768,000,000 as proposed by the Senate and $742,500,000 as proposed by the House.

ADMINISTRATIVE EXPENSES

The conference agreement appropriates $62,000,000 for administrative expenses of the Export-Import Bank instead of $58,000,000 as proposed by the Senate and $55,000,000 as proposed by the House. The conferees also have included a limitation of $30,000 on representation expenses of members of the Bank's Board of Directors.

The managers are very concerned by the Bank's recent consideration of a change to its regulations that would reduce the volume of U.S. exports financed by the Bank that are subject to cargo preference regulations. The managers direct that none of the funds provided under this heading in this or prior year appropriation acts shall be used to plan, finalize, or implement any notice, regulation, or change in policy with regard to Public Resolution 17 (46 App. U.S.C. 1241–1)(1998).

OVERSEAS PRIVATE INVESTMENT CORPORATION

NON-CREDIT ACCOUNT

The conference agreement provides $38,000,000 for administrative expenses of the Overseas Private Investment Corporation (OPIC) as proposed by the Senate instead of $37,000,000 as proposed by the House.

The managers urge OPIC to refrain from entering into contracts involving the Palestinian Authority until the Committees have been informed that contract disputes between the Authority and United States corporate entities have been resolved.

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $50,000,000 for the Trade and Development Agency instead of $46,000,000 as proposed by the Senate and the House. It does not include language regarding reimbursements as proposed by the Senate.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

The conference agreement appropriates $963,000,000 for the Child Survival and Disease Programs Fund instead of $886,000,000 as

proposed by the House. The Senate bill contained no provision on this matter, but included regular and emergency funds for these activities under ''Development Assistance'' and ''Global Health''. The conference agreement also continues limitations on the use of the Fund for non-project assistance.

The managers include a United States contribution to UNICEF, and AID's program to promote basic education for children, within the Child Survival and Disease Programs Fund, as proposed by the House.

The conference agreement includes language allocating $963,000,000 among six program categories in the Child Survival and Disease Programs Fund: $295,000,000 for child survival and maternal health, including vaccine-preventable diseases such as polio; $30,000,000 for vulnerable children; $300,000,000 for HIV/AIDS; $125,000,000 for other infectious diseases; $103,000,000 for children's basic education; and $110,000,000 for UNICEF. The conferees expect that any change proposed subsequent to the allocation as directed in bill language will be subject to the requirements of section 515 of the Act. A full definition of these program categories and their components can be found on pages 8 through 10 of House Report 106–270.

Within the child survival and maternal health program, authority is provided to transfer up to $50,000,000 as proposed by the Senate to a fund established for child immunization by the Global Alliance for Vaccines and Immunization (GAVI). The House bill provided authority to transfer up to $37,500,000 to GAVI. The managers are supportive of the GAVI and direct that the Committees be informed in writing 20 days prior to the obligation of any funds for GAVI on the proposed use of any U.S. contribution, particularly with regard to the amount to be donated for procurement of vaccines for children.

The managers note that a large part of the vulnerable children program assists AIDS orphans, who also benefit from the HIV/AIDS program. Although the conference agreement does not include bill language regarding funding for blind children, as proposed by the Senate, the managers recommend not less than $1,200,000 for assistance for blind children. The managers also support a total of $5,000,000 for the Kiwanis/UNICEF Iodine Deficiency program, with $2,500,000 from the Child Survival and Disease Programs account and $2,500,000 from regional accounts for Europe and Eurasia. AID is also encouraged to provide up to $2,000,000 to support non-governmental organizations, such as Special Olympics, that work with older children, including those with cognitive disabilities and mild mental retardation, to teach life and job skills. The vulnerable children program and AID's Office of Private Voluntary Cooperation are encouraged to provide small matching grants to American-led volunteer programs in India and other nations that seek to remedy physical disabilities through reconstructive surgery.

The conference agreement includes $315,000,000 for HIV/AIDS, of which $300,000,000 is allocated within this account and not less than $15,000,000 in other accounts and programs. The conference agreement does not include bill language concerning microbicides. However, the managers endorse the Senate report language on microbicides and direct that not less than $15,000,000 from the HIV/AIDS program and the ''Development Assistance'' account be made available to the Office of Health and Nutrition for microbicide research and development. These funds are to be managed by the Director of the HIV/AIDS Division. In addition, the managers support the International AIDS Vaccine Initiative (IAVI), which seeks to accelerate the development and distribution of an effective AIDS vaccine for use in developing countries. The managers urge that not less than $10,000,000 be provided as a contribution to the International AIDS Vaccine Initiative.

In addition, the managers direct AID to make available $500,000 for a proposal from the University of California at San Francisco to develop detailed epidemiological HIV/AIDS profiles for priority countries and an online, searchable database of key comparative indicators. The managers also encourage AID to collaborate with the Peace Corps' HIV/AIDS initiative, especially in supporting training activities.

The expected results of funds to develop and promote the use of vaccines in developing countries will also assist international travelers to endemic areas. The managers urge the Department of State and AID to require staff, grantees, and contractors to take all feasible steps to reduce the importation of vaccine-preventible infectious diseases, such as hepatitis, into the United States.

The managers note that the Global AIDS and Tuberculosis Relief Act of 2000 (P.L. 106–264) authorized that 65 percent of the HIV/AIDS funding be provided through non-governmental organizations (NGOs). The managers concur that NGOs, including religious institutions and faith based organizations, provide invaluable services in the fight against HIV/AIDS. In anticipation of an increasing involvement of the public sector, particularly in the areas of treatment and the provision of interventions to reduce mother-to-child transmission, the managers agree that assistance provided through NGOs in cooperation with a foreign government or using government facilities may be counted against the 65 percent target in AID's strategy to implement the Act.

Within the HIV/AIDS program, authority is provided to transfer $20,000,000 to the fund authorized by section 141 of the Global AIDS and Tuberculosis Relief Act. The managers expect the Secretary of the Treasury and the Administrator of the Agency for International Development to report to the Committees no later than April 30, 2001 on progress toward establishment of an international AIDS Trust Fund administered by the World Bank.

The managers urge that expanded resources be made available to mother-to-child transmission (MTCT) programs. As effective implementation of MTCT programs will take time, during which health care workers will be trained, laboratory and testing facilities established, and community based care services for HIV positive mothers developed, AID may not be able to meet the Global AIDS Act's 8.3 percent MTCT funding target in fiscal year 2001. The managers expect that USAID will achieve the MTCT target by the end of fiscal year 2002.

The conference agreement includes at least $60,000,000 from all accounts to address the global health threat from tuberculosis, including not less than $45,000,000 from the other infectious diseases program in the Child Survival and Disease Programs Fund. The managers urge AID to continue to work in close collaboration with organizations such as the U.S. Centers for Disease Control, the World Health Organization, the Gorgas Memorial Institute, and the Global STOP TB Initiative to implement effective tuberculosis control programs at the local level. The managers direct AID to continue and expand TB programs undertaken in cooperation with federal and state governments in Mexico, especially along Mexico's borders with Texas, California, Arizona, New Mexico, and Guatemala.

The other infectious diseases program also includes $30,000,000 for antimicrobial resistance and infectious disease surveillance, and $50,000,000 for international efforts to reduce the incidence of malaria. Drug resistant parasites and insecticide-resistant mosquitoes exacerbate malaria transmission and place millions throughout the world at risk of a crippling and often fatal disease. For this reason, the managers encourage USAID to designate $2,000,000 to support the establishment of coordinated centers of excellence for malaria research, to focus on tropical and sub-tropical regions. The managers support and urge AID to favorably consider proposals for a concerted approach to limiting the resurgence of malaria that are submitted jointly by the University of Notre Dame's Vector Biology Laboratory, Tulane University's Department of Tropical Medicine in New Orleans, and Latin American and African counterpart institutions.

The managers are aware that the HIV/AIDS and tuberculosis crises require extraordinary efforts on the part of the U.S. Government. USAID is encouraged to use, as appropriate, its existing waiver authorities regarding financing and procurement of goods and services, and grant making, in order to expedite the provision of HIV/AIDS and tuberculosis assistance and enhance the efficiency of that assistance.

The managers support and urge AID to favorably consider proposals by Carelift International. The managers anticipate that the ongoing, multiyear collaboration between AID and Carelift International will be expanded and require $7,000,000, including future year appropriations. The conference agreement does not include Senate language directing AID to make available to Carelift International up to $7,000,000 from fiscal year 2001 funds only.

The managers also direct AID to continue to provide the Committees with a detailed annual report not later than February 15, 2001, on the programs, projects, and activities undertaken by the Child Survival and Disease Programs Fund during fiscal year 2000.

Funds appropriated for the Child Survival and Disease Programs Fund are intended to be used for programs, projects and activities. Funds for administrative expenses to manage Fund activities are provided in a separate account, with two exceptions included in the conference agreement: authority for AID's central and regional bureaus to use up to $125,000 from program funds for Operating Expense-funded personnel to better monitor and provide oversight of the Fund; and, in section 522, authority to use up to $16,000,000 to reimburse other government agencies and private institutions for professional services. Any proposed transfer of appropriations from the Fund for administrative expenses of AID under any other authority shall be subject to section 515 of this Act.

DEVELOPMENT ASSISTANCE

The conference agreement appropriates $1,305,000,000 for ''Development Assistance'' instead of $1,258,000,000 as proposed by the House and $1,368,250,000 as proposed by the Senate. The Senate included funding for programs carried out by the ''Child Survival and Disease Programs Fund'' under its ''Development Assistance'' account.

Of the funds under this heading, the conference agreement appropriates up to $12,000,000 for the Inter-American Foundation and up to $16,000,000 to the African Development Foundation. The House bill proposed up to $10,000,000 for the Inter-American Foundation and up to $16,000,000 for the African Development Foundation. The Senate amendment did not propose funding for the Inter-American Foundation and provided up to $14,400,000 for the African Development Foundation. Section 591 of the conference agreement provides the President with the

authority to abolish the Inter-American Foundation during fiscal year 2001.

The Senate amendment proposed that not less than $425,000,000 be made available to carry out section 104(b) of the Foreign Assistance Act, regarding international population planning assistance. The House addressed this matter in section 586 of its bill and placed a ceiling of $385,000,000 on bilateral family planning assistance. The conference agreement addresses funding and restrictions for international family planning in section 598.

The conference agreement does not include language contained in the Senate amendment providing that $2,500,000 may be transferred from this account to the ''International Organizations and Programs'' account to provide a total contribution of $5,000,000 to the International Fund for Agricultural Development (IFAD). The conference agreement provides $5,000,000 from title IV of this Act for IFAD, as proposed by the House.

The conference agreement includes bill language similar to the Senate amendment that not less than $310,000,000 should be provided for agriculture and rural development programs through Foreign Assistance Act funds and through Support for East European Development Act funds. The House bill did not address this matter. The managers continue to support international agriculture and rural development activities and direct AID to increase funding for these important programs.

The conference agreement provides that, of the funds for agriculture and rural development programs, $30,000,000 should be provided for biotechnology research and development. The conference agreement does not include bill language for the University of Missouri-St. Louis International Laboratory for Tropical Agriculture biotechnology program (ILTAP), as proposed by the Senate. However, the managers support and urge AID to favorably consider $1,000,000 for ILTAP to train scientists from Southeast Asia in methods to fight diseases that threaten rice, tomatoes, and cassava which the managers believe will play a key role in stabilizing the food supply for the region.

The conference agreement does not include bill language for the University of California, Davis, as proposed by the Senate. However, the managers support and urge AID to favorably consider $1,000,000 for the University of California, Davis to support research and to train foreign scientists in programs which address improving crop agriculture in Central Africa.

The conference agreement does not include bill language for Tuskegee University, as proposed by the Senate. However, the managers support and urge AID to favorably consider $1,000,000 to establish a ''Center to Promote Biotechnology in International Agriculture'' at Tuskegee University. This center will promote extension and outreach aimed at policy makers, the media, farmers, and consumers in cooperation with local scientists. The emphasis should be to identify agricultural genetic technology applications crucial to combating hunger, malnutrition, and boosting low incomes in rural areas.

The conferees agree that Marquette University's Les Aspin Center for Government, which has been carrying out training programs for Africans in democracy and leadership, should receive the same consideration as similar programs at other Universities mentioned in the Senate report.

The conference agreement provides that not less than $2,300,000 should be made available for a core grant to the International Fertilizer Development Center (IFDC), which is similar to the Senate amendment. The House bill did not address this matter. The managers strongly support the fertilizer-related research and development being conducted by IFDC and direct the Administrator of AID to make at least $4,000,000 available to IFDC, including not less than $2,300,000 for its core grant.

The conference agreement provides not less than $5,200,000 for AmeriCares for the construction, rehabilitation, and operation of community-based primary healthcare facilities in Nicaragua, Honduras, Guatemala, and El Salvador.

The conference agreement provides that $500,000 should be made available for support of the United States Telecommunications Training Institute. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement provides that $17,000,000 should be made available for the American Schools and Hospitals Abroad (ASHA) program. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter. The managers direct ASHA to give full consideration to grant proposals from all qualified institutions. These may include grant proposals for curriculum, staff support, and related expenses and for expansion of overseas facilities owned and operated by U.S. based, non-profit educational institutions. No regulation, statute, or congressional directive precludes ASHA funds from being utilized for these purposes.

The conference agreement provides that not less than $2,000,000 should be made available to support an international media training center. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement does not include bill language proposed in the Senate amendment which provided up to $7,000,000 for Carelift International. The House bill did not address this matter. The managers have addressed Carelift International in the ''Child Survival and Disease Programs Fund'' section of the statement of the managers.

The conference agreement does not include bill language providing up to $1,500,000 to develop and integrate education programs aimed at eliminating female genital mutilation (FGM), as proposed in the Senate amendment. The House bill did not address this matter. The managers direct the Secretary of State to determine the prevalence of the practice of FGM and the existence and enforcement of laws prohibiting this practice. The Secretary shall submit to the Committees on Appropriations, not later than March 1, 2001, these findings and recommendations on how the United States government can best work to eliminate this practice. The managers direct AID to make available $1,500,000 to develop and integrate into development strategies, where appropriate, educational programs aimed at eliminating FGM. Further, the managers direct that AID's fiscal year 2002 budget justification include a narrative regarding the agency's proposed budget and programs in this area.

The managers continue to be concerned about worldwide trafficking of women and children and direct AID to provide not less than $2,500,000, including funds from under the heading ''Independent States'', to continue and expand these anti-trafficking programs.

The managers strongly support the Collaborative Research Support Programs (CRSPs), as stated in the House and Senate reports. Prior to the submission of the report required by section 653 of the Foreign Assistance Act, AID is directed to consult with the Committees on Appropriations regarding the proposed allocation of agriculture, rural development and CRSPs resources.

The conference agreement does not include bill language proposed in the Senate amendment providing $1,500,000 for Habitat for Humanity International for construction of housing in northern India. The House did not address this matter in bill language. The managers request that the Department of State coordinate with AID in determining the funding responsibility for long-term assistance for Tibetan refugees, including assistance to refugees residing in India. In this regard, the managers would support the proposal to fund the Tibetan Resettlement Project in Dehradum, India, consistent with Tibetan cultural practices. These funds should be in addition to those allocated for Tibetan refugees in ''Migration and Refugee Assistance''.

The conference agreement does not include bill language proposed by the Senate amendment regarding microenterprise. The House bill did not address this matter. Microenterprise authorization is included in Public Law 106–309.

The managers continue to believe that protecting biodiversity and tropical forests in developing countries is critical to the global environment and U.S. economic prosperity, especially for the agricultural and pharmaceutical industries. The managers direct AID to continue to work to increase overall biodiversity funding, as well as funding to the Office of Environment and Natural Resources, consistent with the House and Senate reports. Not later than 60 days after enactment of this Act, AID shall report to the Committees on Appropriations regarding the proposed allocation of resources for biodiversity on a bureau-by-bureau basis.

The conference agreement does not include bill language regarding the Foundation for Environmental Security and Sustainability, as proposed in the Senate amendment. The House bill did not address this matter. The managers support and urge AID to favorably consider $2,500,000 for the Foundation for Environmental Security and Sustainability to support environmental threat assessments with interdisciplinary experts and academicians utilizing various technologies to address issues such as infectious diseases, and environmental indicators and warnings as they pertain to the security of a region.

The managers support the work of Alfalit International, an educational nongovernmental organization dedicated to promotion of literacy, elementary education, and community development in Africa, and Latin America and the Caribbean. Alfalit's proven record during the past three decades has helped significantly reduce child and adult illiteracy throughout Latin America and Africa. The managers direct AID to provide $1,500,000 to Alfalit to develop and implement programs to combat adult illiteracy in countries in which AID operates.

The managers encourage AID to support initiatives designed to promote child safety in developing countries such as those designed and carried out by the National Safe Kids Campaign. The managers believe that developing countries could benefit greatly from the 300 local programs already operating throughout the United States.

The managers support and direct AID to provide up to $1,000,000 for the Center for Latin American Trade Expansion at the University of San Francisco to assist in the development of trade promotion initiatives at the USF Business School's Center for Economic Development.

The managers commend the progress made by the Eastern European Real Property Program in the Europe and Eurasia Bureau since 1992. As the program expands into

other regions as the International Real Property Program (IRPP), the Committee recommends that other AID regional bureaus and missions seriously consider cooperation with the IRPP as housing, shelter, and urban activities are included in country strategies. The managers encourage AID to fund the IRPP at a level not less than the fiscal year 1998 amount.

PATRICK LEAHY WAR VICTIMS FUND

The managers direct that $12,000,000 be provided through the ''Patrick Leahy War Victims Fund'' to address the medical, rehabilitative, economic and social needs of war victims, particularly those who have been severely disabled from landmines and other unexploded ordnance. Of this amount, up to $10,000,000 is to be funded from the ''Development Assistance'' account and the ''Economic Support Fund.'' The balance should be funded from Office of Transition Initiatives resources, and with funds from the demining budget of the ''Nonproliferation, Anti-terrorism, Demining and Related Programs'' account.

CYPRUS

The conference agreement includes Senate language that provides not less than $15,000,000 of the funds made available under ''Development Assistance'' and ''Economic Support Fund'' for assistance for Cyprus for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island. The House bill did not address this matter.

LEBANON

The conference agreement includes language that provides that not less than $35,000,000 of the funds made available under ''Development Assistance'' and ''Economic Support Fund'' shall be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon. The language is similar to House and Senate language that provided that not less than $18,000,000 should be made available for Lebanon for these purposes.

The managers are troubled by reports of the abduction to Lebanon of American children by estranged parents, and urge the Lebanese Government to assist in locating and returning these children to the United States.

BURMA

The conference agreement includes Senate language that provides not less than $6,500,000 of the funds made available under ''Development Assistance'' and ''Economic Support Fund'' for assistance to support democracy activities in Burma and for other specified activities. These funds are made available notwithstanding any other provision of law, and shall be subject to the regular notification procedures of the Committees on Appropriations. Of these funds, $3,500,000 should be derived from ''Economic Support Fund'' and $3,000,000 should be derived from ''Development Assistance''. The House bill did not address this matter.

The managers are deeply concerned by recent actions taken by the SPDC to limit efforts by Aung San Suu Kyi to travel outside Rangoon to meet with members of the National League for Democracy (NLD). On two separate occasions, she has been detained or blocked from carrying out reasonable and legal political organization activities. During the past year, Aung San Suu Kyi has continued to call upon the junta to participate in a dialogue to bring about reconciliation and democracy. The response from the junta has been to escalate repression of democratic activists and further isolate and attempt to intimidate Aung San Suu Kyi. The conferees commend the NLD and its leadership for its continued courage and effort to restore democracy to Burma.

In addition, the managers take note of the conditions under which Min Ko Naing continues to suffer. In 1989, he led students in non-violent protests against the military regime and was an outspoken supporter for democracy and human rights. For his actions, Min Ko Niang was arrested and ultimately sentenced to a minimum of 25 years in solitary confinement in the notorious Insein Prison. Min Ko Niang has been offered immediate release by the military junta in return for signing a statement renouncing the democracy movement and abandoning any future activity in politics. He has steadfastly refused to sign any document. In recognition of his courage, the managers direct that not less than $250,000 of the funds made available be dedicated to establishing a Min Ko Niang student scholarship and support fund.

CONSERVATION FUND

The conference agreement includes a provision, which is similar to the Senate amendment, that not less than $4,000,000 should be made available for the Conservation Fund. The House bill did not address this matter. The managers direct that not less than $4,000,000 be provided equally from ''Development Assistance'' and ''Economic Support Fund'' to support the preservation of habitats and related activities for endangered wildlife, including $1,500,000 for programs to protect orangutans in Indonesia, $1,500,000 for programs to protect gorillas in central Africa, and $1,000,000 for programs to protect cheetahs in Namibia. The managers direct AID to consult with the Committees in advance on the proposed uses of these funds.

PRIVATE AND VOLUNTARY ORGANIZATIONS

The conference agreement includes language proposed by the House and the Senate providing that funds appropriated for development assistance programs should be available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. The conference agreement also requires that the Administrator of AID inform the Committees on Appropriations prior to waiving the requirement that private voluntary organizations receive at least 20 percent of their total annual funding for international activities from sources other than the United States government. The House bill included a similar provision.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $165,000,000 for ''International Disaster Assistance'', as proposed by the House bill, instead of $220,000,000 as proposed by the Senate amendment. The managers recommend the establishment of a separate account for AID's Office of Transition Initiatives. Therefore, the conference agreement provides the necessary resources requested to meet all existing and projected disaster needs in fiscal year 2001.

The managers are concerned by reports of quality problems in food aid commodities, including significant losses of micro-nutrients during production and field preparation, and believe that urgent action is needed to improve the quality of commodities provided to vulnerable populations and ensure the delivery of essential nutrients. The managers direct the Administrator of AID, after consultation with agriculture commodity producers and private voluntary organizations, to establish a plan and mechanism to ensure cooperation between AID and the Department of Agriculture to improve and assure the quality of commodities provided under this Act.

TRANSITION INITIATIVES

The conference agreement appropriates $50,000,000 for a new account for Transition Initiatives to support AID's Office of Transition Initiatives (OTI). The House bill proposed $40,000,000 for this account. The Senate amendment included funding for OTI activities within the ''International Disaster Assistance'' account. The conference agreement does not preclude OTI from using resources transferred from other development and economic assistance funds in this Act. The conference agreement requires that AID submit a report to the Appropriations Committees not less than five days prior to beginning a new program of assistance. The House bill contained a similar provision.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

The conference agreement appropriates $1,500,000 for direct loans and loan guarantees and $500,000 for administrative expenses for micro and small enterprise activities as proposed by the House bill. The Senate amendment did not address this matter.

DEVELOPMENT CREDIT PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,500,000 in a direct appropriation and up to $5,000,000 by transfer from funds made available under the heading ''Development Assistance'' for the cost of loans and loan guarantees for AID's Development Credit Program Account, as proposed by the House. In addition, the conference agreement provides $4,000,000 for administrative expenses which may be transferred to and merged with AID's ''Operating Expenses'' account, as proposed by the Senate. The House bill proposed $6,495,000 for administrative expenses. The managers endorse House report language directing the use of funds under this heading for an integrated municipal infrastructure and housing program in Costa Rica.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates $520,000,000, instead of $509,000,000 proposed by the House and $510,000,000 proposed by the Senate, for Operating Expenses of the Agency for International Development. The conference agreement prohibits the use of funds in this account to finance the construction or long-term lease of offices for use by AID unless the Administrator of AID reports in writing to the Appropriations Committees prior to the obligation of funds for such purposes, as proposed by the House.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $27,000,000 for Operating Expenses of the Agency for International Development, Office of Inspector General, as proposed by the House. The Senate amendment proposed $25,000,000.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,295,000,000 for the Economic Support Fund instead of $2,208,900,000 as proposed by the House and $2,220,000,000 as proposed by the Senate.

The conference agreement contains Senate language that provides not less than $840,000,000 for Israel and not less than $695,000,000 for Egypt, instead of not to exceed those sums as proposed by the House. In addition, Senate language is included that provides not less than $200,000,000 for the Commodity Import Program in Egypt. The House bill did not address this matter.

The conference agreement does not contain Senate language that would have authorized the use of up to the Egyptian pound equivalent of $50,000,000 for certain specified activities. The House bill did not address this matter.

The conference agreement includes language that provides that in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that Israel enters into a side letter agreement proportional to the fiscal year 1999 agreement.

The conference agreement also includes language that provides that not less than $150,000,000 should be made available for assistance for Jordan. The Senate language would have mandated this level of support. The House bill did not address this matter. The conference agreement does not contain Senate language that would have provided $2,000,000 for the American Center for Oriental Research, but the managers support this proposal and urge the Department of State and the Agency for International Development to give it favorable consideration.

The conference agreement includes House language that states that not less than $12,000,000 should be made available for Mongolia. The Senate amendment did not address this matter.

The conference agreement also includes House language that requires that funds obligated for regional or global programs shall be subject to the regular notification procedures of the Committees on Appropriations. The Senate amendment did not address this matter.

The conference agreement provides that $5,000,000 should be made available for economic rehabilitation and related activities in the Aceh region of Indonesia. In May 2000, representatives of the Indonesian government and the Free Aceh Movement signed a Joint Understanding on a Humanitarian Pause for Aceh. Since signing the understanding representatives have met and agreed upon a number of projects which would address humanitarian and economic needs in Aceh. The managers support this dialogue and urge AID through the Office of Transition Initiatives to promptly provide assistance to projects agreed upon by both parties which further the objectives of the Joint Understanding and support a resolution to the conflict in Aceh.

The managers encourage AID to support effective economic restructuring and decentralization programs, where feasible, in key regions throughout Indonesia, especially in the Moluccas and other areas of Eastern Indonesia.

The conference agreement also includes language that provides that not less than $25,000,000 shall be made available for East Timor. The House bill did not address this matter. The managers strongly support AID's Economic Rehabilitation and Development Project, also known as the East Timor Coffee Project. The managers are concerned about reports that certain individuals in East Timor are seeking to restore monopolistic control of coffee production, that would jeopardize the livelihoods of thousands of farmers. The managers will continue to closely monitor this project. The managers are also aware of the importance of the Consolidated Fund for East Timor and expect that the United States will provide up to $4,500,000. The managers also urge AID to continue supporting activities that will improve the economy and establish democratic practices.

The conference agreement also includes language similar to that from the Senate amendment that provides that up to $10,000,000 may be used, notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, to provide certain specified assistance to the National Democratic Alliance of Sudan. The House bill did not address this matter. The conference agreement does not include section 597 of the Senate amendment regarding reporting requirements on Sudan. However, the managers direct that the Secretary of State report not later than March 1, 2001, describing the areas of Sudan which are open to Operation Lifeline Sudan (OLS) and those areas which are prohibited, and the reasons for these prohibitions; the extent of actual deliveries of assistance through OLS since January 1997; the areas of Sudan where the United States has provided assistance outside of OLS since January 1997, including the amount, extent and nature of that assistance; and an assessment of the humanitarian needs in areas of Sudan not served by OLS.

The managers encourage USAID to provide an additional $1,000,000 in Economic Support Funds during fiscal year 2001 to support Phase II of the Haiti Health Systems 2004 Project. The additional resources will ensure that financial support to health providers operating under performance based contracts will not be reduced below fiscal year 2000 levels.

The managers support and urge the State Department to favorably consider the allocation of at least $250,000 in funding for South Korean nongovernmental organizations involved in activities to promote democratization efforts in North Korea. Such funds should be programmed through the National Endowment for Democracy.

The managers support the House report language providing $1,000,000 for the Reagan/Fascell Democracy Fellows Program of the National Endowment for Democracy.

The managers support the budget request of $20,000,000 for assistance for Cambodia through nongovernmental organizations (NGO's) and local governments, as appropriate. No support would be available to or through the central government. The managers support assistance for such activities as health (especially to combat HIV/AIDS), education, environmental protection and democratization. In addition, the managers strongly support funding through NGO's to assist in efforts to halt illegal logging operations. The managers also endorse the House report language regarding the Cambodian Mine Action Center. Finally, the managers commend the work of the Documentation Center of Cambodia, which has painstakingly cataloged the atrocities of the Khmer Rouge. This evidence will be invaluable in any trials of Khmer Rouge leaders. The managers direct AID to provide adequate funding so the Documentation Center can continue its work.

The managers direct that in addition to funds otherwise requested or made available for Yemen, up to $4,000,000 shall be dedicated to counter-terrorism training and investigations. The managers also direct that these funds not be made available until the Director of the Federal Bureau of Investigation certifies to the Committees on Appropriations that the Government of Yemen is fully cooperating with United States officials in the investigation of the bombing of the U.S.S. Cole.

The managers also reiterate support for conflict resolution programs as described in the House and Senate reports, including funding for Seeds of Peace.

INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates $25,000,000 as proposed by the House. The Senate amendment contained no provision on this matter.

The managers endorse the House and Senate report language in urging the application of equal opportunity principles through the International Fund for Ireland. The managers also endorse the Senate report language on the Northern Ireland Voluntary Trust, and the House report language on Project Children.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $600,000,000 instead of $535,000,000 as proposed by the House and $635,000,000 as proposed by the Senate.

The conference agreement does not include minimum funding levels for Croatia and Montenegro as proposed by the Senate. However, the managers strongly support assistance for both countries. From funds appropriated under this heading both in this title and in title VI, as well as from funds made available in Public Law 106–52, the managers expect that not less $65,725,000 will be made available for Croatia and not less than $89,000,000 will be made available for Montenegro.

The managers strongly support the announced intention of the Government of Croatia to fulfill several commitments, including cooperation with the International Criminal Tribunal for the Former Yugoslavia; an end to financial, political, security, and other support to Herceg Bosna; establishment of a swift timetable and cooperation in support of the safe return of refugees; and the acceleration of political, media, electoral, and anti-corruption reforms. The managers direct that the Secretary of State report to the Committees on Appropriations on the implementation of these goals prior to the obligation of funds for Croatia.

The conference agreement contains language similar to that in the House bill that provides not less than $5,000,000 for the Baltic States. In addition, it contains language similar to that in the Senate amendment that imposes a ceiling of $80,000,000 on assistance to Bosnia and Herzegovina from funds appropriated under this heading and under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement''. The House bill did not address this matter.

The conference agreement contains language similar to that in the House bill that prohibits funds for Kosova from this account and from ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' to exceed 15 percent of the total resources pledged by all donors for calendar year 2001 for assistance for Kosova as of March 31, 2001. The Senate amendment would have prohibited funds for Kosova until the Secretary of State certified that the resources obligated and expended by the United States in Kosova did not exceed 15 percent of the total resources obligated and expended by all donors. The conference agreement does not contain House language that would also have limited funding for Kosova to $150,000,000.

The conference agreement does not contain language from the Senate amendment that would have required that not less than 50 percent of the funds made available for Kosova be made available through non-governmental organizations (NGOs). The House bill did not address this matter. The managers direct that the Agency for International Development submit quarterly reports to the Committees on Appropriations regarding the organizations, activities and levels of support provided through local NGOs.

The conference agreement includes language providing that $1,300,000 should be made available to support the National Albanian American Council's training program for Kosovar women. The Senate amendment would have mandated such support. The House bill did not address this matter.

The conference agreement does not contain Senate language regarding $250,000 for assistance to law enforcement officials in Kosova

to better identify and respond to cases of trafficking in persons or $750,000 for a joint project developed by the University of Pristina and Dartmouth Medical School to help restore and improve educational programs at the University of Pristina Medical School. However, the managers support funding for these items, as well as for a proposal by Florida State University for $2,000,000 to fund a distance learning program of instruction in basic legal principles for students and professionals in Eastern Europe, and urge the Agency for International Development to favorably consider these proposals. In addition, the managers reiterate support for the Orava Project of the University of Northern Iowa as expressed in the House and Senate reports.

The managers note the crucial importance of a democratic, multi-ethnic Macedonia to stability in the Balkans, as well as the contributions made by that nation during the Kosova air campaign. In view of these factors the managers strongly support adequate resources for assistance for Macedonia for fiscal year 2001.

The managers note with great concern the delay in the implementation of critical nuclear safety upgrades at the Kozloduy Nuclear Power Plant in Bulgaria. The managers are further concerned that commercial disputes regarding the project may negatively affect U.S.-Bulgarian commercial relations. Therefore, the Secretary of State is urged to communicate to the Government of Bulgaria the need to expeditiously begin work on this project.

The conference agreement includes language similar to that in the House bill that authorizes the use of local currencies generated by the assistance program in Bosnia for use in Eastern Europe consistent with the provisions of the Support for East European Democracy (SEED) Act of 1989 and the Foreign Assistance Act of 1961. The Senate amendment did not address this matter. The managers expect the Agency for International Development to consult with the Committees on Appropriations on the proposed uses of these funds, and to submit a financial plan to the Committees following such consultations.

The conference agreement contains House language regarding Presidential authority to withhold funds for Bosnia if the Bosnian Federation is not complying with the requirements of the Dayton Peace Accord regarding the removal of foreign troops, and has not terminated intelligence cooperation with Iranian officials. The Senate amendment contained similar language.

The managers request the President to determine whether it would be appropriate to expunge by executive order certain references in the 1965 report of the Commission on Law Enforcement and Administration of Justice, entitled ''The Challenge of Crime in a Free Society,'' to Italian nationals.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement appropriates $810,000,000, instead of $740,000,000 as proposed by the House and $775,000,000 as proposed by the Senate. The managers have included a ceiling of 8 percent on management costs instead of 7 percent as proposed by the Senate for nuclear safety activities. Further, the conference agreement places a limitation of 25 percent on the percentage of funds that may be allocated for any single country as proposed by the House.

The conference agreement includes not less than $45,000,000, as proposed by the House, only for child survival, environmental and other health activities; programs to reduce the incidence of infectious diseases; and related activities. When AID is allocating funds to combat HIV/AIDS and tuberculosis in the Europe and Eurasia region, the managers direct that funds from regional accounts and the Child Survival and Disease Programs Fund are to be provided in approximately equal amounts.

The conference agreement also directs the Coordinator of Assistance to the Independent States to obligate not less than $1,500,000, primarily through locally-based and indigenous private voluntary organizations, to reduce trafficking in women and children. The managers urge the Coordinator to augment anti-trafficking projects by continuing and strengthening law enforcement and other activities to reduce all forms of violence against women. As proposed by the Senate, the conference agreement mandates the obligation of not less than $10,000,000, from this and the migration and refugee account, only for nongovernmental organizations providing humanitarian relief in Chechnya and Ingushetia.

The managers strongly support regional cooperation efforts among the countries of Armenia, Azerbaijan, and Georgia. To further regional cooperation, the conference agreement continues the current six exemptions from the statutory restrictions on assistance to the Government of Azerbaijan. The managers include a provision that of the funds available for the Southern Caucasus region 15 percent, as proposed by the House, may be used for confidence-building measures and other activities related to the resolution of regional conflicts, notwithstanding any other provision of law, as proposed by the Senate.

In support of regional reconciliation in the Caucasus, the managers believe that bringing together political leaders, academics and other individuals from Georgia, Armenia and Azerbaijan to discuss economic and cultural development, democracy building, and the needs of victims of conflict would be a vital step. Therefore, the managers direct that $900,000 be made available, from funds for the Southern Caucasus region for confidence-building measures for such initiatives, specifically, the International Peace Forum, to be held in Tbilisi, Georgia, in Spring 2001.

The conference agreement reserves not less than $92,000,000 of the funds in this account for Georgia only and not less than $90,000,000 for Armenia only, instead of $94,000,000 and $89,000,000, respectively, as proposed by the Senate, and 12.5 percent for each as proposed by the House. The managers direct the Coordinator and AID to allocate not less than $25,000,000 of the funds made available for Georgia for security assistance for border and export control only and up to $5,000,000 for the training of municipal and regional officials in management of water resource, transportation, and other sectors operated or regulated by local governments in Georgia. The managers support and urge AID to favorably consider proposals by Fort Valley State University and the University of Louisville to participate in any absorptive capacity fund that may be established in the Republic of Georgia.

The managers are aware that Armenia may be selected as the host site for Synchrotron Light Source Particle Accelerator project known as SESAME. The managers understand that the project will be used to advance regional interests in medicine, geology, industry, and electronics. In the event that the project is located in Armenia, the managers intend that $15,000,000 of the funds made available for Armenia should support this or a comparable project.

The managers include bill language directing that $170,000,000 should be made available for Ukraine instead of $175,000,000 as proposed by the Senate. Of the amount for Ukraine, not less than $25,000,000 shall be provided for nuclear reactor safety programs. The managers have also included bill language directing that $5,000,000 should be provided for the Ukrainian Land and Resource Management Center.

The conference agreement includes not less than $1,000,000 to increase analytical capacity in Ukraine in the area of healthcare and environmental health epidemiology, particularly concerning children with special needs and birth defects. This directive is based on the Senate amendment mandating funds to complete the ongoing study of the environmental causes of birth defects in Ukraine that is managed by the University of South Alabama. The conference agreement also includes not less than $3,250,000 for two regional initiatives, industrial sector management study tours conducted by Ohio's Center for Economic Initiatives and community telecommunications activities managed by the National Telephone Cooperative Association.

The conference agreement includes conditions on assistance to the Government of the Russian Federation, with exceptions for specified humanitarian and security programs, with respect to its adherence in the Northern Caucasus to certain conventional arms and human rights conventions and agreements, as proposed by both the House and the Senate.

The conference agreement provides that 60 percent of assistance to the Government of the Russian Federation would be withheld if the President is unable to certify to Congress that the Russian Government has terminated its ongoing cooperation with the Government or Iran with regard to certain nuclear and missile technology matters, and, with regard to Chechnya, is cooperating with international efforts to investigate allegations of war crimes and is in compliance with article V of the Treaty on Conventional Armed Forces in Europe.

The managers reiterate language from the fiscal year 2000 Statement of the Managers with regard to other limitations on assistance, ''that assistance to combat infectious diseases, * * * support for regional and municipal governments, and partnerships between United States hospitals, universities, judicial training institutions and environmental organizations and counterparts in Russia should not be affected by this section.''

The conference agreement includes language providing not less than $20,000,00 for the Russian Far East. This matter was not addressed in the House bill. The managers recognize the successful entrepreneurship, management and democratization programs carried out during the past seven years in the Russian Far East by the University of Alaska's American-Russian Center. In addition to supporting continued University of Alaska programs in the Russian Far East, the managers direct that $3,000,000 be made available for a proposal by the University of Alaska to extend these efforts to Chukotka. In collaboration with Alaska Pacific University and two Alaska Native regional governments (the North Slope Borough and the Northwest Arctic Borough), the University of Alaska will provide training and technical assistance to strengthen Chukotka's economy, develop market driven systems, and improve social conditions, particularly for the indigenous peoples.

The managers commend three programs in Russia that merit support from the ''Assistance for the Independent States of the Former Soviet Union'' account. The Replication of Lessons Learned (ROLL) program provides ongoing American support to help local Russian private volunteer organizations increase their management capacity to help solve pollution and related health problems, protect natural resources, and support

economic growth. The managers urge that the ROLL and similar small grants programs that support women, children, and religious freedom be increased by at least 10 percent over current levels.

In addition, the managers direct that not less than $250,000 should be provided to the Moscow School of Political Studies to support its successful efforts to teach democratic and free market principles to the emerging generation of Russia's political leaders and $400,000 be made available for the Cochran Fellowship Program to acquaint Russian farmers with American agricultural practices and to enhance U.S.-Russian trade and business relations. The Moscow School of Political Studies is making a concerted effort to teach democratic and free market principles to the emerging generation in Russia. It does this by conducting numerous seminars to expose young political leaders—of all parties, at both the federal and regional levels—to Western classical political and economic thought.

The conference agreement also includes funds to support expansion of the Primary Healthcare Initiative in Ukraine, Georgia, and Russia of the World Council of Hellenes, and the United States-Russia Investment Fund, consistent with the funding levels specified in the House report. The managers commend the Fund for its promotion and development of a market economy in Russia and urge the State Department and AID allocate the maximum level practicable to the Fund in fiscal year 2001. The managers also support House language recommending the creation of a collaborative research program on issues of arms control verification for Russian and American scholars under the Expanded Threat Reduction Program. The managers also support and urge AID to favorably consider proposals to expand two existing programs: the Silk Road Seed Multiplication Program, based on the success of a similar program in Armenia; and the University of Arkansas Medical School-Volgograd Partnership program.

The conference agreement does not reserve $6,000,000 from this account only for Mongolia, as proposed by the Senate. Language in the statement of the managers under the heading ''Economic Support Fund'' addresses this matter.

INDEPENDENT AGENCY

PEACE CORPS

The conference agreement appropriates $265,000,000 instead of $258,000,000 as proposed by the House and $244,000,000 as proposed by the Senate.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $325,000,000 for International Narcotics Control and Law Enforcement instead of $305,000,000 as proposed by the House and $220,000,000 proposed by the Senate.

The conference agreement requires that all anti-crime programs be subject to the regular notification procedures of the Committees on Appropriations, as proposed by the House. The Senate did not address this matter.

The conference agreement contains House language allowing the Department of State to utilize section 608 of the Foreign Assistance Act to receive excess property from other U.S. federal agencies for use in a foreign country. The Senate amendment did not address this matter.

The managers endorse House report language regarding, and direct the State Department to favorably consider, Notre Dame University's program of human rights, democracy, and conflict resolution training in Colombia.

The managers direct the Secretary of State to engage the government of Panama in good faith negotiations for the conclusion of an agreement which provides the U.S. military a forward operating location to support the use funds of under this heading.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $700,000,000, instead of $645,000,000 as proposed by the House and $615,000,000 as proposed by the Senate. The conference agreement makes available $14,500,000, for administrative expenses, instead of $14,000,000 as proposed in the Senate amendment. The House proposed $14,852,000 for administrative expenses.

The conference agreement also includes Senate language, not included in the House bill, that provides not less than $60,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

The conference agreement provides that funds appropriated under this heading to support activities and programs conducted by the United Nations Commissioner for Refugees shall be made available after reporting at least 5 days in advance to the Committees on Appropriations. This reporting requirement may be waived for any obligation if failure to do so would pose a substantial risk to human health or welfare. In the event that the waiver is exercised, a report to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 5 days after such obligation.

The managers support the efforts of the Department of State to remove anti-Semitic content in textbooks and curricula used in schools administered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The managers are concerned by reports that anti-Semitic, anti-Israel rhetoric has been included in new Palestinian school textbooks. Accordingly, the managers direct the Secretary of State to report in writing to the Committees on Appropriations not later than February 1, 2001, on any such anti-Semitic, anti-Israel content in the new textbooks and on initiatives to redress such content in UNRWA schools.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates $15,000,000, as proposed by the Senate amendment. The House bill proposed $12,500,000.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $311,600,000 instead of $241,600,000 as proposed by the House and $215,000,000 as proposed by the Senate.

The managers intend that funds in this account be allocated as follows:

[In thousands of dollars]

Nonproliferation and Disarmament Fund	$15,000
Export control assistance	19,100
International Atomic Energy Agency	47,000
CTBT Preparatory Commission	21,500
Korean Peninsula Economic Development Organization (KEDO)	55,000
Anti-terrorism assistance	38,000
Terrorist Interdiction Program	4,000
Demining	40,000
Small arms destruction	2,000
Science Centers	35,000
Lockerbie trial costs	15,000
Nonproliferation contingency	20,000
Total	311,600

The conference agreement does not provide funds for a proposed Center for Antiterrorism and Security Training (CAST), both due to budget constraints and due to the fact that funding for domestic law enforcement training is not under the jurisdiction of the Subcommittee on Foreign Operations, Export Financing, and Related Programs. Although the proposal for CAST includes training for foreign law enforcement purposes, the managers believe that these needs can be met by training at existing facilities and encourage the Department of State to coordinate with the Federal Law Enforcement Training Center (FLETC) and the Department of Justice. To the extent that other Federal entities were seeking to participate in the proposed training facility, such needs should be pursued through the proper subcommittees of jurisdiction.

The managers intend that $5,000,000 of the funds allocated for export control assistance be made available for equipment for Malta to enable that country to monitor shipments transiting the Malta Freeport. This equipment will assist the Government of Malta in its efforts to prevent the transshipment of narcotics, weapons of mass destruction, and other illegal material through the Freeport. As evidence in the Lockerbie trial has illustrated, preventing such shipments is in the direct national security interest of the United States.

In addition, the managers strongly support the allocation of up to $8,000,000 for export control activities along Jordan's borders with Iraq and Syria, including the procurement of mobile vans and trucks that are capable of monitoring shipments of goods into Jordan.

The conference agreement includes House language that authorizes a contribution to the Comprehensive Nuclear Test Ban Treaty (CTBT) Preparatory Commission, and requires that the Secretary of State inform the Committees on Appropriations at least 20 days prior to the obligation of funds for such Commission. The conference agreement does not include Senate language on this matter. However, the managers endorse the Senate report language directing that a report be provided to the Committees on Appropriations on the anticipated use of funds made available to the Commission, including an identification of all donors and any directives or restrictions associated with their contribution; a detailed explanation of expenditures in 2000 and 2001, including sites where the United States has provided assistance to third party nations; and a copy of the Commission's 2001 budget.

The conference agreement includes Senate language authorizing the use of funds for the destruction of small arms, and providing that $40,000,000 should be used for demining activities including not to exceed $500,000 for administrative expenses. The House bill did not address these matters.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement includes $6,000,000 for the International Affairs Technical Assistance program of the Department of the Treasury instead of $5,000,000 as proposed by the Senate and $2,000,000 as proposed by the House.

DEBT RESTRUCTURING

The conference agreement appropriates $238,000,000 for debt restructuring as proposed by the House instead of $75,000,000 as proposed by the Senate. The managers include not less than $13,000,000 only for implementation of title V of the Foreign Assistance Act. The remainder of the amount provided for debt restructuring may be used at the Administration's discretion, subject to certain

reporting and notification requirements, either for bilateral debt restructuring or for United States contributions to the Heavily Indebted Poor Country (HIPC) Trust Fund administered by the World Bank.

The conference agreement includes language that countries benefiting from U.S. contributions to the HIPC Trust Fund agree not to accept additional market-rate loans during a ''time out on new debt'' moratorium. The moratorium for 24 months, instead of 30 months as proposed by the House, would apply only to new lending from MDBs whose bad loans to the beneficiary poor country are being paid off by the HIPC Trust Fund.

The managers have not included a House provision that would have established a similar moratorium for 9 months with regard to concessional or ''soft'' loans. The managers have included bill language requiring that the Secretary of the Treasury include a listing of all concessional loans that are under consideration by multilateral development banks for each HIPC beneficiary country. The extent and amount of proposed new debt will be a factor as the Committees consult with Treasury regarding the specific use of funds provided for forgiveness of old debt. The managers agree with the policy with regard to HIPC, issued by the Development Committee of the IMF and World Bank at recent meetings in Prague, that: ''further restraint on concessional lending may also be warranted, including through greater recourse to grant financing.'' The matter of new concessional lending to HIPC beneficiaries is addressed in bill language under the heading ''Contribution to the International Development Association (IDA)''.

The conferees encourage all bilateral creditors to provide debt reduction to heavily indebted poor countries and that special consideration be given to the unique circumstances of selected bilateral creditors such as Costa Rica.

The managers have also included language proposed by the House that prohibits U.S. payments to the HIPC Trust Fund for certain countries.

The limitation affects any country credibly reported to be engaged in a pattern of gross violations of internationally recognized human rights or to be engaged in a war or civil conflict that undermines its ability to comply with HIPC conditions. The Senate amendment did not address these matters.

The conferees have included a provision that requires the Secretary of the Treasury to consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund administered by the World Bank during the fiscal year, and to inform the Committees not less than fifteen days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions. It is the understanding of the conferees that the Secretary of the Treasury will update the list of countries and institutions if new countries or institutions are expected to benefit from U.S. contributions to the HIPC Trust Fund during the fiscal year, and that such updating will be provided in advance of informing the Committees of the proposed signature of an agreement to make payments to the HIPC Trust Fund with respect to any such new country or institution.

The conference agreement further requires full documentation of any commitment by a HIPC beneficiary country regarding redirection of domestic resources to additional poverty alleviation and economic growth measures, as proposed by the House. The Committees will closely monitor the implementation of such commitments, taking into account the findings of the Department of the Treasury, religious groups that have advocated the HIPC initiative and knowledgeable non-governmental organizations.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $55,000,000 as proposed by the Senate instead of $47,250,000 as proposed by the House. The conference agreement also contains House language not in the Senate amendment that provides that up to $1,000,000 may be available until expended.

The conference agreement includes House language that provides that Expanded International Military Education and Training (E-IMET) for Indonesia is subject to notification, and Senate language that provides that Expanded IMET for Guatemala is subject to notification.

The conference agreement does not include House language that conditioned funding for the School of the Americas upon certifications by the Secretary of Defense and the Secretary of State, or that imposed certain reporting requirements. The Senate amendment did not address these matters. The managers note that the relevant authorizing committees are addressing the future status of the School of the Americas as part of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001.

As part of the increase in funding for this account, the managers would support increasing the allocation for Malta from $100,000 to $200,000 for fiscal year 2001 in order to support that country's needs for the professional training of its armed forces.

The managers support and urge the Departments of State and Defense to favorably consider $150,000 from this account for development for a peacekeeping initiative at the Naval Postgraduate School. This education program would focus on the creation of a security environment within which economic and political development can accelerate, thereby facilitating the withdrawal of United States and/or other peacekeeping forces. The program would eventually provide foreign civilians and military personnel with the specialized expertise, problem-solving skills and management tools to conduct peacekeeping operations that have an exit strategy.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $3,545,000,000 instead of $3,519,000,000 as proposed by the Senate and $3,268,000,000 as proposed by the House.

The conference agreement includes Senate language that provides not less than $1,980,000,000 for grants for Israel and not less than $1,300,000,000 for grants for Egypt, instead of not to exceed those sums as proposed by the House. The conference agreement also includes language that provides that not less than $520,000,000 shall be available for procurement in Israel of defense goods and services. The House and Senate had similar language on this matter, but the House bill would not have mandated this level.

The conference agreement deletes House language expressing the Sense of Congress on the proposed Phalcon sale by Israel to China. The managers commend the decision by the Government of Israel to cancel the sale in view of the threat posed to United States national security interests.

The conference agreement includes language that provides that not less than $75,000,000 should be made available for assistance for Jordan. The Senate amendment would have mandated this level of assistance. The House bill did not address this matter.

The conference agreement includes language similar to that in the Senate amendment regarding an interest bearing account for Egypt, except that the requirement for a notification is replaced by language that requires that the Committees on Appropriations be informed at least 10 days prior to the obligation of funds earned on the interest from funds deposited in said account. The House bill would have allowed for the early disbursal of fiscal year 2001 outlays for Egypt.

The conference agreement includes not less than $8,500,000 for Tunisia, of which not less than $5,000,000 shall be from drawdowns of defense articles, services, and education and training. The Senate amendment provided $10,000,000 and $4,000,000, respectively, for these activities. The House bill did not address this matter.

The conference agreement provides that not less than $8,000,000 shall be provided for Georgia, of which not less than $4,000,000 shall be from drawdowns of defense articles, services, and education and training. The Senate amendment mandated $12,000,000 and $5,000,000, respectively, for these activities. The House bill did not address this matter. The conference agreement also includes language that allocates $3,000,000 in grant funds for Malta.

The conference agreement does not include Senate language that would have authorized the transfer by Turkey to Georgia of not to exceed $10,000,000 in defense articles sold by the United States to Turkey. The House bill did not address this matter.

The conference agreement provides for a limitation of $33,000,000 for administrative expenses as proposed by the Senate, rather than $30,495,000 as proposed by the House. It also includes House language that provides that no Partnership for Peace funds may be made available to a non-NATO country except through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

The conference agreement appropriates $127,000,000 instead of $117,900,000 as proposed by the House and $85,000,000 as proposed by the Senate.

The managers urge the State Department to provide support to the Special War Crimes Court for Sierra Leone, to bring to justice those responsible for the mutilation and slaughter of innocent people there.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY (GEF)

The conference agreement appropriates $108,000,000 for the Global Environment Facility instead of $50,000,000 as proposed by the Senate and $35,800,000 as proposed by the House.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement appropriates $775,000,000 instead of $750,000,000 as proposed by the Senate and $566,600,000 as proposed by the House.

The managers have agreed to language, similar to that proposed by the House, regarding the provision of grant assistance by the International Development Association to HIPC beneficiaries. The managers endorse Senate report language concerning the need for further reform of procedures to address employee grievances at the World Bank, IMF, and other financial institutions.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

The conference agreement appropriates $10,000,000 for paid-in capital issued by the Multilateral Investment Guarantee Agency,

instead of $4,000,000 as proposed by the Senate and $4,900,000 as proposed by the House. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

The conference agreement appropriates $25,000,000 for the United States contribution to the Inter-American Investment Corporation, instead of $10,000,000 as proposed by the Senate and $8,000,000 as proposed by the House.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

The conference agreement appropriates $10,000,000 for the United States contribution to the Multilateral Investment Fund (MIF) at the Inter-American Development Bank, as proposed by the House. The Senate did not address this matter.

The MIF was intended to be a cutting-edge instrument for expanding the private sector's contribution to growth in Latin America. The managers request the Secretary of the Treasury to prepare and submit to the Committees by April 6, 2001, an in-depth report on the MIF prepared by private sector entrepreneurs from the U.S. and Latin America. The report should evaluate the portfolio of the MIF with respect to private sector growth, including, but not limited to, the status of project execution and value added, and include strategic recommendations for achieving greater impact and expediting project selection and approval.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement appropriates $72,000,000 for the Asian Development Fund, as proposed by the House, instead of $100,000,000 as proposed by the Senate.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

The conference agreement appropriates $6,100,000 for paid-in capital issued by the African Development Bank as proposed by the Senate, instead of $3,100,000 as proposed by the House. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement appropriates $100,000,000 for the African Development Fund instead of $72,000,000, as proposed by the House and the Senate.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

The conference agreement appropriates $35,778,717 for the European Bank for Reconstruction and Development, as proposed by the House, instead of $35,779,000, as proposed by the Senate. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

The conference agreement appropriates $5,000,000 for the International Fund for Agricultural Development (IFAD), as proposed by the House. The Senate included a total of $5,000,000 for IFAD within the ''International Organizations and Programs'' and ''Development Assistance'' accounts.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides $186,000,000, instead of $183,000,000 as proposed by the House and $288,000,000 as proposed by Senate. The final appropriation level does not include $110,000,000 provided for UNICEF, and up to $50,000,000 for the Global Alliance for Vaccines and Immunization (GAVI), which are included under the ''Child Survival and Disease Programs Fund'' account and $2,500,000 for IFAD, which is included under the prior heading.

The conference agreement continues current law indicating that $5,000,000 should be made available for the World Food Program, as proposed by the House. The Senate amendment included similar language.

The managers support $5,000,000 from this account for the United States contribution to the United Nations Voluntary Fund for Victims of Torture Program, as recommended in the Senate Report, and $90,000,000 for the United Nations Development Program, as recommended in the House Report.

TITLE V—GENERAL PROVISIONS

(Note—If House and Senate language is identical except for a different section number or minor technical differences, the section is not discussed in the Statement of Managers.)

Sec. 505. Limitation on Representational Allowances

This section retains reference to the Inter-American Foundation as proposed by the House and as contained in current law. The Senate amendment proposed deleting this reference.

Sec. 508. Military Coups

The conference agreement includes House language that specifies that funds shall be prohibited for any country whose duly elected head of government is deposed by decree or military coup. The Senate amendment included similar language.

Sec. 510. Deobligation/Reobligation Authority

The conference agreement deletes Senate language that would have authorized deobligation/reobligation authority for funds that are certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955.

Sec. 511. Availability of Funds

The conference agreement deletes House language that provided that the final proviso under title VI of the fiscal year 2000 appropriations Act for foreign operations, export financing, and related programs shall be null and void. Similar language is already contained in Public Law 106–52.

Sec. 512. Limitation on Assistance to Countries in Default

The conference agreement is the same as current law, as proposed by the House. The Senate proposed to restrict the limitation to a defaulting government instead of a defaulting country.

Sec. 515. Notification Requirements

The conference agreement is the same as current law. The Senate proposed a technical change.

Sec. 517. Independent States of the Former Soviet Union

The conference agreement is the same as current law, except that the special notification requirement applies to Russia, Ukraine, Armenia, and Georgia only. The House bill deleted a current provision relating to territorial integrity and required special notification for Russia and Ukraine only. The Senate amendment was essentially the same as current law.

Sec. 520. Special Notification Requirements

The conference agreement adds ''Ethiopia'', ''Eritrea'', and ''Zimbabwe'' as proposed by the House bill and retains ''Pakistan'' as proposed by the Senate amendment, to the list of countries subject to the special notification procedures of this section. The managers are encouraged that on June 8, 2000, a cease-fire agreement was signed by Ethiopia and Eritrea and that efforts are underway to reach a permanent settlement of the border conflict.

Sec. 522. Child Survival and Disease Prevention Activities

The conference agreement authorizes AID to use $16,000,000 from the ''Child Survival and Disease Programs Fund'' for technical experts from other government agencies, universities, and other institutions. The Senate proposed $10,000,000 and the House $10,500,000 for this purpose. The managers have increased this authority on an interim basis in order to accelerate implementation of the expanded HIV/AIDS and tuberculosis activities. AID is directed to replace the additional temporary personnel as rapidly as possible with AID direct hire OE-funded personnel. As the purpose of the general provision is to support effective implementation of the Child Survival and Disease Programs Fund, the conference agreement does not include a reference to family planning, as proposed by the Senate.

Sec. 525. Authorization Requirement

The conference agreement includes language that provides that funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as provided in the House bill and the Senate amendment. However, it includes new language exempting the accounts ''International Military Education and Training'' and ''Foreign Military Financing Program'' from these waivers. Authorizations of appropriations for these accounts have been enacted into law as part of Public Law 106–280.

Sec. 526. Democracy in China

The conference agreement includes Senate language that authorizes the use of funds from the account ''Economic Support Fund'' for the support of nongovernmental organizations located outside of China to foster democracy and rule of law. The House bill only authorized funds to foster democracy.

The conference agreement includes language that allows funds from this Act or from prior acts making appropriations for Foreign Operations, Export Financing, and Related Programs, that are made available for the National Endowment for Democracy (NED) to be made available notwithstanding any other provision of law or regulation. The purpose of this language is to allow for the expeditious and orderly obligation of funds through the Endowment for support of nongovernmental organizations overseas. This provision would become effective upon enactment. The House bill and the Senate amendment contained language that would have made funds for NED available consistent with certain decisions of the Comptroller General and in accordance with Office of Management and Budget Circular A–122.

The conference agreement includes language that authorizes, notwithstanding any other provision of law, not to exceed $2,000,000 from the Economic Support Fund to support certain activities in Tibetan communities. The House bill contained similar language; the Senate amendment did not address this matter.

The conference agreement also contains House language that amends current law to make available $1,000,000 in previously appropriated funds for the Jamestown Foundation for a project to disseminate information and support research about the People's Republic of China. The Senate amendment did not address this matter.

Sec. 528. Report on the Implementation of Supplemental Appropriations

The conference agreement includes House language that requires four quarterly reports on the use of funds appropriated under title VI of the fiscal year 2000 appropriations Act for foreign operations, export financing, and

related programs. The Senate amendment did not address this matter.

Sec. 530. Peru

The conference agreement includes language requiring the Secretary of State to determine and report to the Committees on Appropriations regarding progress toward elections and improvements in democracy and rule of law. The Senate amendment contained a similar provision. The House bill did not address this matter. The managers direct the Secretary of State to submit a report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, evaluating United States, political, economic, and military relations with Peru in accordance with P.L. 106–186.

Sec. 535. Authorities for the Peace Corps, International Fund for Agricultural Development, Inter-American Foundation, and African Development Foundation

The conference agreement maintains current law as proposed by the House. The Senate amendment proposed deleting the reference to the Inter-American Foundation.

Sec. 537. Clean Coal Technology

The conference agreement includes Senate language encouraging the use of clean coal technology in environmental and energy infrastructure programs, projects and activities. In addition, the managers encourage the Secretary of the Treasury, Secretary of State, Secretary of Energy and Administrator of the Agency for International Development to promote the use of other clean and renewable energy technologies. The House bill did not address this matter.

Sec. 538. Special Authorities

The conference agreement deletes prior year language proposed by the Senate that exempts humanitarian assistance for Romania and the peoples of Kosova from any other provision of law. This language is no longer necessary. The conference agreement also includes House language that adds ''Economic Support Fund'' to the list of accounts under which certain activities may be undertaken notwithstanding any other provision of law.

The managers have expanded authority in current law regarding AID's use of personal services contractors in Washington so that additional bureaus and offices within AID may utilize, on a temporary basis, such contractors. This authority is intended to allow AID to meet relatively short-term requirements for technical and management personnel in limited situations where natural disasters, recent foreign policy decisions, or other unforeseen events result in rapid increases in assistance levels and where other options, such as the use of existing staff or hiring and training of new staff, cannot be implemented quickly or effectively to meet the unforeseen management needs. Other than under exceptional circumstances, this authority should not be used to satisfy requirements with durations greater than two years. The Bureau of Management is directed to report to the Committees not later than December 15, 2000, and March 15, 2001, on the use of personal service contractors under this and other authorities.

Sec. 539. Policy on Terminating the Arab League Boycott of Israel and Normalizing Relations with Israel

The conference agreement includes House language on this matter. The Senate amendment did not include subsections (2) and (3) of the House general provision, dealing with the decision by the Arab League to reinstate the boycott of Israel in 1997, and calling on the League to immediately rescind its decision; and deleted language from subsection (4)(C) regarding a report on the specific steps that should be taken by the President to ''expand the process of normalizing ties between Arab League countries and Israel''.

Sec. 540. Administration of Justice Activities

The conference agreement contains language identical to current law, but changes the name of this section, as proposed by the House bill. The Senate amendment proposed repeal of parts of section 534 of the Foreign Assistance Act.

Sec. 541. Eligibility for Assistance

The conference agreement includes language regarding eligibility of assistance provided under this Act as proposed by the House bill. The conference agreement does not include a modification, as proposed in the Senate amendment, regarding the prohibition on assistance to countries that violate internationally recognized human rights.

Sec. 543. Ceilings and Earmarks

The conference agreement includes Senate language that restores prior year language regarding earmarks and minimum funding levels. The House bill did not address this matter.

Sec. 552. War Crimes Tribunals Drawdown

The conference agreement includes language proposed by the Senate that provides a sunset date of September 30, 2001, for certain reports required of the Secretary of State under this section.

Sec. 555. Prohibitions on Payment of Certain Expenses

The conference agreement includes language identical to current law, as proposed by the House. The Senate amendment deleted references to the ''Child Survival and Disease Programs Fund''.

Sec. 558. Assistance for Haiti

The conference agreement includes language similar to that proposed by the House which prohibits additional assistance to the central government of Haiti until the Committees on Appropriations are in receipt of reports regarding free and fair elections and regarding Haitian government cooperation in illicit drug trafficking. The Senate amendment placed conditions on aid to Haiti regarding free and fair elections, but did not address illicit drug trafficking. The managers do not intend that assistance to combat infectious diseases, child survival, support for regional and municipal governments, and partnerships between United States hospitals, universities, non-governmental organizations and counterparts in Haiti would be affected by this section.

Sec. 559. Requirement for Disclosure of Foreign Aid in Report of Secretary of State

The conference agreement includes language proposed by the Senate that makes a technical modification to current law.

Sec. 561. Haiti Coast Guard

The conference agreement includes language proposed in the House bill regarding the purchase of defense goods and articles by Haiti for its Coast Guard. The Senate amendment proposed allowing the Haitian National Police to be eligible to purchase these items.

Sec. 564. Restrictions on Assistance to Countries Providing Sanctuary to Indicted War Criminals

The conference agreement includes Senate language that adds assistance for refugees and internally displaced persons to the exemptions to the sanctions of this section, and Senate language regarding communities in which an indicted war criminal is residing.

Sec. 565. Discrimination Against Minority Religious Faiths in the Russian Federation

The conference agreement changes the title of this section, as proposed in the Senate amendment. The House bill proposed the title, ''To Prohibit Foreign Assistance to the Government of the Russian Federation Should It Enact Laws Which Would Discriminate Against Minority Religious Faiths in the Russian Federation''.

Sec. 568. Assistance for the Middle East

The conference agreement contains language similar to the House bill that imposes a spending ceiling of $5,241,150,000 on specified assistance for the Middle East. The Senate amendment did not address this matter.

Sec. 571. Foreign Military Training Report

The conference agreement includes House language requiring a joint report by the Secretary of State and the Secretary of Defense on all overseas military training (excluding military sales) provided to non-NATO foreign military personnel under programs administered by the Departments of Defense and State during 2000 and 2001, including those proposed for 2001. The language specifies the scope of the report, and allows for a classified annex, if deemed necessary and appropriate. The report shall be due no later than March 1, 2001. The Senate amendment did not address this matter.

Sec. 572. Korean Peninsula Energy Development Organization

The conference agreement includes House language on this matter, except that the ceiling on funding for the Korean Peninsula Economic Development Organization (KEDO) is $55,000,000 rather than $35,000,000 as in the House bill and the Senate amendment. The House language conditions funding for KEDO on a certification that (1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of Korea; (2) the parties have taken and continue to take demonstrable steps to pursue the North-South dialogue; (3) North Korea is complying with all provisions of the Agreed Framework; (4) North Korea has not significantly diverted assistance for purposes for which it was not intended; (5) there is no credible evidence North Korea is seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel; (6) North Korea is complying with its obligations regarding access to suspect underground construction; (7) there is no credible evidence North Korea is engaged in a nuclear weapons program, including efforts to acquire, develop, test, produce, or deploy such weapons, and (8) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

The language allows for the President to waive the certification requirements of this section if he determines that it is vital to the national security interests of the United States, 30 days after a written submission to the appropriate congressional committees. It also requires a report from the Secretary of State on the fiscal year 2002 budget request for KEDO, with certain specified information to be included in such report.

The Senate amendment contained similar language.

Sec. 573. African Development Foundation

The conference agreement provides that funds to grantees of the Foundation may be invested pending expenditure and that interest earned must be used for the same purpose for which the grant was made. Further, this section allows the Foundation's board of directors, in exceptional circumstances, to waive the existing $250,000 project limitation, subject to reporting to the Committees on Appropriations.

Sec. 575. Iraq Opposition

The conference agreement contains language similar to that contained in title II of

the Senate amendment specifying that not less than $25,000,000 from the account ''Economic Support Fund'' shall be made available for programs benefiting the Iraqi people, including not less than $12,000,000 which should be provided for certain specified humanitarian assistance, and not less than $6,000,000 which should be provided to the Iraq National Congress Support Foundation or the Iraqi National Congress for radio and television broadcasting inside Iraq. It also states that the President should submit a plan within 60 days of enactment regarding the use of the funds recommended in this section. The House bill did not address this matter.

The managers strongly support assistance for Kurdish Human Rights Watch for its programs to provide humanitarian assistance to the Kurdish people in northern Iraq.

The conference agreement also includes language similar to that in the House bill that provides authority to use funds to support efforts to bring about political transition in Iraq, to be made available only to Iraqi opposition groups designated under the Iraq Liberation Act, and not to exceed $2,000,000 to be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi officials for war crimes. No funds may be made available for administrative costs of the Department of State. The Senate amendment did not address this matter.

Sec. 576. Agency for International Development Budget Justification

The conference agreement instructs the Agency for International Development to submit its 2002 budget in a transparent and simplified format more useful to the Committees, as proposed by the House. In particular, the budget justification document should prominently display data and narratives aggregating resources obligated or requested for all Agency-managed programs and activities that are traditionally of special interest to Congress and the Executive branch. The Senate did not address this matter.

Sec. 577. Kyoto Protocol

The conference agreement prohibits funds in this Act to be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or preparation for implementation of the Kyoto Protocol, as proposed by the Senate.

Sec. 579. Indonesia

The conference agreement provision regarding military assistance to Indonesia is similar to current law. The House bill and the Senate amendment included identical conditions under which a Presidential report and determination could result in a resumption of military assistance to Indonesia that is funded in this bill. The restrictions on assistance include both IMET and Foreign Military Financing programs, instead of FMF only, as proposed by the House bill.

The managers are concerned about the more than 100,000 East Timorese refugees still trapped in West Timor. This severe humanitarian situation has been exacerbated by ongoing harassment of aid workers by armed gangs, and recurring border incursions into East Timor by West Timor-based militias. These attacks have resulted in the deaths of several UN aid workers, as well as refugees. The managers strongly urge the Secretaries of Defense and State to press the government of Indonesia to fulfill its commitments to disarm and disband militia groups, end military and financial support for these groups, and bring militia leaders to justice. The managers note that, as provided in this section, resumption of security assistance to Indonesia is conditioned, in part, on the armed forces of Indonesia providing safe passage to refugees returning from West Timor.

Sec. 580. Man and the Biosphere

The conference agreement prohibits funds for the United Nations Man in the Biosphere Program and the World Heritage Fund, as proposed by the House bill. The Senate did not address this matter.

Sec. 581. Taiwan Reporting Requirement

The conference agreement includes language that requires that not less than 30 days prior to the next round of arms talks between the United States and Taiwan, the President shall consult, on a classified basis, with appropriate Congressional leaders and committee chairmen and ranking members regarding the following matters: (1) Taiwan's requests for purchase of defense articles and defense services during the pending round of arms talks; (2) the Administration's assessment of the legitimate defense needs of Taiwan in light of those requests; and (3) the decision-making process used by the Executive Branch to consider those requests. The House bill and the Senate amendment contained language requiring the Secretary of State to consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for Congressional input prior to making any determination on the sale or transfer of defense articles and services to Taiwan.

Sec. 582. Restriction on United States Assistance for Certain Reconstruction Efforts in Central Europe

The conference agreement contains House language that provides that to the maximum extent possible, assistance to Eastern Europe and the Baltic States should be used for the procurement of American goods and services. The Senate amendment did not address this matter.

Sec. 583. Restrictions on Assistance to Governments Destabilizing Sierra Leone

The conference agreement prohibits assistance to any government for which the Secretary of State has credible evidence that such government has, within the previous six months, provided military support or which has assisted illicit diamond trading which benefits the Revolutionary United Front in Sierra Leone. This section is identical to the House bill. The Senate amendment did not address this matter.

Sec. 584. Voluntary Separation Incentives

The conference agreement provides for the payment of voluntary separation incentives to AID employees for the purpose of eliminating positions and functions at AID, as proposed by the House bill and the Senate amendment.

Sec. 585. Contributions to the United Nations Population Fund

As proposed by the House bill, the conference agreement provides that not more than $25,000,000 from the ''International Organizations and Programs'' account shall be made available for the United Nations Fund for Population Activities. This assistance is subject to a number of conditions regarding UNFPA activities. The Senate amendment contained a similar provision.

Sec. 586. Indochinese Parolees

The conference agreement includes language similar to the Senate amendment which provides authority for the Attorney General to adjust the status of certain Indochinese parolees to lawful permanent residence. The House bill did not address this matter.

The purpose of this provision is to address an anomaly in current law, which requires that such persons have first been denied refugee status in order to be eligible to adjust status. Since these individuals were paroled into the United States as part of U.S. government programs at a time when their eligibility for refugee status was never considered, the managers believe that this provision is both necessary and appropriate. The provision is limited in scope to apply only to parolees who are natives or citizens of Vietnam, Laos or Cambodia, who were inspected and paroled into the United States prior to October 1, 1997, and who are otherwise eligible to receive an immigrant visa. The managers note that the potential beneficiaries of this provision are a fixed number of individuals who were lawfully admitted into the United States. While the conference agreement includes a ceiling on the number of aliens who may benefit from this provision, the managers recognize that it is difficult to determine precisely the number of potential beneficiaries and that such number may need to be revised in the future to ensure that no eligible alien is arbitrarily denied adjustment of status.

Sec. 587. American Churchwomen in El Salvador

The conference agreement includes language regarding the murder of four American churchwomen in El Salvador, as proposed in the House bill. The Senate amendment did not address this matter.

Sec. 588. Procurement and Financial Management Reform

The conference agreement includes a Senate provision withholding 10 percent of the funds made available for international financial institutions until the Secretary of the Treasury certifies that a number of procurement and financial management reforms are being implemented. The House bill included a similar provision, adding a requirement relating to funding of third-party procurement monitoring. The conference agreement includes a provision that requires that, prior to disbursement of the final 10 percent of the United States portion or payment to an international financial institution as defined in section 588, the Secretary of the Treasury certify, inter alia, that the institution is taking steps to establish an independent fraud and corruption investigative organization or office or an equivalent mechanism.

The managers agree that, for purposes of this provision, an investigatory organization, office, or equivalent investigatory mechanism will be considered ''independent,'' notwithstanding the fact that it is part of the international financial institution, if it is autonomous from the institution's procurement process and the office or individual being investigated and reports directly to the head of the institution or his designee, so long as such designee has no operational or supervisory responsibilities for the subject of the investigation.

Sec. 589. Commercial Leasing of Defense Articles

The conference agreement includes Senate language that authorizes commercial leasing rather than sales of defense articles for certain specified countries under certain conditions. The House bill did not address this matter.

Sec. 590. Foreign Military Expenditures Report

The conference agreement repeals section 511(b) of 1993 Foreign Operations, Export Financing, and Related Appropriations Act regarding matters to be included in the annual human rights report to Congress by the Secretary of State, as proposed by the Senate. The House bill did not address this matter.

The managers request that the Secretary of the Treasury submit a one-time report to the Committees on Appropriations which describes steps being taken to implement section 576 of the 1997 Act and section 1502(b) of title XV of the International Financial Institutions Act, both of which address appropriate levels of military expenditures by

countries in receipt of loans or credits from MDBs. The report shall identify, among other things—(1) the countries found not to be in compliance with the provisions of section 576 and instances where the United States Executive Director has voted to oppose a loan as a result of that section; (2) steps taken by the governments of countries to establish the reporting systems addressed in section 576; (3) any instances in which such governments have failed to provide information requested by an international financial institution (IFI); and (4) any policy changes that have been made by the IFIs with regard to providing loans or credits to countries that expend a significant portion of their financial resources for their armed and security forces. The Senate included this report in bill language. The House did not address the matter.

Sec. 591. Abolition of the Inter-American Foundation

The conference agreement provides authority for the President to abolish the Inter-American Foundation and terminate its functions, as proposed by the Senate amendment. The House bill did not address this matter.

Sec. 592. Repeal of Requirement for Annual GAO Report on the Financial Operations of the International Monetary Fund

The conference agreement repeals existing law regarding an annual General Accounting Office report of the financial operations of the International Monetary Fund. The House bill did not address this matter.

Sec. 593. Extension of GAO Authorities

The conference agreement provides that funds made available to the General Accounting Office from fiscal year 1999 emergency supplemental appropriations for disaster relief in Central America and the Caribbean shall remain available until expended. This section is identical to the Senate amendment. The House bill did not address this matter.

Sec. 594. Funding for Serbia

The conference agreement includes language that authorizes up to $100,000,000 for assistance for Serbia, subject to certain conditions that become effective after March 31, 2001. Funds obligated prior to that date would not be subject to these conditions.

The conditions include a determination and certification that the Government of the Federal Republic of Yugoslavia (FRY) is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security, and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

In addition, after March 31, 2001, the language provides that the Secretary of the Treasury should instruct the United States executive directors to international financial institutions to support loans and assistance to the Government of the FRY subject to these same conditions.

The conditions described above do not apply to Montenegro, Kosova, humanitarian assistance, or assistance to promote democracy in municipalities.

The language also provides that the Secretary of State should instruct United States representatives to regional and international organizations to support membership for the Government of the FRY subject to a determination by the President to the Committees on Appropriations that the FRY has applied for membership on the same basis as the other successor states to the FRY and has taken appropriate steps to resolve issues related to state liabilities, assets, and property.

The House bill (in section 537) and the Senate amendment would have prohibited assistance for Serbia, except for aid to Kosova or Montenegro or to promote democracy.

Sec. 595. Forest Initiative.

The conference agreement includes a provision providing for an exchange of federal lands and an audit of a public enterprise. This matter was not addressed in the House bill or the Senate amendment.

Sec. 596. User Fees

The conference agreement includes a provision which requires the United States Executive Directors at all multilateral development banks and the International Monetary Fund to oppose any loan which requires user fees or service charges on poor people for primary education or primary health care. The managers further agree that user fees should not be imposed or required through Bank or Fund sponsored ''community financing,'' ''cost sharing,'' or ''cost recovery'' mechanisms prepared in conjunctions with loans, structural adjustment schemes or debt relief actions.

The managers direct that the Committees on Appropriations be notified within 10 days if any loans, community financing, cost sharing, or cost recovery mechanisms requiring the imposition of user fees are approved by any multilateral development bank or the International Monetary Fund.

Sec. 597. Basic Education Assistance for Pakistan

The conference agreement includes a new provision allowing development assistance or Economic Support Funds to be used for basic education programs in Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries. Any such assistance would be subject to the regular notification procedures of the Committees on Appropriations.

Sec. 598. Family Planning

The conference agreement provides a ceiling of $425,000,000 for population planning activities or other population assistance but prohibits any of such funds from being obligated or expended until February 15, 2001. The managers believe this will afford adequate time for the exercise of the authority of the President under the Foreign Assistance Act and other law to determine what terms and conditions, if any, should be imposed on assistance for population planning and other population activities.

PROVISIONS NOT ADOPTED BY THE CONFEREES:

The conference agreement does not include section 530 of the House bill or similar Senate language that would have prohibited the transfer of Stinger missiles to countries bordering the Persian Gulf notwithstanding any other provision of law, but would have authorized the transfer of Stinger missiles on a replacement basis subject to certain specified conditions. This matter has been addressed by the authorizing committees in H.R. 4919, the Security Assistance Act of 2000.

The conference agreement does not include section 577 of the Senate amendment regarding stockpiling of defense articles in foreign countries. This matter has been addressed by the authorizing committees in H.R. 4919, the Security Assistance Act of 2000. The House bill did not address this matter.

The conference agreement does not include section 581 of the Senate amendment providing authority to establish a working capital fund at the Agency for International Development. This matter has been addressed in separate legislation. The House bill did not address this matter.

The conference agreement does not contain section 582 of the Senate amendment that would have deemed the Federal Republic of Yugoslavia (with the exception of Montenegro and Kosova) to be a state sponsor of terrorism until receipt of a Presidential certification of certain occurrences within Serbia. The House bill did not address this matter.

The conference report does not include section 584 of the Senate amendment that would have required that a number of specified sanctions against Serbia remain in place until a certification was issued by the President. The certification would have required that Serbia comply with a number of international agreements, and provided an exemption for Montenegro and Kosova for the sanctions imposed through international financial institutions. The House bill did not address this matter.

The conference agreement does not include section 586 of the Senate amendment regarding the repeal of the final proviso under title VI of the fiscal year 2000 appropriations act for foreign operations, export financing, and related programs. This matter was addressed in Public Law 106–52.

The conference agreement does not include section 588 of the House bill regarding HIPC Trust Fund conditions. The Senate amendment did not address this matter. The conference agreement includes conditions for United States participation in the HIPC Trust Fund under ''Debt Restructuring'' in title II.

The conference agreement does not include section 589 of the House bill. The Senate amendment did not address this matter.

The conference agreement does not include section 591 of the House bill regarding section 307 of the Tariff Act of 1930. The Senate amendment did not address this matter.

The conference agreement does not include section 592 of the House bill regarding the ''Buy America Act''. The Senate amendment did not address this matter.

The conference agreement does not include section 592 of the Senate amendment regarding the U.S.-Asia Environmental Partnership. The House bill did not address this matter.

The conference agreement does not include section 593 of the House bill regarding North Korea. The Senate amendment did not address this matter.

The conference agreement does not include section 595 of the Senate amendment regarding nonproliferation and antiterrorism programs. The House bill did not address this matter.

The conference agreement does not include section 596 of the Senate amendment regarding HIV/AIDS. The House bill did not address this matter.

The conference agreement does not include section 597 of the Senate amendment regarding Sudan. The House bill did not address this matter.

The conference agreement does not include section 599 of the Senate amendment regarding Zimbabwe. The House bill did not address this matter.

The conference agreement does not include section 599A of the Senate amendment regarding Estonia, Latvia and Lithuania. The House bill did not address this matter.

The conference agreement does not include section 599B of the Senate amendment regarding dowry deaths and honor killings. The House bill did not address this matter.

The conference agreement does not include section 599C of the Senate amendment regarding female genital mutilation. The House

bill did not address this matter. The managers address the issue under ''Development Assistance''.

The conference agreement does not include section 599D of the Senate amendment regarding support by the Russan Federation for Serbia. The House bill did not address this matter. Issues relating to Serbia are addressed in section 597.

The conference agreement does not include section 599E of the Senate amendment regarding Bulgaria and Romania. The House bill did not address this matter.

The conference agreement does not include section 599F of the Senate amendment regarding drug interdiction. The House bill did not address this matter.

The conference agreement does not include section 599G of the Senate amendment regarding emergency domestic spending. The House bill did not address this matter.

The conference agreement does not include section 599H of the Senate amendment regarding Mozambique and southern Africa. The House bill did not address this matter. The matter is addressed in title VI.

The conference agreement does not include section 599I of the Senate amendment regarding debt relief. The House bill did not address this matter.

The conference agreement does not include section 599J of the Senate amendment entitled ''Russian Missile Sales to China''. However, the managers expect the Secretary of the Treasury to urge the executive directors of all international financial institutions to use the voice and vote of the United States to oppose loans, credits or guarantees to the Russian Federation, except for basic human needs, if the Russian Federation delivers any additional SS–N–22 missiles or components to the People's Republic of China. The House bill did not address this matter.

The conference agreement does not include section 599K of the Senate amendment regarding international health. The House bill did not address this matter.

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $135,000,000 for emergency supplemental appropriations for Mozambique, Madagascar, and southern Africa rehabilitation and reconstruction. The House bill proposed $160,000,000 and the Senate amendment proposed $35,000,000. Congress has already provided $25,000,000 in fiscal year 2000 supplemental funds (Public Law 106–246) for this purpose. These funds are provided in the ''International Disaster Assistance'' account. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement.

The managers direct that the majority of funds be provided for Mozambique and Madagascar, which suffered the most damage from these cyclones and the resultant flooding. The managers direct that no funds be made available to the government of Zimbabwe. Further, the conference agreement prohibits the use of funds under this title for non-project assistance. This prohibition is not intended to affect the accelerated disbursement plan developed by AID for local currency projects in Mozambique. The conference agreement allows up to $12,000,000 of the funds appropriated under this heading to be charged to obligations of previously appropriated funds. The conference agreement provides that up to $5,000,000 of the funds under this heading may be used for administrative purposes, and may be merged with AID's operating expenses budget.

The Administrator of AID is directed to report in writing to the Committees on Appropriations prior to the obligation of any funds under this title. The report shall include a detailed plan regarding a description of the projects and programs to be carried out with these funds; the exact uses of administrative expenses; and the bureau within AID primarily responsible for carrying out these projects.

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates $13,000,000 in supplemental funds, to remain available until September 30, 2001, for the Operating Expenses of the Agency for International Development. The funding is designated as an emergency requirement and is intended to support the obligation of program funds for southeast Europe. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House addressed this matter in H.R. 3908, the 2000 Emergency Supplemental Appropriations Act, which passed the House on March 30, 2000. The recommended level is the same as that approved by the House. The Senate amendment did not address this matter.

OTHER BILATERAL ECONOMIC ASSISTANCE

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $75,825,000 in supplemental funds, to remain available until September 30, 2002, for assistance for Montenegro, Croatia, and Serbia. The funding is designated as an emergency requirement. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House addressed this matter in H.R. 3908, the 2000 Emergency Supplemental Appropriations Act, which passed the House on March 30, 2000. The recommended level is the $20,000,000 below the level approved by the House. The Senate amendment did not address this matter.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $2,875,000 in supplemental funds, to remain available until September 30, 2002, for grants to countries of the Balkans and southeast Europe notwithstanding section 10 of Public Law 91–672. The funding is designated as an emergency requirement. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House addressed this matter in H.R. 3908, the 2000 Emergency Supplemental Appropriations Act, which passed the House on March 30, 2000. The recommended level is the same as that approved by the House. The Senate amendment did not address this matter.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $31,000,000 in supplemental funds, to remain available until September 30, 2002, for grants to carry out section 23 of the Arms Export Control Act notwithstanding section 10 of Public Law 91–672. These funds are nonrepayable notwithstanding sections 23(b) and 23(c) of that Act. The funding is designated as an emergency requirement. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House addressed this matter in H.R. 3908, the 2000 Emergency Supplemental Appropriations Act, which passed the House on March 30, 2000. The recommended level is the same as that approved by the House. The Senate amendment did not address this matter.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

The conference agreement appropriates $210,000,000 in supplemental funds, to remain available until expended under the terms and conditions as included under this heading in title II of the Act, for additional payments to the HIPC Trust Fund administered by the International Bank for Reconstruction and Development. The funding is designated as an emergency requirement. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House bill and the Senate amendment did not consider this matter, which was requested as a Fiscal Year 2000 supplemental appropriation.

TITLE VII—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

The conference agreement provides $5,000,000,000 for the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

TITLE VIII—INTERNATIONAL DEBT FORGIVENESS AND INTERNATIONAL FINANCIAL INSTITUTIONS REFORM

The conference agreement includes language similar to that reported by the Foreign Relations Committee as S. 3129. This matter was not addressed by the House bill and the Senate amendment.

Section 801 repeals the existing limitation on the availability of earnings on profits of nonpublic gold sales by the International Monetary Fund (IMF) and authorizes $435,000,000 for a United States contribution to the Heavily Indebted Poor Countries (HIPC) Trust Fund. It also requires the Secretary of the Treasury to certify that specified policy reforms are being implemented by the World Bank and the IMF, or, if such certification can not be made, report on the progress, if any, made by the Bank and Fund in adopting and implementing such reform policies.

Section 802 seeks to strengthen procedures for monitoring use of funds by multilateral development banks (MDBs). Section 803 requires the Comptroller General or the Secretary of the Treasury to make annual reports on the sufficiency of audits of the financial operations of each MDB, actions taken by beneficiary countries to reduce the opportunity for bribery and corruption, and the graduation policies of IDA.

Section 804 repeals a provision of the Foreign Assistance Act of 1961 relating to bilateral funding for international financial institutions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars}

New budget (obligational) authority, fiscal year 2000	$16,453,435

Budget estimates of new (obligational) authority, fiscal year 2001	15,829,432
House bill, fiscal year 2001	13,346,313
Senate bill, fiscal year 2001	14,807,818
Conference agreement, fiscal year 2001	14,941,168
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	−1,512,267
Budget estimates of new (obligational) authority, fiscal year 2001	−888,264
House bill, fiscal year 2001	+1,594,855
Senate bill, fiscal year 2001	+133,350

SONNY CALLAHAN,
JOHN EDWARD PORTER,
FRANK R. WOLF,
RON PACKARD,
JOE KNOLLENBERG,
JACK KINGSTON,
JERRY LEWIS,
ROGER F. WICKER,
BILL YOUNG,
NANCY PELOSI,
NITA M. LOWEY,
JESSE JACKSON, Jr.,
CAROLYN C. KILPATRICK,
MARTIN OLAV SABO,
DAVE OBEY,
(except for cap adjustment),
Managers on the Part of the House.

MITCH MCCONNELL,
ARLEN SPECTER,
JUDD GREGG,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
KIT BOND,
TED STEVENS,
PATRICK LEAHY,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
PATTY MURRAY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. PICKETT) is recognized for 5 minutes.

(Mr. PICKETT. addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. CANADY) is recognized for 5 minutes.

(Mr. CANADY of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

(Mr. HORN. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THANKS FOR THE KIND AND GENEROUS WORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

Mr. PORTER. Madam Speaker, one of the reasons I want to rise tonight is to commend you, Madam Speaker, and to thank you from the bottom of my heart for the special order that you held for me last week and for the very kind and generous words that were spread across the RECORD of this wonderful institution about my service here. You brought together many of our Illinois colleagues, the gentleman from Illinois (Mr. LAHOOD), the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Nebraska (Mr. EWING), on our side, the gentleman from Illinois (Mr. CRANE), and the gentleman from Illinois (Mr. HYDE) as well; the gentleman from Illinois (Mr. RUSH), the gentleman from Illinois (Mr. COSTELLO), and the gentleman from Illinois (Mr. LIPINSKI) on the other side of the aisle; together with others, the gentleman from Arkansas (Mr. DICKEY), a member of my subcommittee, the gentleman from New Jersey (Mr. FRELINGHUYSEN), the gentlewoman from New York (Mrs. MALONEY), the gentleman from Ohio (Mr. REGULA), the gentleman from Ohio (Mr. HOBSON), the gentleman from California (Mr. LANTOS), the co-chairman of the Congressional Human Rights Caucus with me; the gentleman from New York (Mr. GILMAN), my long time friend, so many of my colleagues that I am so indebted to for the very wonderful words that they spoke about my service in Congress; together with messages from our Illinois Governor, George Ryan, who was elected at the same time I was to the Illinois General Assembly 28 years ago in 1972; my endorsed candidate for the Tenth Congressional District seat and my former chief of staff Mark Kirk, two of my former AA's in Washington, Rob Bradner and Gordon McDougall; former State Senator Dave Backhausen, Senator Kathy Parker, Representative Jeff Schoenberg, Representative Beth Carlson, and our senior Illinois Senator also elected in the class of 1972 in Springfield and my long time friend Adeline Geocaris, together with messages from both of my staffs. It was very, very heart warming for me to sit down. I didn't have a chance to actually listen but I do have a videotape. For me, Madam Speaker, to be able to sit down and read through all the wonderful words that were said I can never thank you enough for providing the leadership and putting that together in my behalf. I will always remember it and remember you very, very fondly.

Let me add that I did not realize until I came to the floor that there was a special order tonight for TILLIE FOWLER. TILLIE is one of the great people, I was going to say one of the great ladies, but one of the great people of this House of Representatives. She has the quality that I believe is most important in a public official, that is, she is quietly effective. She gets things done for the people of her district and her State and this country. We are truly losing a great leader. Madam Speaker, she has made only one mistake in the entire time she has been in this House of Representatives, and that mistake was in term-limiting herself. I wish that she was staying for many, many terms to come. Unfortunately, she has committed to only four terms and is observing that promise that she made to her constituents. We will miss her a great deal.

Madam Speaker, I wanted to take some time. I have been a Member of this body for 21 years. I would not have gotten here and had the opportunity to serve my constituents and my country except for the great efforts of very close friends of mine that started me on a path a long time ago that led to my service here in Congress.

I want to refer to these friends by name, a group within the Young Republicans of Evanston, a very powerful body once in the Republican Party in Illinois, 450 members strong. Republican candidates for governor would come to get the endorsement of our Young Republican group, and Paul Brown and Cordy Overgaard, Bob Barr and Bill Carey, Tom Gooding, Ted Ritter, Peter Sawers, Arnold Winfield, Don Grossman, Reed Bradford, Paul Gerding, Marv Juliar and many others; their wives Margo Brown, Gail Overgaard, Carol Carey, Joyce Gooding and Joanne Ritter, Mary Sawers and Bonnie Lytle and her husband, Jay, Florence Winfield and Sue Grossman, now very recently deceased and we miss her very much; Sherry Bradford and Barb Juliar and Ellen Gerding, all of them came together, Trish Barr, all of them came together to help me get elected to this office and I am indebted to each one of them.

FAREWELL TO CONGRESSWOMAN TILLIE FOWLER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. GRANGER) is recognized for 5 minutes.

Ms. GRANGER. Madam Speaker, it is with mixed emotions that I address my colleagues this evening. On the one hand, I am sad to see my friend and colleague, TILLIE FOWLER, retire from Congress. On the other hand, I feel fortunate to have had the opportunity to work with someone like her, someone who has consistently placed the needs of our country at the top of her priority list. TILLIE FOWLER is a role model and a devoted public servant.

Her career has been a series of firsts: first woman and first Republican-elected president of the Jacksonville City Council, first member elected to the majority leadership from Florida, and first woman member and now chair of the House Page Board. I admire her many accomplishments, her work

ethic, and above all her commitment to a strong national defense built upon the confidence of our men and women in uniform.

One of my fondest memories with Congresswoman FOWLER is of a trip we took together in 1998 to visit our troops in Europe and the Middle East. I witnessed firsthand her willingness to listen to military personnel and act on their concerns. Congressional Quarterly has called TILLIE FOWLER a polite but persistent advocate. I would say they hit the nail right on the head with that description.

Her no-nonsense approach to policy is the reason she has enjoyed so much success over the past 8 years. When TILLIE FOWLER first ran for Congress, she told her constituents if they would join with her, together we will change Congress. Eight years later she has. She has been on the front lines of the battle to strengthen our military. She called on the President and Congress to address the fact that some of our military families qualify for food stamps due to low pay. In a speech earlier this year, Congresswoman FOWLER said the citizens who step forward and are willing to put their lives on the line for their country, for your security and for my security, are waiting in food lines and depending on charity to feed their families. How did this happen? How did we get from ''the few, the proud,'' to ''the few and the demoralized''?

TILLIE FOWLER has worked to strengthen the morale of our military. She began her battle before the Republicans had the majority, but she was no less fervent in her advocacy. This year we have seen the fruits of many of her labors. We have improved military readiness by approving a $20 billion increase in funding to rebuild America's hollowed-out military. The hard work, leadership and dedication of Congresswoman TILLIE FOWLER made important changes possible. She is a woman who embodies the kind of leadership it takes to effect change. She kept her promises to the people of Florida. She not only changed Congress, she helped change America for the better by carrying out her duties with dignity and integrity.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

(Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

(Mr. BUYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. HANSEN) is recognized for 5 minutes.

(Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. COBURN) is recognized for 5 minutes.

(Mr. COBURN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE MIDDLE EAST CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, before I start my special order this evening, I too want to add very brief appreciation and respect for remarks for Congresswoman TILLIE FOWLER, for her service and for her leadership, particularly her leadership in issues where women were not traditionally known to serve. I worked with her, albeit recently, as a member of the Women's Caucus, which works in a bipartisan manner on many, many issues. She is certainly a great leader, very much appreciated, and I want to thank her for her service.

Madam Speaker, I come to the floor today and this evening rather reluctantly, because some might say that any position on this issue dealing with the Mideast conflict would pose the concern and possibility of being politically incorrect, but I am so moved by the violence and the seeming inability to find common ground for an opportunity to continue the peace negotiations that I would like to pay tribute to a group of individuals in my community.

This article was noted in the Houston Chronicle on Monday, October 23, 2000, and the headline reads, ''Faith Unite in Prayer for Mideast Peace.'' It seems that when nothing else works, it might be just a simple step for Americans to begin to unite in prayer in order to seek peace in the Mideast.

I remember as a teenager and young adult watching the Vietnam conflict and seeing on a regular basis the body bags coming out of that war. They are somewhat of the same feeling, though the numbers certainly have not reached that proportion. As I watched the controversy in the Mideast, this picture reflects the controversy of those running away in fear, but it does not reflect in totality the death, the loss of lives of dear children, the extreme violence, the extreme divisiveness, the fear, the hatred and seemingly the inability to solve this problem.

I believe it is important for both men who are at the center of this crisis to lead, to lead without fear and to demand an end to violence, and so I would like to share that my community, an extended community that is, determined that it was important to pray this past Sunday. The article states, as the bloodshed continued in the Middle East on Sunday, eleven children in the Woodlands lighted a single white candle and prayed for peace. This gathering was one of Muslims and Jews and Christians of various denominations, who gathered to remind us that if nothing else works that we might pray to end the violence on the other side of the world.

A feeling of helplessness, a feeling of hopelessness has descended upon us as we see the tragedy of so many children dying, Rabbi James Brant of Congregation Beth Shalom told the Woodlands audience, but Brant suggested that the prayers of different faiths united could lead to an end to the killing and to the hatred and misunderstandings that have caused this tragedy. Its hopeful message was received well.

It seems now that one would wonder that this blurred confusion really cannot even point us to how it started, but the great heinousness of it all is the fact that people are no longer at the table of reconciliation and peace. There can be no resolve, no happiness, no outright ability to live with the quality of life that all of us would welcome if there is not peace in the Middle East between these two entities.

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No one will be happy. No child will live without fear. No one will worship without fear. So I believe that it is important to pay tribute to these two congregations that saw fit to have this at the South Montgomery County

Community Center, sponsored by Congregation Beth Shalom of the Woodlands, the Islamic Society of the Woodlands and Faith Together, a fellowship of religious communities.

It can be done. Religions can come together and seek peace. For nearly two hours those in attendance read from prayers, asked for peace, children of different faiths, and poems written by Palestinian and Israeli children were read.

Madam Speaker, I would simply say we need to do as the people of Houston have begun to do, to simply pray and unite around the idea that they must come back to the table of reconciliation and peace.

TRIBUTE TO THE HONORABLE TILLIE K. FOWLER

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Madam Speaker, I wanted to come here this evening to pay tribute to our colleague who will be leaving us at the end of this 106th Congress, TILLIE FOWLER. Before I do that, I know that we have our colleague who will also be leaving us, JOHN PORTER from the great State of Illinois. Although I could not be here for his special order, in that I had a commitment, a debate in my County of Montgomery, I did send JOHN a letter. But I do want him to know his friendship is so very special to all of us, and the work that he has done for the National Institutes of Health, which is located in my district, is extraordinary. He will forever be remembered for that.

Madam Speaker, as we talk about TILLIE FOWLER, who will be leaving us, she certainly has been a proven leader for her constituents, a fellow Member of this Congress, and, for me, a very dear friend.

Congresswoman FOWLER is known in the Fourth District of Florida as an advocate for the military. Her position on the Committee on Armed Services has allowed her to keep a close watch on defense funding. She has pushed for legislation for our brave military personnel that improves salary, gains benefits for families and ensures that they are the best trained in the world.

She has done a lot of traveling to many of our bases to also make sure that there is not sex discrimination that takes place, and I applaud her for the singular fashion in which she handled that challenge.

Beginning with her appointment as Deputy Majority Whip, Congresswoman FOWLER has risen in the ranks of the leadership and become the voice of reason in this increasingly partisan Congress. As a member of the Republican Steering Committee, she has been a force in seeing that leadership's agenda goes through Congress, is deliberated, and perhaps get the amendments as appropriate so it comes out as something we can all approve. The beginning of the 106th Congress saw her election as Vice Chair, making her the highest ranking woman in the majority party.

In addition, Congresswoman FOWLER was chosen as the Chairwoman of the House Page Board for her dedication to the outstanding experience and service that our page program provides, and also the fact that she believes in young people and making sure that they have experience, firsthand experience, here in Congress, which she sees, as we all do, as a very special institution.

Congresswoman FOWLER leaves the U.S. House of Representatives as a leader, as a proven legislator and as a friend to all of us. Her voice and her expertise are going to be missed. I applaud her accomplishments and wish her well in her future pursuits.

In reflecting upon her, she has always been fair, she has always been bipartisan, she has always been a coalition builder, and she knows how to wield a velvet glove to get things done.

Shakespeare's words perhaps aptly reflect TILLIE FOWLER: ''Those about her, from her, shall learn the perfect ways of honor.''

We again wish her well as she pursues whatever challenges and experiences she seeks, and hope that she will stay in touch with us.

THE STUPIDITY ISSUE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Madam Speaker, we have reached the home stretch in the Year 2000 elections, and I think it is safe to say that one of the areas that is most critical to our voters deals with the environment. I hope that in the remaining two weeks that we are dealing with this election that it will be an opportunity for people to focus in on what the candidates stand for, what they would do if they were elected to our highest honor.

I think it is important to focus in on the environment, because it is one of the areas where people do not really have to guess about the differences between the two candidates. Somehow, in a number of areas dealing with this election, we appear to have sort of given a free ride on occasion dealing with the substance of these campaigns.

I found of great interest this morning the column that appeared in this morning's Washington Post by Michael Kinsley entitled ''The Stupidity Issue.'' Kinsley is the slate editor who writes a weekly column for the Post, and he has done one of the best jobs I have seen in capturing the problems of Governor Bush and the representations that he has made in the course of his campaign.

Being delicate, either the Governor is having problems telling the truth, or his capacity to understand some of these issues is truly at question. It is illustrated, and Mr. Kinsley goes on at some length to talk about the way that Governor Bush has talked about his partial privatization of the Social Security program is going to be paid out of surpluses in that program.

Now, since both candidates have pledged to protect the surplus, including Governor Bush, it is quite clear that the Governor is going to have to either renege on his promise that there will be no reduction in benefits for the people for whom these surpluses have been dedicated to be able to provide it, or they are not going to be able to provide the transition to cover the costs of privatization. There is no two ways about it.

Mr. Kinsley goes on at some length in the article. He had three others that I thought were really rather noteworthy, and I quote.

''When he,'' Governor Bush, ''repeatedly attacks his opponent for partisanship, does he get the joke? When Governor Bush blames the absence of a Federal Patients' Bill of Rights law on a lot of bickering in Washington, D.C., has he noticed that the bickering consists of his own party, which controls Congress, blocking the legislation? When he summarizes 'it is kind of like a political issue as opposed to a people issue,' does he mean to suggest anything in particular? Perhaps that politicians, when acting politically, ignore the wishes of the people? How does he figure, if at all?''

Mr. Kinsley goes on further about Governor Bush declaring in the debate, ''I don't want to use food as a diplomatic weapon from this point forward. We shouldn't be using food. It hurts the farmers. It is not the right thing to do. When just a few days later he,'' Governor Bush, ''criticized legislation weakening the trade embargo on Cuba, which covers food, along with everything else, has he rethought his philosophy on the issue, or was there nothing to rethink?''

''Finally, when he,'' Governor Bush, ''says that local control of schools is vital and criticizes his opponent for wanting to federalize education, and promises as president to impose various requirements on schools, when he complains that Federal money comes with too many strings, and then turns around and calls for after school funds to be used for character education, and then endorses a Federal law forbidding state lawsuits against teachers and so on, does he have a path through this maze of contradictions? When he,'' Governor Bush, ''promises a Federal school voucher program, and then deflects criticism by saying vouchers are up to states, is he being dense, or diabolically clever?''

Unfortunately, we have seen this sort of approach by Governor Bush when we are dealing with issues in the Pacific Northwest, dealing with things like the

salmon. We have a problem that currently we have a number of salmon species that are threatened with extinction, and we have a requirement to do something about it.

Governor Bush has traveled to the Pacific Northwest to declare that he has ruled out one of the potential solutions, and that would be the partial elimination of some of the dams in the Columbia River-Snake system. He will not tear down those dams, ever.

Well, it begs the question. What if that is the only choice to comply with the law of the land? Would he as president of the United States turn his back on the responsibility of complying with the Endangered Species Act?

What if the Federal courts rule that we have treaty obligations to the Northwest Native Americans, a very strong case some feel that we may have, an obligation, both moral and legal, to those native peoples who have, frankly, been treated rather shabbily by the U.S. Government over the course of the last two centuries.

What if the Native Americans get tired of the behavior of the Federal Government and a lack of action and see that their treaty rights will be violated and they take us to court? And what if the Federal courts rule that we have an obligation to the Native Americans that entails partial dam removal? Is the Governor simply going to rule out compliance with the obligation to the Native Americans?

What if the alternatives that we have in complying with either our treaty obligations to Native Americans or to the Endangered Species Act under law, what if the alternatives place a far greater burden on the citizens of not just the Pacific Northwest, but on the United States Treasury? It would seem foolhardy to rule out consideration of an option that may in fact be legally required.

It also begs the question of when the Governor is in the process of ruling out potential action that may be mandated, what is his plan? I have listened as he has come to the Pacific Northwest, had a photo op out in the wilderness reading off a teleprompter. What is his plan? The silence is deafening. Who is going to be responsible, and how much will it cost?

Given the Bush record, I find no small irony that also in this election we are finding that Ralph Nader and some apologists for the Green Party are urging people to send a message by voting for Mr. Nader for president. It gives me pause, as somebody who cares deeply about the environment, as to what precisely might that message be? To turn your back on the most environmentally active and effective vice president since Teddy Roosevelt raises significant questions. To mislead the American public about both the Gore environmental record and the consequences seems to me to be sad.

Now, I have respected much of what Ralph Nader has stood for in past years. I had an opportunity to first meet him after I had recently graduated from college. Actually my first job out of college was working as an assistant to the President of Portland State University, and I had a chance to work with Mr. Nader and some of his associates and Portland State University students in setting up the Oregon Student Public Interest Research Group.

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They did a lot of good work, and I continue to work with them. But somehow for Mr. Nader and his apologists, to declare that there is no difference between Vice President GORE and George Bush is I think a similar stretch of credibility, similar to Governor Bush and his problems with his Social Security plan. There is, in fact, a huge difference between George Bush and AL GORE; and Ralph Nader knows it or he is completely out of touch with the last 5 years' battle in Washington D.C.

There is no difference between drilling in the Arctic Natural Wilderness reserve as is proposed by Governor Bush as a stopgap approach to some of our energy problems? Stopgap approach, by the way, which would take 10 years to come on line and provide only a few months' worth of energy supply for this country or Vice President GORE's staunch protection commitment to protect the ANWR and keep it off limits for drilling.

There is no difference between improving and enforcing the clean air standards and Governor Bush's advocacy and performance in Texas? Does not Mr. Nader know who is fighting the antienvironmental riders that have plagued this Congress since the Republicans assumed control?

I recall very little help, if any, from Mr. Nader here in the trenches for the 5 years that I have been in Congress as we have been resisting these destructive proposals to legislate via the appropriations process. But there is no difference between appointment of justices in the mode of Justice Thomas and Scalia to the Supreme Court that are the model that is cited by Governor Bush? Gentlemen who have a very distinguished, and I would argue limited, indeed, negative view of the opportunity for the Federal Government to protect environmental values. And contrast that with the appointees of the Clinton-Gore administration to the Judiciary, those few appointees further down in the judicial ranks sadly, because I am afraid our Republican friends in control of the United States Senate have been, I think, sadly deficient in allowing a bipartisan review in consideration of qualified, well-qualified, appointees to fill important vacancies in the lower Federal courts.

There is a clear, clear record, however, between the appointees of the Clinton-Gore administration and those cited as the model by Governor Bush. A court full of people in the mode of Justice Thomas and Scalia would make a huge difference in the enforcement of our environmental laws for a generation.

The dead hand of Richard Nixon lives on a generation later in the person of Justice Rehnquist who was his appointee as chief justice. So the next President of the United States will have an impact on a whole generation of legal decisions with the appointments up and down the Federal bench.

It is important to note that as far as the Supreme Court is concerned, we have gone longer than at any period in our history, 177 years without a Supreme Court appointment, and we may be looking at 2, 3, 4 appointees just in the next term of the President of the United States.

Madam Speaker, it is, in fact, a major difference, and that in and of itself would justify support for Vice President GORE over a wasted vote for Ralph Nader or sitting home alone and not voting at all.

Having watched this administration struggle to push back the forces that are in control in this Congress, it seems to me that it would be an opportunity to set us back for years to come if we are not doing justice to the people, because either Mr. Bush or Mr. GORE is going to be elected President of the United States, even Mr. Nader agrees with that.

I think it is important that people consider how their vote for President is going to affect that outcome. And in that connection, I think it would be important to take a few minutes to look at that record between the Vice President and Governor Bush in a little greater detail.

I have referenced in the past some issues that relate to air quality. Governor Bush was asked in May of 1999 the impact on clean air since he became governor. Governor Bush said, when asked the question is the air cleaner since I became governor? The answer, according to Governor Bush, is yes.

Well, I invite people to take a close look at the record of the Bush administration in dealing with the clean air problems of the State of Texas under the Bush administration. Smog problems in Texas cities have increased under the Bush administration.

Texas ranks first in the Nation in toxic air emissions from industrial facilities, discharging over 100 million pounds of cancer-causing pollutants and other contaminants in the air annually. Of the 50 largest industrial companies in Texas, 28 violate the Clean Air Act.

Currently, the areas of Houston-Galveston, Dallas-Fort Worth, El Paso and Beaumont-Port Arthur are in violation of Federal clean air standards for ozone pollution.

Madam Speaker, during the years that Governor Bush has been in office, Houston has surpassed Los Angeles as the city with the highest levels of smog in the United States, capturing that position sadly for the second year in a row.

Governor-elect Bush in 1994 opposed a new vehicle emissions testing program that had been designed and contracted by the State to implement the 1990 Clean Air Act calling it onerous and inconvenient. After he became governor in 1995, he and the legislature cooperated in overturning the centralized inspections on the ground that it would be too inconvenient for motorists. And instead they installed a decentralized system similar to the old system, except it costs more, tests less accurately, and is easier to evade.

He urged the EPA to, rather than help Texas solve the problem by being tough on polluters, he suggested that EPA measure pollution differently. He would not throw Dallas out of compliance because one monitor goes over unacceptable levels for an hour next summer. He wants the EPA to measure air quality over the longer period, over an average. Well, now Texas faces EPA penalties, the potential of losing Federal highway funds for failing to implement an air pollution plan for Dallas-Fort Worth in the face of a severe violation of clean air standards.

It is important to note that this is not some esoteric matter to quibble over. These air quality standards have an effect on people's lives. Just this last week, there was a report from the University of Southern California that had reviewed the impact of the smog in the Los Angeles Basin. Remember, Los Angeles has smog that is now not as serious as Houston's. In Los Angeles, they found that that impact on the children, and they monitored them from the 4th grade to the 7th grade to the 10th grade, they found a 10 percent loss in the growth of lung capacity, this is not something that appears to be reversible.

With a 10 percent reduction, it made people much more likely to be hospitalized, for instance, with an asthma attack. These are serious issues that affect the lives of people at risk, particularly children, senior citizens, people with delicate health, but the Texas environmental legacy under Governor Bush continues sadly to be one that I do not think Americans would be proud of, and it is not something that they would like as a standard by our chief executive.

Texas ranks number one in the number of chemicals polluting its air. It ranks number one for the amount of toxics released in the atmosphere. In 1997, which was the most recent year that I could obtain statistics, over 260 million pounds of toxic pollution was released.

Since Governor Bush took office, the number of days when Texas cities have exceeded Federal ozone standards has doubled. Governor Bush often cites his leadership as Governor of Texas as a qualification to be President of the United States. Well, there is a lot of give and take about how much power it has and how he has used the power and whether he simply is claiming credit for things that his predecessor's put in place.

For instance, the education reforms have not been initiated by Governor Bush but were those that were initiated by his predecessors and the Texas legislature. But if Texas were a country, one area that it is big in, it would be the seventh biggest emitter of carbon dioxide of any Nation in the world.

We can take a step back, not just looking at clean air; although, that is one of the most graphic areas of failure of leadership, but look at what Texas has done in other areas of the environment. Look at aggregate spending on protecting the environment. Some people say, well, these comparisons really are not fair to Texas, because Texas has more industries, for example, that deal with petroleum, for instance.

What would be a fairer measure? Let us look at per capita spending on environmental cleanup, for instance. In fact, if Texas has all of these huge industries, all of these huge problems, these massive threats to the environment, we would expect that a fair way of measuring commitment to the overall environment would be looking at per capita spending. It is a big State. Let us not compare it necessarily just to the State of California.

How much are they spending to solve the problem? Not that that is the entire test at all. They are spending, according to The Los Angeles Times of April 4 of this year, 44th in per capita spending on all environmental programs in the country. That is 44th from the top to the bottom.

There are only 5 States that spend less on cleaning up their environment, and given the fact that there is probably no State with greater environmental challenges, that is rather depressing, to say the very least.

Madam Speaker, it is of some interest that Governor Bush talks about his voluntary emissions cleanup to allow people to voluntarily decide in the area of the grandfathered plants that have been emitting harmful pollution. They were grandfathered in. The Senate bill 766 that Governor Bush is so proud of and touts as part of his approach has reduced harmful air pollution from these grandfathered plants in Texas, 470 of them, there are only a handful, less than three dozen actually complying. It has ended up in reducing harmful air pollution by less than 1/3 of 1 percent.

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Well, what about water quality? In 1999, Texas was the third worst in the country for toxic water pollution. Now, this is 5 years after he assumed office, the third worst in dumping chemicals into its own water supply. Texas also ranked second worst for emitting known and suspected carcinogens into water in the country. It had the river with the third most pollution in the country and ranked third in emitting reproductive toxins into the waterway, and ranked second worst in dumping nitric compounds into the waterways.

I note that adding former Secretary Cheney to the ticket did not really do much in terms of balancing, because Secretary Cheney has a record as a Member of this Chamber where he could show what his passion and belief was in terms of protecting the environment. The League of Conservation Voters has assessed the records, the voting records of Members of this body for the last 25 or 30 years. During the time that Secretary Cheney served in this Chamber, he had amassed a lifetime voting record of 13 percent, according to the League of Conservation Voters. Cheney voted seven times against authorizing clean water programs, often as one of only a small minority of Members who voted against the authorization.

For example, in 1986, Cheney was one of only 21 Members to vote against the appropriations to carry out the Safe Drinking Water Act. One year later, in 1987, Secretary Cheney was one of only 26 Members to vote against overriding the Reagan veto of the reauthorization of the Clean Water Act.

Think about it. Mr. Speaker, 435 Members of this Chamber, almost 400, including in the neighborhood of 150 Republicans, voted against their own President on the veto of the reauthorization of the Clean Water Act, but not Dick Cheney.

In contrast, AL GORE has fought for clean water as a United States Senator and as Vice President. As Senator, he was an original cosponsor of the Water Quality Act of 1987, the same time that Secretary Cheney was one of only 26 Members of this body to vote against the outrageous veto, the override of the veto of the reauthorization of the Clean Water Act.

Mr. Speaker, I am pleased that I have been joined by the gentleman from Wisconsin (Mr. KIND), with whom I have been privileged to work extensively in this Congress on issues that deal with water quality and the environment. I commend the gentleman for his vision and foresight in being the author of legislation that I was privileged to cosponsor to deal, for instance, with areas to make the Corps of Engineers more transparent in its operations, to allow more environmental and citizen input into its decisions, to allow independent review, independent scientific review to make sure those projects are meeting the mark, and he did not need a week-long series of articles in the Washington Post to alert him to the problem or to motivate him to action.

Mr. Speaker, I am privileged to yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from Oregon for yielding me this time this evening.

I saw that he was talking about some very important issues dealing with the environment and conservation measures, and I do appreciate his support on the Corps reform bill that we introduced earlier this year, and we are happy to report that at least on a limited basis, a lot of the provisions that

were contained in the reform bill that we offered are now adopted as pilot projects in the recent passage of the Water Resources Development Act. I think it is a very positive step forward in letting the sunshine in on the Corps planning process by having outside expert review panels taking a look at projects up front to determine whether or not there would be a sufficient mitigation for any type of environmental damage that is done involving Corps projects, and whether it is cost-effective. This is not an anti-Corps bill that we introduced; rather one that would hopefully lift the cloud over what has become an embattled agency.

Mr. Speaker, there is another issue that I wanted to touch upon briefly this evening, one that I think there is a clear difference on as far as the agenda between AL GORE and George Bush. I represent western Wisconsin. It is a district that is still one of the largest dairy-producing districts in the entire Nation. However, our family farmers are under a crisis right now. There is a crisis in rural America that is sweeping the country, affecting all family farmers, with low commodity prices, low milk prices, and some of us here in Congress have been thinking of ways of what we can do as policymakers to assist our family farmers to survive. I know it is true for the family farmers that I represent in western Wisconsin that they are some of the best land stewards in the entire Nation. They understand the importance of conservation measures, sustainable farming practices, the effect it has on watershed areas.

In fact, there are a lot of good land conservation programs coming out of the Department of Agriculture that many of our farmers participate in. They are very popular, and they are a win-win for everyone involved. Farmers get direct cash assistance for participating in the programs which allows them to implement voluntary and incentive-based conservation practices right on their own land. Just to name a few, there is a wetlands reserve program that a lot of outdoor recreationists especially appreciate because of the water fowl and the benefit it brings to the water fowl species. There is Equip and there is also something called CRP, the Conservation Reserve Program. These are very popular programs for the farmers back in Wisconsin, and I know it is true for farmers throughout the country.

Mr. Speaker, this is a way to provide some cash flow to what has become a very difficult economic time for our family farmers. They participate in land conservation programs on a voluntary basis, they get cash assistance, and the communities around them benefit with cleaner watershed areas and less runoff that is occurring with sedimentation and nutrients from the farmland.

I have had many conversations with Vice President GORE in this regard, because we have another farm bill that is going to be coming up for reauthorization in the next session of Congress, and Vice President GORE is a strong supporter of sound land conservation practices that can benefit farmers, but which will also benefit the communities in which they are operating. This is a huge difference between what AL GORE is proposing in regards to agriculture and farm policy and what Governor Bush is talking about.

In fact, it was striking in the last debate when we listened to the question that was raised in St. Louis in regards to agriculture policy; and I, for one, was very happy that it was finally raised as a question during these presidential debates, the striking difference between the answers, between AL GORE and George Bush. AL GORE recognized that there is a crisis right now in rural America, that family farmers are going out in droves because of low commodity prices. We are losing about three or four a day every day in the State of Wisconsin alone, and I know this is true in other parts of the country. AL GORE pledged to open up the farm bill as soon as possible, before it is too late for many, many more family farmers, and get to work on various programs.

I have introduced the National Dairy Reform bill that is receiving some support from other representatives in other regions. This has been an area of agriculture policy that has typically pitted farmer against farmer in region against region with no consensus being developed. But I have introduced a bill that representatives in the Northeast and Southeast recognize could be very helpful in order to level the income stream for family farmers and enable them to survive during very tough market conditions. It is countercyclical in nature in that it would offer countercyclical payments to farmers when the market price drops below a certain level.

Mr. Speaker, I think this is important, because family farmers do bring diversification in the agriculture sector as well as more sustainable farming operations, which has a direct impact on the environment and conservation practices in which they are operating. George Bush, on the other hand, has already stated as part of his agricultural agenda that he would completely eliminate the Conservation Reserve Program, CRP, which is one of the most effective conservation measures that is working for our family farmers today. He would just as soon get rid of the entire program, which I find quite astounding. His only response during the debate when it came to the farmers' question, what will you do to help farmers survive in what are some of the toughest market conditions they have faced in the last 30 years, his only response was, well, I will work hard to open up market access overseas. Well, on a theoretical and conceptual plane, that is fine, and AL GORE too is a big believer in being able to export more of our agricultural products abroad.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, was the gentleman concerned that on one hand, Governor Bush allegedly talks about opening these up overseas, and yet, turns around and criticizes the recent initiatives that were taken by this body on a bipartisan basis to open up the opportunity of having food to be traded with Cuba? Does that seem a little bizarre to the gentleman?

Mr. KIND. Mr. Speaker, it was entirely inconsistent with what he was saying during the debate and with what he was actually advocating during the legislative process and what we were actually working on here. But what is even more astounding is that the crisis is real and it is today. When we are losing four or five family farms a day, we cannot sit around waiting for these utopian markets to open up overseas and to be exporting a lot of products. We do not export much dairy products to begin with. I mean there just is not a great export market today for them.

So I think the farmers are really looking for a new administration that is willing to roll up their sleeves and work on farm policy that can start having an impact as soon as possible. Otherwise, if we wait around for these theoretical markets to open up overseas, it may be way too late for our farmers.

Mr. Speaker, another important part that we will have a chance to look at and discuss and debate and hopefully adopt as a part of the farm bill are these land conservation bills, something that AL GORE has consistently supported in his career in both the House and Senate and now in his career as Vice President of the United States, something he has pledged to support again in the future. I am highly confident that if it is his administration that we are dealing with when we are creating the next farm bill, that land conservation programs that are voluntary and incentive-based, that do provide income assistance to farmers who want to be able to do this, but when they are looking at low commodity prices and it is their very survival that is on the line right now, they do not have the extra cash reserves to implement some of the conservation programs that they know would work and work well on their own land. So it could be a wonderful partnership that is formed with already existing programs, with more creative thinking in regards to conservation measures that will help our farmers; and ultimately, it is going to benefit the water quality and the watershed area all around these producers.

I think it is a very important distinction. I think it is a very important difference between what AL GORE has been talking about during the course of the campaign, the type of conservation agenda he would pursue as it relates to family farmers in the country and what Governor Bush either does not support or perhaps just does not realize

the importance of these programs that he is advocating to eliminate right now.

So I just wanted to come down and share that point in particular, given what we are experiencing back home in Wisconsin, with the plight of our family farmers, and really the difference in vision that is being offered by AL GORE on the one hand, who recognizes the crisis, has pledged to open up the farm bill right away, rather than waiting for another 2 years or maybe 3 years to implement some new farm policy, but also his strong support for land conservation measures that are going to make sense for those individual farmers.

I also wanted to just quickly commend the gentleman from Minnesota (Mr. MINGE) and also Senator HARKIN from Iowa for taking the initiative in introducing legislation last week called the Conservation Security Act. What this will do is again, in line with the voluntary incentive basis for land conservation programs and cash assistance to farmers who develop and implement a comprehensive conservation plan for their land.

What is interesting with this legislative proposal is that it will be unique to each of the individual producers. It will not be: this is the program; now, see if we can fit it into your land. It will be: what do we have to work with, and then with technical assistance that will be provided, those farmers will be able to develop a conservation plan for their particular tract of land that they are producing on. It is a novel approach in that it provides an incredible amount of flexibility for the farmers to really accentuate the positive on their own land, rather than taking some round circle and trying to fit it into a square challenge that might be affecting their particular land.

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I am hoping that this legislative initiative that I am co-sponsoring with the gentleman from Minnesota (Mr. MINGE) on the House side, along with some bipartisan support from the gentleman from South Dakota (Mr. THUNE), the gentleman from North Dakota (Mr. POMEROY) and others that this, too, will receive very serious attention.

But when one looks at farm policy, there are not any easy answers. If there were, they would have been found a long time ago. I think this is one area where we can do a better job of being able to provide an answer to family farmers in the area of environment and conservation measures that many of the farmers are doing, and they do very well but needs some assistance, some financial resources in order to accomplish the commonly shared objective of being good land stewards on the land.

So with that point, I thank the gentleman from Oregon (Mr. BLUMENAUER) for the time this evening.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's input in framing these issues as it relates to the environment, the difference between Governor Bush and Vice President GORE, and what it would mean for the agricultural industry. I did appreciate the gentleman's reference to the bipartisanship in both the legislation that he is cosponsoring and he referenced the progress that we made in the recently approved VAWA. That is something that I think bears some consideration.

I must confess, when I came to this Chamber, the partisanship really was sort of off putting. I note the presence in the Chamber this evening of the gentleman from Illinois (Mr. PORTER). I, too, am saddened at the prospect of his leaving. I have appreciated his thoughtful approach in a bipartisan fashion with the important work of the Committee on Appropriations and in other areas as well. There is no one I respect more, and I appreciate in my short tenure here what he has added in an element of bipartisanship.

I guess that is what concerns me the most, Mr. Speaker, about what the gentleman from Wisconsin (Mr. KIND) is talking about, because when it comes to America's environment, we should be working on a bipartisan basis.

The gentleman from Wisconsin and I have been working with people like the gentleman from Ohio (Mr. GILLMOR) and the gentleman from Nebraska (Mr. BEREUTER). We have had the leadership on our Committee on Transportation and Infrastructure where the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) time and time again have actually fashioned this fascinating environmental legislation, ISTEA, the VAWA bill, where we have been able to put some of these provisions in.

I guess this is one of the concerns that I have because I do not want to have mistaken what we are talking about this evening that somehow just attempting to be mindlessly partisan.

All the legislation that the gentleman from Wisconsin and I have been working on, there has been an effort to make it bipartisan in nature. Regardless of who controls this Chamber in the next Congress, it is going to be important to fashion bipartisan agreements to move legislation forward.

Mr. KIND. Mr. Speaker, if the gentleman will yield, I just want to also commend the gentleman from Oregon for the leadership that he has provided this Congress in regards to livable communities. In fact, he established the Livable Communities Caucus, a working group of Representatives who get together and discuss a lot of sustainable development ideas, things that all of our communities are wrestling with day in and day out back home in regards to how they want to see their neighborhoods, their cities, their communities look in the next 20, 30, 50 years from now.

There is a lot of planning, development planning taking place back home. But there is also a lot of things that are being done here in the United States Congress, policy being made that can work to the detriment of this planning process back at the local level.

The gentleman from Oregon is raising that issue where it has never been raised before in the United States Congress. I appreciate his insight, his expertise on that, the fact that he has been able to reach out, bring in other Representatives from across the aisle in a bipartisan fashion again to have these discussions and to get everyone here thinking about what the implications are and policy that we pass and adopt in this body and how that is going to affect either to the benefit or the detriment of local communities and their planning process, development process of back home.

So I commend the gentleman from Oregon (Mr. BLUMENAUER). I look forward to working with him some more in the future on what is perhaps one of the more important issues that is sweeping the country right now when it comes to sustainable development issues. I thank him.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I appreciate the gentleman's words. I guess that is one of the things that disappoints me about the nature of the current Presidential campaign.

Last year, I worked on a bipartisan basis putting together a group of people to try and help both parties deal with these issues at the Graduate School of Design at Harvard with the gentleman from Nebraska (Mr. BEREUTER), the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Rhode Island (Mr. WEYGAND) where we had a bipartisan group to try and frame these issues. Because it sadly does not need to be partisan.

The point I wanted to make was that we actually reached out at Harvard University developing a bipartisan opportunity for people in both parties to fashion approaches for the environment and livable communities with a notion that it would play a larger role in this election.

I note with interest, and again I am sad about it, I am not happy to deal with the record of Governor Bush as it relates to local government and dealing with problems of sprawl. I was disappointed, because I had worked for years with people in the capital city of Austin, Texas who have tried repeatedly to figure out initiatives that they could take to help them get control of some very serious situations that they have, trying to manage growth and pollution and sprawl in the capital city of Texas.

Sadly, Governor Bush has supported legislation that took away the ability of the City of Austin to creatively solve their own problems. Now, the Governor has no national policy. The State of Texas does not have anything to help them. He would even support

legislation that takes away the creative approaches that were taken by the capital city of Austin. I think it is a sad legacy.

As I say, it is not something that needs to be partisan. I am the first to point out that it was a Republican Vice President who subsequently became president, Teddy Roosevelt, who set aside the land for the impressive national monuments, one of the first and great conservationists.

But it was this administration over the objections, sadly, of some of my colleagues on the other side of the aisle, and apparently over the objections of the Republican ticket of Bush and Cheney for extending monument protection. In fact, they have already announced that these are some of the first things they will review in the event that they are elected this November.

Vice President GORE has been involved in this administration being point person on some of the more creative partnerships to protect, for example, habitat. Seventy percent of the continental United States is in private hands. Successful efforts to maintain and restore the Nation's wildlife must include private land owners.

One of the most valuable tools has been the Habitat Conservation Plan, which is a long-term agreement between government and a land owner that helps ensure the survival of threatened wildlife while allows productive use of the land. Prior to 1993, only 14 such plans existed. Throughout 12 years of Reagan-Bush, 14 plans existed. This administration has forged another 250 plans protecting more than 20,000 acres and 200 threatened or endangered species.

The Vice President has been part of the effort to protect and expand national parks and monuments and has already announced that he will fight to block efforts to roll back the environment progress that we have made.

The Vice President has been active seeking full funding of the Lands Legacy Initiative, one of the more creative parts through the Land and Water Conservation fund.

The Vice President has long been on record to reform the antiquated mining law and use that reform to help pay for conservation. The Mining Act of 1872 is on the books effective identical today as it was signed by President Ulysses S. Grant. This allows patents for hard rock minerals on public lands to be mined for $2.50 an acre or $5 an acre.

Since taking office in January of 1993, the 1872 Mining law has required the Department of Interior to sign 40 mining patents, some of which have been granted to foreign hard rock company, mining companies, deeding away publicly owned resources valued at more than $15 billion to individuals and private mining companies. In return, the taxpayers received a little more than $24,000. This is an outrage.

The last Republican administration vetoed efforts of Democratic Congresses to reform it. Vice President GORE would use the money from mining royalties to pay incentives to protect open space and help communities support local parks.

I have already referenced earlier in my remarks this evening the rather bizarre position of Governor Bush who rules out some of the initiatives in saving the salmon stocks in the Pacific Northwest who has no plan himself. The Vice President has committed to saving the salmon stocks and is willing to consider all the options that would be required under our treaty obligations and under U.S. law.

Well, as I look at the record of Governor Bush, it gives me pause. Looking at the area of public lands, one is hardpressed to find what Governor Bush did in his stewardship in the last 6 years to deal with Texas parks or public land.

Again, this is not a partisan issue. I have been on the floor of this Chamber commending Governor Christine Todd Whitman, Governor Pataki for his and her initiatives, respectively, dealing with the preservation of open space in the States of New Jersey and New York.

They do not have to be partisan issues. In fact, when governors, Republican or Democrat, take the lead, the public supports them, and legislators fall in place. Well, what is Texas doing to take advantage of the massive public support for improving park and open space?

Texas, the second largest State in the union, running substantial budget surpluses, where does it rank, where in the ranking of the States on the money it spends on State parks? A 1998 State audit found that Texas had a funding backlog of $186 million just for the maintenance of existing parks.

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In 1999, the Texas Parks Commission tried to remove the cap on a sporting goods tax to increase its revenue. Governor Bush could not see his way clear to either provide money in his budget or to support the increase in the revenues. The measure died. Governor Bush did appoint a tax force to find a solution, perhaps a good start. But then when his parks commission made a recommendation, did the governor embrace it? Did he come forward challenging the legislature to meet the needs? Sadly not. He created this task force on conservation which he charged with finding ways to ensure that Texas leaves a legacy for our children and grandchildren, a legacy of unwavering commitment to preserve and conserve our treasured lands. And then he ignored the request for initial funding for the commission.

A year ago on the campaign trail, one of the most important pieces of conservation legislation, and again I point out it was bipartisan legislation, it cannot be more bipartisan than when you have the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Mr. YOUNG), the chair and ranking member respectively of the Committee on Resources, which passes this Chamber with over 300 votes, Governor Bush, when asked last year about his support for the Federal Land and Water Conservation Fund, did not even know how to answer the question. He would increase logging on public lands. He would reverse the roadless area protections that have been a part of this administration's roadless area initiative. I have already referenced that they have indicated they might well try and reopen lands to development that have been protected by this administration. I think it is something that is exceedingly frustrating for people who care about the environment to take a step back and look at the nature of this sorry legacy where the governor has dealt with the environment in the State of Texas.

It did not have to be that way. It was not that way with Governor Engler in Michigan, Christie Todd Whitman, Governor Pataki; it is not the way with Democratic governors across the country, but Governor Bush seemingly does not set a priority on the environment other than photo ops when he comes to the Pacific Northwest. Where is the passion, the commitment, the outrage that under his watch Houston has become the smoggiest city in the United States?

In the area of energy, which is important in terms of both American policy and its environmental consequences, here again is another stark difference between Vice President GORE and Governor Bush. Vice President GORE has supported conservation, is against drilling in the ANWR, 95 percent of Alaska's north slope is already available for oil and gas exploration and leasing. The wildlife preserve is the only 5 percent that is not available. And the estimate of the impact of the ANWR in terms of our energy supply is that it would be at most a 6-month supply of oil. And it would take 10 years to bring that energy supply to market. This is opposed by three-quarters of the American public. It is in fact even opposed by a majority of people in the State of Alaska. But it is part of Governor Bush's proposal for dealing with the energy problem.

Mr. Speaker, I am really troubled with this disconnect between America's long-term environmental interests, with the wishes and needs and interests of the American public, and what has been offered by Governor Bush and the Republican ticket. It is my hope that in the remaining 2 weeks of this campaign, that the American public will focus on the difference between the two gentlemen who would offer themselves up for President, one of whom will be elected President and use that in guiding their votes accordingly.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTIONS 115, 116, 117, 118, 119, AND 120, EACH MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER (during the special order of Mr. BLUMENAUER), from the Committee on Rules, submitted a privileged report (Rept. No. 106–998) on the resolution (H. Res. 646) providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

Mr. LINDER (during the special order of Mr. BLUMENAUER), from the Committee on Rules, submitted a privileged report (Rept. No. 106–999) on the resolution (H. Res. 647) waiving points of order against the conference report to accompany the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 835, ESTUARIES AND CLEAN WATERS ACT OF 2000

Mr. LINDER (during the special order of Mr. BLUMENAUER), from the Committee on Rules, submitted a privileged report (Rept. No. 106–1000) on the resolution (H. Res. 648) waiving points of order against the conference report to accompany the Senate 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, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO THE HONORABLE TOM EWING ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore (Mr. GOODLING). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, it is with great pleasure that I come to the floor tonight to spend some time to think about a good friend and colleague who is also leaving, the gentleman from Illinois (Mr. EWING). I have been joined by a couple of my colleagues that because of the lateness of the hour I would like for them to have the opportunity to address the House and then I will pick up.

Mr. Speaker, I yield to the gentleman from upstate Illinois (Mr. PORTER) whom we have heard a lot about tonight already.

Mr. PORTER. I thank the gentleman from Illinois for yielding to me. I am very pleased to be able to participate in this tribute to our colleague, TOM EWING. Mr. Speaker, I was elected to the Illinois General Assembly in 1972. TOM EWING was elected to the Illinois General Assembly in 1974. I had the privilege of serving with TOM for 4 years, 1974 to 1978 in the Illinois House of Representatives. He roomed with another Illinois representative elected in his class of 1974, Lee Daniels of Elmhurst, and I sat next to Lee Daniels. Now, I was a one-term member when Lee Daniels and TOM EWING arrived in the chamber and the first order of business because the Democrats had achieved in 1974 a very large majority in the Illinois House as a result of the Watergate problems and the first order of business was the election of a Speaker of the House. Two Democrats vied with one another, and Bill Redmond, who was from Lee Daniels' area, had not quite enough votes to be elected Speaker. The balloting went on for 14 days with 88 ballots being cast without a result, and no Speaker having been chosen, when Lee Daniels, a Republican, finally broke the tie, or broke the impasse and cast a Republican vote for his Democratic colleague, Bill Redmond, to become Speaker of the House, and that caused Bill Redmond's election. Now, I sat there pleading with Lee Daniels not to cast that vote. I assumed it would be the end of his political career. It is fascinating that Lee later became the Illinois House Republican leader and Speaker of the Illinois House and is today the minority leader of the Illinois House. But Lee Daniels was kind of the glue that brought TOM and I together. The three of us became very close friends, and others I might add became very close friends in the Illinois General Assembly, and I was very privileged to have the opportunity to serve with TOM for those 4 years.

In 1977, I felt that I was conducting two full-time jobs. I was practicing law, which seemed to take my full time, and I was also in the general assembly; and that seemed to take my full time. And so I said to myself, I am going to let my constituents decide whether they want me to become a lawyer or a legislator full time, and I am going to run for Congress. I took on the incumbent Democrat in my district and after one of the really truly classic elections I think fought on the issues, I lost that election by 650 votes out of 189,000 cast. My constituents decided they wanted me to be a lawyer. Actually, I then gave them another chance when my opponent immediately was appointed to the Federal bench by President Carter, and I was elected in a special election and left the general assembly. I came here to Washington.

Mr. Speaker, frankly it was lonely here without Old Tom. I like to call him Old TOM because he and I are exactly the same age. Actually, I am 4 months older but I do not admit it. And for 11 years I waited for TOM to come to Washington, and he finally arrived in July of 1991 when he was elected in a special election. In the meantime, he served as one of the outstanding representatives in the Illinois General Assembly, heading the revenue committee, acting as assistant Republican leader under Lee Daniels from 1982 to 1990.

Finally, after all that time, TOM came and joined us here in Washington. He brought with him, Mr. Speaker, his great commitment to fiscal responsibility. He brought it here to Washington where it was really, really needed. And from the very first time when he arrived here in 1991, he worked to ensure that we attempted to balance the budget, to protect Social Security, to promote economic growth, and he has during his time in Washington been repeatedly recognized for his commitment to balanced budgets and fiscal responsibility by the Citizens Against Government Waste, by the Watchdogs of the Treasury, by Americans for Tax Reform, by the American Taxpayers Union, by the U.S. Chamber of Commerce, by the National Federation of Independent Business.

Over and over again, all of the organizations who watch this very closely have recognized TOM's commitment to fiscal responsibility, and he has been one of the great leaders here in bringing that about. Today, we enjoy balanced budgets because of legislators like TOM EWING. He brought, of course, his friendship with our Speaker, DENNIS HASTERT, with him. Both served in the Illinois General Assembly together as well. And he brought with him a commitment to agriculture so important to central Illinois and to his district, to health care and to education, and he has received award after award for his work in each of those three areas.

Mr. Speaker, he also has brought a commitment to transportation. He has served on the transportation committee. One of the things that brings us together as we work as an Illinois delegation is our commitment to the use of ethanol in American automobile fuels. And TOM has been a great leader in respect to bringing agriculture and transportation together in respect to ethanol. He has also, and this has been the area of his greatest expertise, he has served the entire time as a member of the agriculture committee. He is chairman of the Subcommittee on Risk Management, Research, and Specialty Crops of the Committee on Agriculture, and as you may know, Mr.

Speaker, TOM's predecessor was Ed Madigan, a gentleman that you served with many years here, a gentleman who chaired the agriculture committee and became Secretary of Agriculture under President George Bush, and very frankly, and I will admit to my downstate colleagues this at any time, my district has no farms.

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If I receive a letter regarding an agricultural issue from one of my constituents, it would be likely to begin, my uncle or father died and left me his farm in Iowa and then the agricultural issue may be raised. So my knowledge of agricultural issues, which is a very difficult segment, a very deep part of American law, I always look to my downstate colleagues for guidance. Whenever I had to cast a vote on an agricultural issue in the House of Representatives invariably I would look to see where Ed Madigan was when he was here, and when he became Secretary of Agriculture and TOM replaced him in that seat I would look to see where TOM EWING voted because I knew that he would know that issue backwards and forwards and I could count on him to exercise the kind of judgment that I respected, and I always felt complete confidence both in Ed Madigan and in TOM EWING in casting those votes.

Mr. Speaker, TOM EWING is the kind of person you want in a legislative body of this type, an honest person, a smart person, a man of very sound judgment, a conservative who is not necessarily conservative in a philosophical sense but conservative intellectually. You have to convince him that change is necessary and change is the right way to go; conservative in his personal outlook but willing to listen to sound arguments for change that may be needed.

Mr. Speaker, TOM has served in legislative bodies, the Illinois General Assembly, from 1974 to 1991, and here in the Congress from 1991 to the present time, a total of 26 years. I was most fortunate to be there at the beginning when his political career started in the Illinois General Assembly and to be his colleague there. I have been most fortunate to be here through the 9 years that he has served in this body, and to be his colleague here as well. Our two careers have been exactly parallel in time and in place in large measure, at different times in the same place, but we have served together and it has been a wonderful, wonderful part of my service in Congress to be able to call TOM EWING my colleague and my friend. He has earned the accolades of his colleagues and constituents for his work. He has earned a deserved retirement with his wonderful wife, Connie. I cannot tell you what it has meant to me to be a friend and a colleague of a gentleman like TOM EWING. I wish him well in his retirement, in all that he undertakes in the future. He has been a true credit to American politics, to public service and to the Illinois General Assembly and this esteemed institution.

Mr. SHIMKUS. Mr. Speaker, I would like to submit for the RECORD the following statements, a statement from Congressman EWING's staff, a letter by the Governor of the State of Illinois, and a letter by Eric Nicoll, former staff director for Congressman EWING and now an industry representative in Washington.

As members of Tom Ewing's staff, we have a unique perspective on what makes Tom such a great person and Congressman. He is a man who is straightforward and honest, a solid, upstanding, good-hearted person—a true Midwesterner. Tom is one of the hardest workers in Congress, setting an example we could never meet, being the first person in the office in the morning, and the last to leave.

Tom's quiet leadership, friendly manner, gentle guidance and terrific sense of humor created a great working environment. He made sure that we all worked hard, but never took ourselves too seriously, constantly joking with and teasing us all. Staff always had a lot of latitude to work on their issues and projects, and the door to Tom's office was always open. He was always interested in our opinions and input, and tolerant of mistakes. We will always remember him as the ideal boss—a mentor, friend, and someone we could look up to and on whom we could depend.

Tom considers his staff an extension of his family, and takes great interest in all that is happening in our lives. He is first and foremost a family man, and when members of our staff faced family emergencies, Tom made sure that our families came first.

In short, Tom Ewing reminds us all that public service can and should be an honorable profession—he is a shining example of why citizens could get involved in their government. Tom has said that in politics, ''it is always best to leave with your hat in the air.'' That he has done. We will miss Tom greatly, and wish him every success and happiness as he moves into the next chapter of his life.

STATE OF ILLINOIS,
WASHINGTON OFFICE,
Washington, DC, October 11, 2000.

Hon. THOMAS W. EWING,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR TOM: On behalf of the State of Illinois, please accept our profound appreciation for your tireless efforts and myriad contributions for people throughout the State of Illinois and our nation.

As the 106th Congress of the United States nears adjournment, we understandably pause to reflect on the benefits for all of us from your 17 years of service in the State Legislature and nearly a decade in Congress. As a family man, farmer, business owner, lawyer and a devoted public official, your unassuming, yet effective leadership, in both the Illinois and the US House of Representatives will not soon be forgotten.

Those of us who have had the good fortune to work closely with you know how important your family has been to you throughout your years of public service. You and your wife, Connie, have six wonderful children and five very special grandchildren. Your mother, Harriet, is justifiably proud of your many awards and accomplishments. Hopefully one of the benefits of the days to come will be more relaxed moments with your family. In any event, you have earned and will be able to savor a host of memories—including more election nights then you care to remember, along with the Ewing for State Representative signs on the back of your father's horse trailer!

Since our days together in the Illinois House of Representatives, nearly 25 years ago, you have remained an esteemed colleague, and more importantly, a dear friend. Side by side, we weathered debates when our views did not easily prevail. Whether in the majority or the minority, you always advocated common sense solutions and fought effectively and wholeheartedly for your constituents.

Your deep commitment to sound fiscal policy, quality education, free trade, along with your dedication to farmers and their families are but a few of the reasons why your constituents value your lifetime of public service so very much. You have known when to speak out and when to listen. You have earned a national leadership role among those who have unselfishly provided future generations with so much.

Your friends at home, in the Illinois General Assembly, among Members of Congress and admirers of yours from around our state and nation join Lura Lynn and me in communicating an enthusiastic thank you, in wishing you and yours the very best of health and happiness, and in expressing our hope that we will find new and creative ways to work together with you in the future!

Very truly yours,

GEORGE H. RYAN,
Governor.

OCTOBER 3, 2000.

Hon. JOHN M. SHIMKUS,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SHIMKUS: Thank you so much for sponsoring a Special Order to honor Congressman Ewing on his retirement for the House. Congressman Ewing hired me as his Legislative Director on the day he was sworn in on July 10, 1991 and I worked in his office for over six years.

I know that I speak on behalf of dozens of current and former staff and interns over the years in saying that we are proud to have had the chance to work for Tom Ewing. He is one of the most decent persons I can think of—in or out of Congress.

Congressman Ewing helped many of us start our careers in politics and gave us opportunities to grow professionally. But more importantly, he looked out for us personally and acted as a second father to many of the staff—listening to our problems and giving us helpful advice. In fact, he helped me buy my first home and even gave me pointers in negotiating my first job off the Hill!

Congress will be losing a fine man when Tom Ewing retires. And, you'll be losing that cutting Midwest human! Thanks for recognizing him with this Special Order.

Sincerely,

ERIC NICOLL,
Director of Government Relations.

Mr. PORTER. Mr. Speaker, now I would like to turn to one of the great agricultural leaders of the country and in the Congress, the gentleman from Texas (Mr. STENHOLM), showing the bipartisan aspect of this period of time to reflect on Congressman EWING. I appreciate him coming down.

Mr. STENHOLM. Mr. Speaker, I thank my friend, the gentleman from Illinois (Mr. SHIMKUS), very much for yielding, and I thank him for his extra kind remarks.

Mr. Speaker, I would say to the previous speaker, the gentleman from Illinois (Mr. PORTER), I have not known TOM as long he has, but I can say that

evidently he learned his trade well in the Illinois legislature because he carried that over into the House of Representatives.

As a Texan, I cannot say that TOM and I have always agreed on every aspect of agriculture, our States being a little different, the rainfall, climate being a little different, but I believe it would not be an overstatement to say that in the 9 years that I have served with him on the Committee on Agriculture that I cannot think of a time in which we have not been able to find a constructive middle ground. For the last 6 years, TOM has chaired the Subcommittee on Risk Management, Research, and Specialty Crops, and that has been a challenge. Consensus building, though, has been the hallmark of TOM's leadership. His legacy is well established through some very difficult pieces of legislation. Soon after he became chairman, he brought together administration and industry officials to develop a compromise that broke a long-lasting stalemate over the Perishable Agricultural Commodities Act. His work for peanuts, tobacco and sugar farmers have made this Northerner a welcome and well-known guest in rural communities throughout the South. When it comes to promoting agricultural exports, again TOM EWING has been a leader. Whether it was NAFTA, whether it was attempting and ultimately getting the permanent normal trade relations with China, TOM recognized for his farmers, as most of us who represent rural areas recognize for our farmers, the absolute necessity of increasing trade.

Ninety-six percent, for example, of all of the world's consumers live outside of the United States and TOM recognized that and he was a great ambassador for American agriculture.

Research is another area of TOM's hallmark, where he has been a very forward thinking member. The promise of our future food and fiber production system depends on having solid research foundation and TOM has been a dedicated member of the House Committee on Agriculture, ensuring that innovations and efficiencies continue to bring forth from our research system.

TOM EWING also deserves a great deal of credit for the enactment of the Agricultural Risk Protection Act earlier this year. He understands the risk that our producers face and his mark on our risk management policy will be long lasting.

Finally, Mr. Speaker, TOM made some previously unimaginable strides this year in driving agreements that no one thought could be reached with regard to the Commodities Exchange Act, having fought for that particular piece of legislation for years, but under TOM's leadership the House last week passed by a vote of 377–4 the Commodities Exchange Act, a remarkable achievement. I hope the Senate acts quickly to make this work complete so that it can be a true legacy to TOM EWING's leadership here in the House.

One other comment, as so many of us readily admit that we have over married as far as the better half of our family, certainly Connie and the friendship that Cindy and I have had with TOM and Connie over the years is very indicative that behind this good leader there has been an even better woman, and that is something that many of us appreciate, and I certainly do in TOM and Connie.

I want to thank the gentleman from Illinois (Mr. SHIMKUS) for yielding me this time tonight to say how much this Texan has appreciated, TOM, your leadership in serving in the House and we will truly miss you.

Mr. SHIMKUS. I thank the gentleman from Texas (Mr. STENHOLM) for taking the time out late to honor our friend and colleague.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

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

There was no objection.

Mr. SHIMKUS. Mr. Speaker, I would like to yield time to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from Illinois (Mr. SHIMKUS), for taking the lead on this tribute to Congressman TOM EWING tonight.

Mr. Speaker, I would like to take a few moments to recognize and reflect on the outstanding public service record of our friend and colleague from Illinois, TOM EWING. TOM is retiring after devoting more than 25 years, including 9 years in this House, to serving the people of Illinois and the people of this Nation. Over that time, I think that TOM has established himself as one of the most valuable, well liked and well respected Members of the House, and I think I speak for all of us to say that it has been a pleasure to serve with him. He did begin his public service in 1974 as a member of the Illinois House of Representatives which we have heard reference to several times, and he served there with distinction for 17 years. While in Springfield, TOM served as the assistant Republican leader of the Illinois House from 1982 until 1990, when he was named deputy minority leader. I too served in the Illinois House and as assistant Republican leader, but to my regret we never served there together. As ships that pass in the night, TOM left the General Assembly in 1991 and I was elected to serve there in 1992.

In a way, it was agriculture that brought TOM to this House, the U.S. Department of Agriculture to be exact. When President Bush named the late former Congressman Ed Madigan as Secretary of the U.S. Department of Agriculture, TOM ran in the 1991 special election for the seat and won handily. In fact, he won so handily that he turned around and ran again during the next year, 1992, and won again handily.

So there are many reasons, I think, why this body will miss this Member in particular, and will sorely miss this Member TOM EWING.

I would like to address the four top reasons that I will miss him. First and foremost is his invaluable expertise on all things relating to farms, farmers, farm financing, agriculture commodities and agriculture in general. In fact, before I actually met TOM EWING, I thought of him as ''Mister Illinois Agriculture.'' That was not because of his impressive leadership role in this body but, frankly, for his weekly interviews on WGN's radio farm report with Orion Samuelson and Max Armstrong. Each week as I commuted from Chicago to Springfield, Illinois, for the Illinois General Assembly legislative session, the road that took me through this rich farmland of TOM's district, I–55, as I drove along I would hear these discussions with Orion and Max which enlightened me on the farm policy.

So now as one whose suburban Chicago district has seen acres of rows and rows of corn replaced by rows and rows of single family dwellings, I must admit that it was TOM that I turned to for advice on issues relating to agriculture. He was always patient, always insightful and always frank.

The second reason that I will miss him is that together he and I represent two-thirds of the Illinois Delegation on the Committee on Science, and together we have fought many a battle to ensure continued funding for two of the world's premier research institutions: The University of Illinois at Champaign and Argonne National Laboratory located in our respective districts. I cannot say that I rely as heavily on TOM's advice in the Committee on Science as I do on agricultural issues, however, but on occasions that he was sighted at a committee meeting I was always confident of his advice and always confident that we would be voting on an issue of interest to the University of Illinois at Champaign.

The third reason that I will miss TOM is for his devotion to the principles of free and fair trade, and his leadership in pressing open markets for our products and services abroad. Together we served on the whip team for permanent normal trade relations with China and together we spent a lot of time locked down in Seattle during the WTO ministerial last year. TOM's district exports the farm products that feed the world, just as my district exports the manufactured products and services that the world demands.

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His efforts to open markets, not just for American farm products, but for all products and services will long be remembered. His council on agricultural trade, not to mention his insights into the issues that have dominated the

past decade's trade negotiations are without compare.

Last, but not least, I will miss TOM for his candor, his humor and his joy in life. TOM will be remembered for the great things he accomplished during his service here, from drafting and guiding passage of the Freedom to Farm Act of 1996, to fighting for the repeal of the unfair death tax, to leading the way in reforming and reauthorizing the Commodities and Exchange Act.

But for those who of us who have had the privilege of serving with him, TOM will be remembered the best and missed the most for his warm friendship, his ready humor and his generosity of spirit and time. So I join my colleagues tonight in wishing TOM and his wife, Connie, and their wonderful six children all the best that their future life has to offer. So I thank the gentleman from Illinois (Mr. SHIMKUS) for allowing me to participate in this tribute.

Mr. SHIMKUS. Mr. Speaker, I thank the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. Speaker, I am now joined by the gentleman from Michigan (Mr. HOEKSTRA), and we are glad to have him and please entertain us with your reflections of Congressman EWING.

Mr. HOEKSTRA. I thank my colleagues from Illinois for pulling together the special order to recognize the accomplishments of our colleague, Mr. EWING. Before I do that, I cannot help but acknowledge the contributions of the gentleman sitting in the chair this evening, who has been my chairman for the last 6 years, who was my ranking member for the 2 years before that, who still every once in a while pulls me aside for a couple of words of wisdom, especially on one project that we remember so fondly from 1993 where he continues to say I told you so, in a very good-humored way, the gentleman from Pennsylvania, (Mr. GOODLING).

Thank you for the contributions that you have given to this Congress, to this House, to the Committee on Education and the Workforce, to me personally for the last 8 years and trying to keep me under your wing, sometimes being successful, sometimes wishing you had a little bit of a tighter rope to pull me back. But we have had a great colleagueship and a good friendship over the last 8 years, and I want to again express my appreciation to you for that, and to wish you Godspeed as well as you move into your retirement, which probably will include some work, probably will commit some time to the passion that you have for education and public service, and probably will continue some time for your passion with the horses and that side of your business, and the orchards, the apples and those types of things, and the peaches, I think.

Thank you very much for the contributions that you have made. I could not start talking about another friend of mine without recognizing your service and seeing you in the Chair tonight. So thank you very much.

Mr. Speaker, TOM and I kind of developed a special friendship over the years that I have been here. TOM came in to the Congress in a special election in the Congress before I did. I got elected in 1992. TOM had served here a short period of time prior to me coming here. We came here in different routes. TOM having had experience of 25 years, 26 years, or at that point in time 17 years, 18 years in the State legislature, and before I came here, I came directly from the private sector.

When I came here, TOM, I think, still regrets the day that he came to his office on the third floor of the Longworth and found out that he had this freshman Republican from Michigan next door, and for the next 2 years, I constantly would just kind of move. I would come into my office. As I faced an issue or whatever or just had a little bit of extra free time, we just kind of meandered and roamed over to that guy next door and to his staff. And we really developed a very good and, I think, a very unique friendship that I cherish over the last 8 years.

TOM was a great neighbor. I have gotten to know at least part of the family having met them here in Washington or having spent some time with them back in the district. I have had the opportunity to go back into TOM's district a few times and spent some time with Connie and also with their son Sam. I have not had the opportunity to meet all the other children. But it is a great district that has been very, very well represented, and the time that I spent going back through the district, recognized that he is as well liked in his district as he was here by his colleagues. I think that is a great testament to the work that he has done.

I also recognized that his golf game is not a whole lot better than mine, it is not a whole lot better than the Chairman of the Committee on Education and the Workforce. I think what we all have in common is we have a pretty mediocre game of golf. That is the thing that I have cherished most in the 8 years that I have gotten to know TOM, is the hospitality, the friendship, some of the other things that the gentleman has talked about, just a great fun spirit, always an open heart and a willing hand to help a new Member to the political process get done what we needed to get done.

Mr. Speaker, it is more than just about friendship. It was also about mentorship. TOM took the time, the energy and the effort, sometimes the tremendous effort that it would take to teach me the ropes, explain to me how things worked here, explain to me how things would not work here, and how some of the things that I thought might be important in the way that I might want to get them done, was very willing to provide some minor suggestions on how I might modify some of the things that I would do to maximize the impact that I could have in here, that I could have here in Washington, taking the time to introduce me to his friends, both the staff here in the House, his friends in the Congress that he knew, and also friends outside of the Congress who are very knowledgeable about the issues that TOM and I would have to work on.

The second thing I remember is the mentorship and the caring that he took, not only with me, but I think with a lot of other new Members who were coming into the House. Recognizing that we had a huge class that came into the House in 1992, I think we ended up with 47 new Members on the Republican side of the aisle in 1992, joined by another 80-plus Members in 1994. So there was a tremendous need for the friendship and the mentorship that someone like TOM EWING could provide.

Then the tremendous background. I think some of the other Members tonight have talked about his background and his depth of experience on some of the issues, his depth of experience on the Committee on Agriculture, the way that he dealt with those issues, and the effectiveness with which he would take ideas and move them through the political process. The same type of depth and background that he has on the Committee on Transportation and Infrastructure.

He and I spent a short period of time together on the Committee on Transportation and Infrastructure. I then moved off of the Committee on Transportation and Infrastructure and had been on the Committee on the Budget for 5 years out of the last 6 years. But again he had the same kind of depth of background and experience again that he was very, very willing to share, and again with something that he has in common with the gentleman who is presiding tonight, the gentleman tonight of course presiding with his experience and the whole area of education.

So they in their background and experience were very willing and are willing to lead us through the maze and the complexity of the issues that they had to deal with in those areas. So in closing, I would just say, TOM, you will be missed. We have had a great time here together. I appreciate the friendship, the mentorship, the colleagueship, and the experience that you have shared with me and that you have shared with other Members in the House.

I wish you Godspeed on your retirement. I recognize that your retirement will include some work. I bet it will include some overseas trips. I know how much TOM likes to travel, how much TOM and Connie like to travel, and I am sure that it will include some work on that pretty mediocre game of golf that you have at this point in time. You will be missed. Thanks to TOM. Thanks to Connie, and thanks to the family for sharing him with us here in Washington for the last 8 years to 9 years.

Mr. SHIMKUS. I thank my colleague from Michigan (Mr. HOEKSTRA) for taking the time out tonight to speak about my colleague and friend and a person who we are going to miss here in Washington.

And I finally will rise to pay tribute to my dear friend, TOM EWING. TOM was elected in 1991 to replace Ed Madigan who was appointed Secretary of Agriculture. Since that time, he has been overwhelmingly reelected by the constituents of the 15th District in Illinois.

During his 9 years in Congress, TOM has worked tirelessly for our Nation's farmers, whether it has been to increase the use of ethanol, rewrite our Nation's outdated farm laws or work to open new foreign markets.

TOM has been a champion for U.S. agriculture, especially with MFN status for China, or as we know it now NTR, and as we now know as PNTR. TOM saw the huge market potential for our farmers in China and fought hard to make it a reality. Being a farmer himself, TOM knows the importance farmers play in our national economy.

Before his election to Congress, TOM served 17 years in the Illinois House where he was assistant Republican leader from 1982 to 1990, and was named deputy minority leader in 1990. Prior to that, TOM was the assistant State's attorney in Livingston County, Illinois. Like myself, TOM also served in the United States Army, and as I always like to say, go Army. Beat Navy.

My connection with Congressman EWING goes back to 1991, during my first unsuccessful campaign for Congress. And, of course, there are always good stories that occur on the campaign trail, Mr. Speaker. But even though I had TOM's help and he traveled around my district, I was not successful. But in 1994, I was being courted to run again.

I met with Congressman EWING in his office in Bloomington, Illinois one cold February morning. I was concerned about running, understanding the great challenge of a large rural district and just having had my first son, we sat down and talked about it. And the political history of this Nation will mark 1994 as a very, very important year for especially the change in the House of Representatives.

There was a great pressure to continue to bring good candidates to the floor, and I asked the question that I think many Members who run for Congress ask who are concerned about their family, and I asked now that I have a young son, how is this going to impact my family. And Congressman EWING looked at me and he said, JOHN, if you ever think Congress is going to be family friendly, if you ever think that that job is going to be family friendly, forget it, because no matter how they restructure it, no matter what they try to do, the basic aspect of working in Washington, representing the large district is not, by nature, by definition family friendly.

He was concerned more about my family than he was concerned about recruiting a viable candidate to win in a congressional district. He put my family and his recommendation about my family to the forefront. And for that, I will always thank him. History now shows that in 1996, I did have a chance to run again. TOM was there at my side again, helping me negotiate the environment issue, helping me negotiate the DC environment, and with his help and the help of many other people, I had the fortune to represent the 20th district, which is south and west of Congressman EWING's district.

Since that time, it has been my honor to serve TOM these past 4 years; and he was my mentor and advisor as a candidate. He quickly became a mentor and advisor to me in Washington. He has been someone I have been able to look up to since I have been here. He will listen to every argument before making a final decision, and he will make sure he listens to opposing views.

While that may not seem like a big deal to most Members, it has meant a lot to me. Oftentimes we meet with people or groups who are opposed to a particular stance we may take. Instead of working against these groups, TOM has listened and tried to find areas of compromise and agreement; that is why the people of the 15th district sent him back to Washington time and time again.

Aside from TOM's work in support of agriculture on the House Committee on Agriculture, he has also served on the House Committee on Transportation and Infrastructure, the Committee on Science, and the Committee on House Administration.

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On the Committee on Transportation and Infrastructure, he has been a champion for the transportation needs of rural areas in this country, especially in downstate Illinois. As a member of the Committee on Science, TOM has worked diligently for increased funding for university research. With two major universities in his district, he realizes the importance of university research and the impact it has on our country.

During our reorganization meetings for the 106th Congress, TOM EWING placed a name as a nomination to be a majority leader. Some people forget that this occurred. Another young Member from the Illinois delegation seconded that motion. That motion was for the gentleman from Illinois (Mr. HASTERT) to become the majority leader. The vote was taken, and the gentleman from Illinois (Mr. HASTERT) had committed his vote and, of course, the gentleman did not get elected to the majority leader's position and stayed in his role initially as chief deputy whip. But history now shows another conclusion of that time in the history of this House.

One cannot really talk about TOM EWING and his role in the House of Representatives without also talking about the great friendship and working relationship between TOM EWING and the Speaker of the House of Representatives. They roomed together, they worked together, they fought on issues for Illinois together, and I am sure of the comments that will be submitted in this RECORD, along with those will be a submission in the RECORD by the Speaker of the House to remember his great friend and colleague, TOM EWING. So the record would not be complete without mentioning that dynamic duo that brought so much to the State of Illinois and to this Nation.

I would also like to thank TOM and his wife, Connie, for the years of service to this Congress. Connie has been a great friend to my wife, Karen. TOM and Connie will be greatly missed and not easily replaced. The people of the 15th district should be proud to have had a man like TOM serving in Congress. We thank you, TOM.

Mr. LIPINSKI. Mr. Speaker, I rise this evening to pay tribute to my friend and colleague, Congressman TOM EWING. TOM EWING is retiring from the U.S. House of Representatives after almost a decade of service to the people of the Fifteenth Congressional District of Illinois. TOM will be missed by the Members of this House and by the Members of the Illinois delegation in particular.

TOM and I both serve on the House Transportation and Infrastructure Committee. We worked together to help make sure that the Transportation Equity Act for the 21st Century, the massive highway and transit funding bill that passed in 1998, provided increased funding for transportation infrastructure in the State of Illinois. Due in part to TOM's efforts, Illinois received a $200 million increase in federal highway funds under TEA 21. In addition, during this year's debate on the Aviation Investment and Reform Act for the 21st Century, TOM was a tireless advocate for improved air service to small and rural communities, such as those that he represents. In particular, TOM has been particularly effective in advocating the Central Illinois Regional Airport, which recently gained increased jet service by both United Airlines and American Airlines.

TOM also serves on the House Agriculture Committee and is the Chairman of the Subcommittee on Risk Management, Specialty Corps and Research. Because of his position on the Agriculture Committee, TOM is able to look out for the interests of the soybean and corn growers in his district. For example, TOM is a vocal supporter of the use of ethanol, which is produced from Illinois prairie grain. In fact, in 1998, because of TOM's strong support and tireless efforts, the federal subsidy for ethanol was extended to the year 2007. In addition to protecting the interests of Illinois farmers, TOM has been an advocate for farmers across our nation. TOM, a farm owner, knows firsthand the needs and concerns of America's farmers and has successfully encouraged Congress to help farmers in rural America.

TOM has served the constituents of the Fifteen Congressional District of Illinois well. TOM has also served the nation well. TOM has been an active leader on a number of national issues, ranging from crime prevention, welfare reform, preserving Social Security, balancing

the budget, promoting economic growth, recognizing our nation's veterans, improving education and improving health care. Personally, I want to thank TOM for his work on changing the Health Care Financing Administration's policy regarding Medicare coverage of insulin infusion pumps. Because of TOM's efforts, many diabetics and senior citizens on limited incomes will now be able to afford this needed device. The American Association of Diabetes Educators reports that the use of the insulin pump will result in a substantial reducing of many long-term complications of diabetes. This is great news in the fight against diabetes in this country.

TOM has an impressive record of service to this nation. Not only did TOM serve in the U.S. House of Representatives for five terms, but he also served for 17 years in the Illinois House of Representative. In addition, he is a veteran, having served in the U.S. Army. I want to thank TOM for all of his service to the State of Illinois and the United States. His leadership and valuable contributions on a number of issues will be sorely missed. I wish him the best of luck in all of his future endeavors.

Mr. COSTELLO. Mr. Speaker, it is an honor for me to rise today to join my colleagues in paying special tribute to my good friend and colleague from Illinois, Mr. TOM EWING. Mr. EWING and I have served together on both the Science and Transportation and Infrastructure Committees. We have worked on many bipartisan issues to improve our nation and home state of Illinois including the promotion of ethanol use and production as well as many transportation initiatives.

TOM EWING has represented the 15th District and State of Illinois well over the past decade. Mr. EWING began his distinguished career as an attorney, having graduated from John Marshall Law School in 1968. As a member of the House of Representatives he worked hard to ensure his constituents were well represented.

Mr. Speaker, TOM EWING has served this institution well and he will be greatly missed. I wish Mr. EWING and his family well in the years to come.

ACCOMPLISHMENTS AND CONCERNS

The SPEAKER pro tempore (Mr. GOODLING). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for 18 minutes as the designee of the majority leader.

Mr. METCALF. Mr. Speaker, tonight I address the House and the Nation for what is probably the last time. I am proud of the accomplishments during my tenure here. Welfare reform instantly comes to mind. Effectively dedicating the gas tax fund to transportation was another milestone. While, regrettably, government spending continues to increase, the rate of that increase slowed by about 50 percent during the last 6 years, giving confidence to Wall Street and staving off the budgetary meltdown that we were headed for. It is possible that that was only delayed, not eliminated, however.

There is much more to be done in many areas. I frankly am very concerned about the future of this Nation and its great people. The sovereignty of the United States is at risk. Supernational trade agreements, including WTO, NAFTA, and GATT, are removing the ability of this Nation to set its own economic policy, giving power to unelected foreign bureaucrats to make important decisions about how we live, including the power to abrogate laws enacted constitutionally by the people's representatives.

This is being done in the name of free trade, a classroom abstract concept which gives the impression that trade takes place between free, unfettered individuals on a level playing field who just happen to live in different countries. In the real world, there is no such thing as free trade. Other nations of the world have had this understanding. Look closely at the trade strategy of Japan, who has penetrated and come to dominate market after market in the U.S., when my friends in Washington State are struggling, even today, just to export a few apples to that part of the country.

It was the constitutionally delegated role of Congress by the Founders to make sure that the American people had the opportunity for fair trade with peoples in other nations of the world. We have now given that role to supernational organizations conceived by individuals who have as their long-term objectives the erasure of national borders. I cannot understand Republicans who claim to be in the political arena to oppose Big Government who are supporting initiatives that are moving us step by step to the biggest government of all: world government. We must oppose the rise of these world institutions.

The International Criminal Court poses another danger to our sovereignty. We must never allow a body outside of our system of representative government to impose rules on us without our constitutional protections, to be given the power to tax our citizens or the power to subpoena or to summon to court.

The world is still a very dangerous place. Life, liberty and property imperfectly but continually manifested in these United States are concepts that are not even understood as we understand them in most parts of the world.

I am encouraged by the spread of democracy around the world, but the right to vote does not in and of itself assure freedom for the individual, the right to hold property, the right to exist as a minority in that state. Most of the world's societies are today ruled by tightly held oligarchies that can still override the rule of law. We must encourage the citizens of other nations, but we must not put our constitutional system of government at risk by experimenting with world institutions given police powers.

I am also concerned about the concentration of power at home, both in the growing size of the Federal Government and the number of regulations not passed by this body, but by the unelected bureaucrats, and by the growing concentration of wealth in fewer and fewer hands. We have seen great prosperity for the wealthiest Americans and to a lesser degree, for about a third or so of what have traditionally been the middle class. I truly fear for what we once called the lower middle class. I fear for the future and the sovereignty of this Nation as our manufacturing base, which once paid the salaries of that portion of the middle class, continues to erode. That is why, despite my lifelong Republicanism and my conservative political philosophy, I have sought to be an advocate for trade unionism in this Congress to truly conserve our way of life, to preserve our large middle class which has been the economic and moral strength of this Nation. We need to maintain a balance of interests in our society.

In the 1950s, when the labor movement was riding high, I felt they had too much power and I opposed many of their initiatives. This has not been the case for the last 20 years. While the growth of government has increased the power of government unions, a mixed blessing for the country, there has been a steady decline in the size and influence of the trade unions, and I fear for the working families of this Nation because of this fact.

The rise of the large multinationals and the ideology of world institutions has been devastating to our working people who now have to compete against workers who can make as little as 8 cents an hour. What are we thinking of as a Nation? What happened to the understanding that ultimately, as a society, we must be judged by how those at the bottom are treated, not those at the top?

This economic upheaval has affected family relations and has increased the divorce rate. Mothers taken out of the home to work has increased juvenile delinquency, decreased parental involvement in public schools and in their children's education, and torn the fabric of hundreds of working-class neighborhoods around our land.

As a Republican who supported Davis-Bacon, who opposed striker replacement, who has fought to maintain the 40-hour work week protections, who opposed the Team Act, who stood with labor on every direct trade union issue since I have been in this Congress, I would say to the union movement, to the labor movement, as true partisanship, be wary of your so-called friends in the Democratic Party who continue to use the social welfare language of the New Deal, but who have been at least as much at fault as Republicans for undermining the wage base of our people through these trade agreements.

I want to talk for a minute about immigration. Most politicians do not want to talk about immigration. They would like the subject to go away. I do not blame anyone for wanting to come

to America. I count among my friends and supporters very good people from almost every country around the globe who have arrived here in the last 20 years or so. But we must get away from the suicidal notion that this Nation does not have a right to set an immigration policy that favors first and foremost the people who are already here and, secondly, must absolutely maintain the sanctity of our borders. A nation without borders is no nation at all. Politicians are, in the main, quick to condemn illegal immigration. However, the Justice Department has been very slow to put a program in place, a meaningful program, to stop the literal invasion of our territory. I do not fault the line officers of the border patrol. They are some of the finest public servants that I have met in public life. I believe there has not been a real commitment made by our government to stopping illegal immigration, and I believe this must change.

I am very discouraged that the labor movement, in particular, no longer acknowledges the obvious fact that the levels of immigration, legal and illegal, that we have experienced in the last few years, coupled with our trade policy, has been a downward driver on wage rates for working people and that folks in the poorest parts of this Nation have seen their housing costs rise or have lost the opportunity for housing at all, due to the mass of immigration this country is now experiencing.

I am also discouraged that the leadership of the environmental movement is ignoring the obvious fact that the rate of immigration we are experiencing now with its accompanying high birth rate, will result in a population of about 450 million Americans by the year 2050; 450 million. I find this totally unacceptable. A cabal of self-serving immigration trial lawyers, transnational corporations who crave cheap labor and neo-Marxists who seek a new constituency to poison are driving our immigration policy, and in this area of political correctness, politicians are afraid to speak out against it, even though every poll taken in recent times shows the American people of all ethnic backgrounds to be opposed to the current immigration level of nearly 1 million legal immigrants a year.

I am sure a majority of the rank and file in labor, a majority in the environmental movement, and a majority in the conservative movement oppose our current immigration policy. They must find their voice and their courage if we are going to maintain our social cohesion and quality of life.

Environmental issues have been on my mind of late. Because I believe that many of these issues are better handled at the State and local level, my political opponents, including the League of Conservation Voters, have labeled me less than a conservationist. As one who authorized the recycling plan for Washington State, which is a model for this Nation, who passed the shellfish protection act in our State, who fought the large corporations for the water quality of Puget Sound, who worked with Democrats for tougher pesticide controls, I guess I have resented that label. I am very sorry both parties did not take the time and opportunity to pass meaningful pipeline safety regulations in this Congress.

The recent debate in some of the press reports seem to point at my party's leadership as culprits, but the fact is, the entire Senate supported what ended up to be little more than an industry bill and only a few Democrats in our body made any real effort to move this issue until fairly recently. I do not mean to disparage the Senators from Washington State. There would have been no meaningful debate in the Senate on this issue without Senator PATTY MURRAY and Senator SLADE GORTON.

Our pipeline system is aging. Much of it once rural has now been encroached by urban sprawl. In addition, we now have an understanding of sensitive environmental areas we did not have 50 years ago when these pipelines began operating.

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The three things that the pipeline industry does not want must happen to ensure pipeline safety in America. We must restore Federal certification of pipeline fieldworkers, we must require government monitored periodic testing, and we must allow the States to use their resources to bolster the tiny number of Federal inspectors. I regret that a bill that I sponsored a year ago, reintroduced with the support of the entire Washington State delegation, which contained all of these features did not get the hearing it deserved.

I want to thank Senator PATTY MURRAY for working with me on the Northwest Straits Initiative, a model program where Federal dollars meet local community groups determined to protect the shoreline environment of this national treasure located wholly within Washington State. Speaking with a regional voice, it has the potential to awaken public officials and local citizens alike to their duty to protect this priceless area. I also want to thank Senator SLADE GORTON for his work behind the scenes to ensure Federal funding for this worthy project.

I am grieved to have accurately warned the Nation about the impending return of commercial whaling as a worldwide practice. We must redouble our efforts to prevent this from occurring. Cynical international commercial interests have used indigenous groups such as the Makah Indian tribe in my State as pawns in this greed-driven step backwards. Last year, one whale was killed and at least one other was injured.

I will speak on the Second Amendment and the constitutional rights to keep and bear arms. Let us think back to the beginning of our Nation. Why were the British troops marching out of Boston on the road to Lexington and Concord in the predawn darkness of April 18, 1775? They were there because they had heard correctly that the colonists were stockpiling arms and ammunition in that area. The British were on their way to capture and destroy these guns.

The colonies had increasing confrontations with the British King: the stamp tax, the closing the port of Boston, the intolerable acts. They had a lot of trouble with the British King. But they were still loyal British subjects.

But when they came to take away our guns, we went to war. When we won that war and wrote the Constitution, the Second Amendment, the amendment was the right to keep and bear arms.

Finally, I want to return to the fundamental question of great significance for all Americans, money. Does anyone believe that it would be possible to reduce our national debt by $600 billion and reduce our annual interest payments by $30 billion with no harm to anyone nor to any program? That sounds too good to be true, does it not? But it is true. It is simple, and it is possible.

Most people have little knowledge about how money systems work and are not aware that an honest money system would result in great savings to the people. We really can cut our national debt by $600 billion and reduce our Federal interest payments by $30 billion a year again with no harm to anyone.

One of the problems is we pay interest on our paper money in circulation now. We pay interest on the bonds that are said to back our paper currency; that is, the Federal Reserve notes. This unnecessary cost is $100 per person per year in our country, an absolutely unnecessary cost, because we rent our paper money from the Fed. That is what we are paying the rent or interest.

Why are our citizens paying $100 per person to rent the Federal Reserve's money when the United States Treasury could issue the paper money exactly like it issues our coins today? The coins are minted by the Treasury and essentially sent into circulation at face value.

The Treasury will make a profit of $880 million this year from the issue of the first 1 billion of the new gold-colored dollar coins. If we use the same method to issue our paper money as we do for our coins, the Treasury could realize a profit on the bill sufficient to reduce the national debt by $600 billion and reduce the annual interest payments by $30 billion. In other words, Federal Reserve notes are the official liabilities of the Federal Reserve. Over $600 billion in U.S. bonds is held by the Fed as backing of these notes.

The Federal Reserve collects the interest on these bonds from the U.S. Government and returns most of it to the Treasury. So, in effect, there is a tax on our money of about $100 per person.

Is there a simple and inexpensive way to convert this costly, illogical and convoluted system into a logical system which pays no interest directly or indirectly on our money in circulation? Yes, there is. Congress must require the U.S. Treasury to issue our cash, our paper money.

The simplest way to solve this problem is for Congress to declare that the Federal Reserve notes are, in fact, U.S. Treasury currency. This simple act would reduce our national debt by over $600 billion and reduce the annual government expenditures by $30 billion each year.

MYTH OF THE BUDGET SURPLUS

The SPEAKER pro tempore (Mr. GOODLING). Under the Speaker's announced policy of January 6, 1999, the gentleman from Mississippi (Mr. TAYLOR) is recognized for the remainder of the time until midnight.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Texas (Mr. STENHOLM) for joining me in this.

Mr. Speaker, let me begin by thanking the gentleman from Pennsylvania (Mr. GOODLING) for the great job he has done of serving our country over the many years. He has represented his District in Pennsylvania with great distinction, and we are all going to miss him, and he is a good sport to stay here so late tonight on what could possibly be the last week of his service to our Nation.

Mr. Speaker, I really came to talk about the myth of the budget surplus. When folks stop me on the street back home, it is a very common question to ask me, where does their tax money go. Without exception, people are shocked to learn that the biggest expense to their Nation is interest on the national debt.

See, today our Nation squandered $1 billion of your money on interest on the national debt. We did the same thing yesterday, the day before that, the day before that. We will do it tomorrow, the day after that. Every day for the rest of your life, your Nation will squander $1 billion on interest on the national debt until we pay it off.

That is pretty mind boggling. The biggest expense to our Nation last year, interest on the national debt, was $360 billion. So when we hear people talk about the surplus, we have got to kind of wonder where it all came from.

I know one of the sources. It was an ad run in the paper, the USA Today, dated December 12, 1995. It is a photo of the former chairman of the Republican National Committee Hailey Barbour, who said ''Heard the one about the Republicans cutting Medicare? It is a million dollars challenge.''

He offers a million dollars to someone who could prove the following statement false. ''Here is why you have no chance for the million dollars. Republican National Committee will present a cashier's check of $1 million to the first American who can prove the following statement is false: In November of 1995, U.S. House and Senate passed a balanced budget bill, period. It increases the total Federal spending on Medicare by more than 50 percent from 1995 to 2002, pursuant to the Congressional Budget Office standards. Responses must be postmarked by December 20, 1995.''

So that was the budget that was going to be for the fiscal year of 1996. The key here is, it said they passed a balanced budget bill. Congress can only appropriate money for 1 year at a time. So a balanced budget, as all of us know from our household checkbooks, is when we spend no more than we collect in taxes.

It may surprise my fellow citizens, after the chairman of the Republican National Committee made such a statement and such a challenge that, in that year, the fiscal year increase to the public debt was $250,828,000,000. The Nation spent $250 billion more than they collected in taxes that year that they claim to have balanced the budget. So maybe it took a little bit longer than they thought.

So in fiscal year 1997, the Nation spent $188,335,000,000 more than it collected in taxes. A year later, the Nation spent $113,046,000,000 more than it collected in taxes. This is 3 years since Mr. Barbour's promise that the Nation had a balanced budget. The following year, the Nation spent $130,077,000,000 more than they collected in taxes.

So when I presented Mr. Barbour with the information that it was not a balanced budget, his response was, not only not to pay me, but to sue me for answering his challenge that was in a nationwide publication. That is Republican accountability. That is Republican honesty. It makes one kind of wonder, does it not?

In fairness to Mr. Barbour, that was not the only year. I think it is important that we be honest, that I be honest. I came to the House floor at the end of July and said that, for this fiscal year, so far, the Nation was running an $11 billion annual operating deficit. I came back in August, actually in the month of September, and showed where the Nation was running a $22 billion annual operating deficit.

In fairness, I have to mention that something that I guess every Congressman should be at least partially happy about, we did finish the fiscal year that ended September 30, 2000 with an $8 billion surplus, but only after, incredibly, record collections of $157 billion and expenditures of $125 billion. See, they were able to slow down spending for that 1 month to make up for that $22 billion.

One of the ways they slowed down spending, interestingly enough, we hear all this talk about being for a strong national defense, is they delayed the pay for the troops from the last of September to the 1st of October. So that bill did not go towards last year, it goes towards this year. So this year's deficit will be even bigger. But last year's deficit turned into a surplus by that accounting gimmick and others.

So I guess something that I am very proud of, having run on the basis of trying to balance the budget, is that, for the first time in what we think is 30 years, the Nation ran the smallest of surpluses, about $8 billion out of a $1.5 trillion budget.

We hear talk of big surpluses. But those surpluses are all in the trust funds: the Social Security Trust Fund, the Medicare Trust Fund, the Military Retirees Trust Fund, the Black Lung Trust Fund, the Federal Employees Trust Fund. These are all monies that have been collected for a special purpose, and people trust us to set that money aside and spend it only for that purpose. To spend it on anything else, to give it away to someone else in a tax break is a violation of that trust.

Someone who has understood the issue of the tax breaks and their impact on the Federal trust funds better than anyone else in this House is the gentleman from Texas (Mr. STENHOLM).

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me. I thank him for taking this time.

I will serve notice to our colleagues that we are going to be doing a lot of talking about this over the next 1, 2, 3, 4, 5, or 6 days. Tomorrow we will pass a rule that will provide for six 24-hour continuing resolutions. Just as the gentleman from Mississippi (Mr. TAYLOR) has talked very accurately about the last 12 months, what is seemingly passing over this body and the leadership of this House is what we are doing in the next 12 months.

The 106th Congress is on track to increase appropriations, spending, for domestic programs at the fastest rate this year since the budget act was first passed in 1974.

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Now, all year long my friend from Mississippi and I and other Blue Dogs have been on this floor calling for a compromise in the budget that can be supported by both sides of the aisle. The Republican budget called for $600 billion in budget authority and $625 billion in outlays. The President proposed $624 billion in budget authority and $637 billion in outlays and colleague after colleague from the other side of the aisle has bent over speaking and decrying the big spending of this administration. Only yesterday the Senate appropriations committee chairman, Mr. STEVENS, proposed a compromise discretionary cap of $637 billion in budget authority and $645 billion in outlays in order to get us out of here. That is $8 billion more than the President has proposed to spend this year. The blame game is going on now. We have heard just tonight from both sides of the aisle about who is at fault and who is doing what, and as my colleague has pointed out, we spent a good

part of this year on how big our tax cuts were going to be.

Completely overlooked in all of this discussion and debate for the last 3 or 4 months is what we are actually doing on spending. According to the Concord Coalition, with what we are about to do under the leadership of the House, two-thirds of this projected surplus for the next 10 years, two-thirds will have already been spent before we adjourn either Saturday, Sunday, Monday or Tuesday. Two-thirds will have been spent. I do not understand my friends in the leadership of this House that somehow believe that you can take individual spending bills absolutely in a blind trust of just saying because we are doing 13 individual spending bills that the sum total does not add up to what we are talking about tonight; just as my friend from Mississippi accurately points out that we barely ran a surplus this past year, and there is credit on both sides of the aisle that are deserving for that, and I readily grant my friends on the other side of the aisle their share of the credit for that. But I do not understand how we can see some of the charts and posters that we will see over the next several days bragging about this history while at the same time we are spending it for next year.

We are going to talk about raising the caps and we are going to try to slip it on to another bill tomorrow, finally acknowledging that the caps that we put in in the 1997 balanced budget agreement were unrealistic. I wish we were going to do more than 1 year. In fact, we will be on the floor tomorrow and the next day and the next day saying, ''Let's put another 5-year realistic cap on spending. Let's not just do it for one year.'' And oh, by the way, when we talk about the spending and the blame game starts around, let me point out, according to Senator JOHN MCCAIN, $21 billion of this $645 billion which is $8 billion more than the President proposed that we spend, $21 billion of that is for add-on earmarks that my colleagues on both sides of the aisle are bragging about on a regular basis.

I think it is going to be interesting when the smoke finally clears and we see where that $21 billion was spent, how much that is going to detract from the $2.3 billion non-Social Security surplus that we will have to deal with in the next Congress, and as we listen to both candidates for President, where are we going to find the money to have the tax cuts that one proposes or the spending increases that the other proposes when this Congress willhave already spent the money? And as my colleague from Mississippi points out, we are getting carried away with these surpluses. We just barely got into the black this last year when we consider all of the obligations that we have in this body to future generations.

Mr. TAYLOR of Mississippi. Again for those of you on the West Coast, this is almost 10 minutes to midnight in Washington so I not only thank my colleague for staying up so late but all the employees of the House.

I know there is a lot of mistrust about government. I would ask people who question these numbers to access their computers www.publicdebt.treas.gov and look for yourself. One of the big lies is that the public debt is going down. The fact of the matter is in the 1 year between September 30 of 1999 and September 30 of 2000, the public debt increased from $5,656,271,000,000 to $5,674,178,000,000. I realize that is pretty mind-boggling for almost everyone, but that is what it looks like on a chart. It continues to go up. And again as long as we owe money, we have to pay interest on that debt just like every other business and every other individual and that interest payment is $1 billion a day. If you want to access these numbers, it is www.publicdebt.treas.gov/opd.opdpenny.htm.

Folks, that is what your debt looks like today. So before any of my colleagues talk about huge spending increases or any presidential candidate, or any of my colleagues start talking about huge tax cuts, this is what we owe. If you were to look at this in 1980, it would have read about $1 trillion instead of 5. That means that $4.674 trillion of that debt has been added in this generation's lifetime.

I as a father am not going to stick my kids with my bills. I would ask that those people who seek the highest office of the land, the President of the United States, do not stick their kids with their bills. I would ask that my fellow Congressmen and the Members of the other body, do not forget these numbers and let us not stick the next generation of Americans with this generation's bills. Before we talk about big spending increases, before we talk about big tax cuts, let us pay off the debt that has been run up in our lifetime and let us start defending the Nation in a way that in reality matches the rhetoric.

I would tell the gentleman from Texas that when the Republican majority took over Congress, there were 392 ships in the American fleet. Today the number of ships in the United States Navy are 318. They talk about the big defense increases, but as a matter of fact the last 6 years that the Democrats ran the House, we funded 56 new warships. In the first 6 years that they have run the House, they funded only 33. For all the rhetoric about being tough on defense, good for defense, the Republican Congress built fewer ships in their first 6 years than the Democrats did in our last 6. Even this year they talk about President Clinton being weak on defense. President Clinton asked the Congress to fund eight ships. The Congress only funded six. The United States Navy is now the smallest it has been since 1933. So in addition to not balancing the budget, they have failed to look out for the common defense.

Mr. Barbour, I hope you are watching tonight. I have still got your ad; you have still got my letter. You still owe me a million dollars. I realize you found a judge up here in Washington that said, yeah, that wasn't really for real, but when someone runs a statement in a national publication challenging people to prove them false and have their statements proved false not just for 1 year or even 2 years but for 1 year, 2 years, 3 years, 4 years running, then I have proven your statement false. And if you are a man of your word and if your party is a party of its word since you are making such a big deal of credibility and honesty and trustworthiness, then I think you ought to keep your word and honor your pledge. For my part, after I paid the lawyer that I had to go hire because you sued me, the remainder will go to the University of Southern Mississippi so we can educate a lot of good kids back home.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of district-related business.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and October 25 on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLECZKA) to revise and extend their remarks and include extraneous material:)

Mr. CLAY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

Mr. PICKETT, for 5 minutes, today.

(The following Members (at the request of Mr. GIBBONS) to revise and extend their remarks and include extraneous material:)

Ms. GRANGER, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and October 25, 26, 27.

Mr. EWING, for 5 minutes, October 25.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. PITTS, for 5 minutes, October 25.

Mr. BUYER, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. COBURN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. LAHOOD, for 5 minutes, October 25.

Mr. CRANE, for 5 minutes, October 25.

Mr. MANZULLO, for 5 minutes, October 25.

Mr. WELLER, for 5 minutes, October 25.

Mrs. BIGGERT, for 5 minutes, October 25.

Mr. HOEKSTRA, for 5 minutes, October 25.

Mr. LATHAM, for 5 minutes, October 25.

Mr. KINGSTON, for 5 minutes, October 25.

Mr. KNOLLENBERG, for 5 minutes, October 25.

Mrs. JOHNSON of Connecticut, for 5 minutes, October 25.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions.

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

H.R. 3671. An act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

H.R. 4068. An act to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

H.R. 4320. An act to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4392. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities for the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4835. An act 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.

H.R. 5234. An act to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of the Act to certain former spouses of deceased Hmong veterans.

ADJOURNMENT

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 25, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10693. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Modification to Handler Membership on the California Olive Committee [Docket No. FV00–932–3–FR] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10694. A letter from the Chief, Military Justice Division, Air Force Legal Services Agency, Department of the Air Force, Department of Defense, transmitting the Department's final rule—Delivery of Personnel to United States Civilian Authorities for Trial (RIN: 0701–AA60) received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10695. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve (RIN: 2900–AJ88) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10696. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Insurance Coverage and Rates (RIN: 3067–AD01) received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10697. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Exemption From Premarket Notification; Class II Devices; Triiodothyronine Test System [Docket No. OOP–1280] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10698. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Labeling for Menstrual Tampon for the ''Ultra'' Absorbency [Docket No. 98N–0970] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10699. A letter from the Deputy Secretary, Division of Market Regulations, Securities and Exchange Commission, transmitting the Commission's final rule—Amendments to Rule 9b-1 under the Securities Exchange Act of 1934 Relating to the Options Disclosure Document (RIN: 3235–AH30) received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10700. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to 50 U.S.C. 1541; (H. Doc. No. 106–304); to the Committee on International Relations and ordered to be printed.

10701. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract to Greece [Transmittal No. DTC 081–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10702. A letter from the Chairman, National Endowment for the Arts, transmitting a report on the Commercial Activities Inventory—FY 2000; to the Committee on Government Reform.

10703. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Civil Monetary Penalty Inflation Adjustment—received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10704. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, Office of Enforcement, transmitting the Commission's final rule—Revision of the Nuclear Regulatory Commission Enforcement Policy—received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10705. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 Series Airplanes [Docket No. 2000–NM–286–AD; Amendment 39–11927; AD 2000–20–16] (RIN: 2120–AA64) received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10706. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Final Indirect Cost Rates—received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10707. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Presidential Determination 2000–02, the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on expediture of PLO funds for a period of six months; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 4857. A bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, and for other purposes; with an amendment (Rept. 106–996 Pt. 1). Ordered to be printed.

Mr. CALLAHAN: Committee of Conference. Conference report on H.R. 4811. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–997). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 646. Resolution providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–998). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules House Resolution 647. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–999). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 648. Resolution waiving points of order against the conference report to accompany 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 (Rept. 106–1000). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4857. Referral to the Committee on the Judiciary, Banking and Financial Services, and Commerce extended for a period ending not later than October 25, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CALLAHAN:

H.R. 5526. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. THUNE:

H.R. 5527. A bill to provide assistance for efforts to improve conservation of, recreation in, erosion control of, and maintenance of fish and wildlife habitat of the Missouri River in the State of South Dakota, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE:

H.R. 5528. A bill to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. STUMP, Mr. KOLBE, Mr. PASTOR, Mr. SALMON, and Mr. SHADEGG):

H.R. 5529. A bill to provide for adjustments to the Central Arizona Project in Arizona, and for other purposes; to the Committee on Resources.

By Mr. KINGSTON:

H.R. 5530. A bill to extend for 1 additional year the period for which chapter 12 of title 11 of the United States Code is reenacted; to provide for additional temporary bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself and Mr. FILNER):

H.R. 5531. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on electricity, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 5532. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods containing known allergens bear labeling that states that fact and the names of the allergens; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mrs. LOWEY, Mr. PORTER, Ms. MILLENDER-MCDONALD, Ms. BALDWIN, Mr. BROWN of Ohio, Ms. KILPATRICK, Mrs. MALONEY of New York, Ms. NORTON, Mr. POMEROY, and Ms. WOOLSEY):

H.R. 5533. A bill to increase the United States financial and programmatic contributions to advancing the status of women and girls in low-income countries around the world, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY:

H.R. 5534. A bill providing that State and local laws prohibiting or otherwise restricting economic activity with foreign countries are null and void; to the Committee on International Relations.

By Mr. ROHRABACHER:

H.R. 5535. A bill to enhance and restore the coastal resources of the United States; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER (for himself, Mr. ARMEY, Mr. DELAY, Mr. STUMP, Mr. HUNTER, Mr. COX, Mrs. FOWLER, Mr. THORNBERRY, and Mr. HAYES):

H.R. 5536. A bill to declare the policy of the United States with respect to deployment of a National Missile Defense System; to the Committee on Armed Services.

By Mr. YOUNG of Florida:

H.J. Res. 115. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 116. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 117. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 118. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 119. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 120. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. WALDEN of Oregon (for himself, Mr. UDALL of Colorado, Mr. DELAY, Mr. UDALL of New Mexico, Mr. GIBBONS, Mrs. CHENOWETH-HAGE, Mr. BOYD, Mr. MCINNIS, and Mr. SIMPSON):

H. Con. Res. 434. Concurrent resolution commending the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses; to the Committee on Resources.

By Mr. ORTIZ (for himself, Ms. ROYBAL-ALLARD, Mr. REYES, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. SERRANO, Mr. PASTOR, Mr. BECERRA, Mr. MENENDEZ, Ms. VELAZQUEZ, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Mr. HINOJOSA, Ms. SANCHEZ, Mr. GONZALEZ, Mrs. NAPOLITANO, and Mr. BACA):

H. Con. Res. 435. Concurrent resolution recognizing and honoring Ernesto Antonio ''Tito'' Puente Jr.; to the Committee on Education and the Workforce.

By Mr. CRANE:

H. Res. 644. A resolution providing for the concurrence by the House, with an amendment, in the amendment of the Senate to H.R. 4868; considered and agreed to.

By Mr. CRANE:

H. Res. 645. A resolution returning to the Senate the bill S. 1109; considered and agreed to.

By Mr. HALL of Ohio (for himself, Mrs. EMERSON, Mr. MCGOVERN, and Ms. KAPTUR):

H. Res. 649. A resolution urging the President to continue efforts to support programs and activities that provide food to the needy and school-age children in developing countries; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

479. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 531 memorializing the United States Congress to recognize that energy security is a national security issue and that oil is a powerful weapon and to develop an energy strategy that promotes alternatives to imported petroleum to meet the goal of independence from foreign petroleum within five years; to the Committee on Commerce.

480. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 609 memorializing the United States Congress to enact legislation which strengthens the MedicareChoice program by reducing administrative requirements in the program, increasing payment rates to HMOs to a level which accurately reflects the costs of providing benefits to recipients in the program and providing for prescription drug coverage; jointly to the Committees on Ways and Means and Commerce.

481. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 617 memorializing the Health Care Financing Administration and health insurers withdrawing their Medicare HMO coverage in any county within Pennsylvania to take immediate steps to ensure that subscribers who live in a county that is not impacted by the insurer's withdrawal are not mistakenly dropped from their plan; jointly to the Committees on Ways and Means and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. GUTIERREZ.
H.R. 531: Mr. UNDERWOOD.
H.R. 842: Ms. PRYCE of Ohio.
H.R. 860: Mr. KANJORSKI.
H.R. 1088: Mr. SABO.
H.R. 1187: Mr. VITTER.
H.R. 1200: Mr. FARR of California.
H.R. 1228: Mr. UDALL of Colorado.
H.R. 1239: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1388: Mr. SAXTON.
H.R. 1593: Mr. BOEHNER.
H.R. 1657: Mr. DOYLE.
H.R. 1697: Mr. ABERCROMBIE.
H.R. 1717: Mr. WU.
H.R. 1771: Mr. COX.
H.R. 1824: Mr. RUSH.
H.R. 1885: Mr. BACHUS.
H.R. 1997: Mr. NORWOOD.
H.R. 2000: Mr. ORTIZ.
H.R. 2321: Mr. TIERNEY.
H.R. 2457: Mr. GUTIERREZ and Mr. BAIRD.
H.R. 2741: Mr. MOAKLEY.
H.R. 2774: Ms. KILPATRICK.
H.R. 2870: Mr. INSLEE.
H.R. 2899: Mrs. MALONEY of New York.
H.R. 3147: Mr. BILBRAY.
H.R. 3408: Mr. PRICE of North Carolina.
H.R. 3492: Mr. GONZALEZ.
H.R. 3872: Mr. NADLER.
H.R. 3905: Mr. MALONEY of Connecticut.
H.R. 4102: Mr. BARR of Georgia.
H.R. 4274: Mr. DOOLEY of California, Mr. LUCAS of Kentucky, Mr. DEAL of Georgia, Mr. ROGERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAUL, Ms. DEGETTE, Mr. SNYDER, Mrs. NORTHUP, and Mr. SANDERS.
H.R. 4277: Mr. WAMP.
H.R. 4356: Ms. CARSON.
H.R. 4506: Mr. SAXTON.
H.R. 4552: Mr. KENNEDY of Rhode Island.
H.R. 4570: Mr. NORWOOD and Mr. BILBRAY.
H.R. 4677: Mr. HUTCHINSON.
H.R. 4701: Mr. BACHUS.
H.R. 4825: Ms. BALDWIN and Mr. KING.
H.R. 4939: Mrs. CHRISTENSEN.
H.R. 4950: Mr. GUTIERREZ.
H.R. 4964: Mr. NORWOOD.
H.R. 4971: Mr. HASTINGS of Washington and Mr. BEREUTER.
H.R. 5027: Mrs. JOHNSON of Connecticut.
H.R. 5200: Mr. MCHUGH.
H.R. 5259: Mr. BARR of Georgia, Mr. LEWIS of Georgia, Mr. BRYANT, Mr. CHAMBLISS, and Ms. MCKINNEY.
H.R. 5268: Mr. HOEFFEL, Ms. SCHAKOWSKY, and Mr. GUTIERREZ.
H.R. 5275: Mr. BILBRAY.
H.R. 5337: Mr. UNDERWOOD.
H.R. 5418: Mr. COYNE.
H.R. 5469: Mr. SHOWS and Mr. HUNTER.
H.R. 5472: Mr. STARK.
H.R. 5492: Mr. GEORGE MILLER of California.
H.R. 5522: Mr. NADLER, Mr. STRICKLAND, Mr. LAZIO, Mr. MCCOLLUM, and Mr. SOUDER.
H.J. Res. 107: Ms. SCHAKOWSKY.
H. Con. Res. 337: Mr. STUMP and Mr. SWEENEY.
H. Con. Res. 365: Mr. TAYLOR of North Carolina.
H. Con. Res. 373: Mr. SMITH of Washington.
H. Con. Res. 426: Mr. GUTIERREZ, Mr. RODRIGUEZ, Mr. MCINNIS, Mr. WU, Mr. COSTELLO, Mr. CLEMENT, Mr. SPRATT, Mr. SHOWS, Mr. NORWOOD, and Mr. BECERRA.
H. Res. 309: Ms. CARSON.
H. Res. 420: Mrs. FOWLER and Mr. UNDERWOOD.
H. Res. 622: Ms. MCKINNEY, Mr. PAYNE, Mr. TRAFICANT, Mr. RILEY, and Mr. GUTIERREZ.
H. Res. 635: Mr. RANGEL, Mr. SHIMKUS, Mr. PRICE of North Carolina, Mr. BLUMENAUER, and Mr. GOODLING.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 426: Mr. ROHRABACHER.

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, OCTOBER *24*, 2000 *No. 134*

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 3:02 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth, Falls Church, Virginia.

PRAYER

The guest Chaplain, Dr. Richard Foth, offered the following prayer:

Shall we pray.

We speak to You today, gracious God, as fall colors peak in Washington, DC, and election campaigns peak across the country. While both nature and Government anticipate new seasons, we recognize afresh that You hold nature to Yourself but allow us to govern ourselves. We embrace both processes with grateful hearts.

We ask Your comfort for the pain and grief felt in so many homes on every continent this day. From Norfolk to Israel, from Belfast to equatorial Africa, wherever families weep their losses, we pray that You would wrap Your arms around the hurting and hold them with a grip like all eternity.

In time of bounty as a nation, Lord, never let us forget that we are always needy in spirit. Thank You for calling us to love You with all our heart, all our soul, and all our strength, for it encourages us also to appreciate each other. May that ideal ring true across our great land and be nurtured among the very able and gifted men and women who represent us here.

While we await the outcome of the Presidential campaign, help our Senators to steadfastly execute their responsibilities. May they find grace and peace in the midst of intensity generated by pressured agendas and races for Senate seats. Today in this Chamber may they be granted wisdom beyond their years and grace beyond their differences that through the intensity of debate and decision, the people will benefit.

We ask these things in the Name above every name. Amen.

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Records@Reporters".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

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

Printed on recycled paper.

PLEDGE OF ALLEGIANCE

The Honorable DON NICKLES, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Wyoming.

SCHEDULE

Mr. THOMAS. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 5 p.m. today. As a reminder, the Senate is expected to take action on the conference report to accompany the foreign operations appropriations bill as soon as it becomes available. However, votes are not expected to occur during today's session of the Senate. Votes will occur tomorrow and, as usual, Senators will be notified as those votes are scheduled. It is the leadership's intention to complete all business by the end of the week. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for a period not to exceed beyond the hour of 5 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Wyoming, Mr. THOMAS, or his designee, is recognized to speak for up to 15 minutes. Under the previous order, the Senator from Illinois will be recognized after the Senator from Wyoming.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. THOMAS. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 964.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 964) entitled ''An Act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Cheyenne River Sioux Tribe Equitable Compensation Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), commonly known as the ''Flood Control Act of 1944'', Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the ''Pick-Sloan program'')—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the ''Comptroller General'') determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term ''Tribe'' means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term ''Tribal Council'' means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Cheyenne River Sioux Tribal Recovery Trust Fund'' (referred to in this title as the ''Fund''). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the ''plan'').

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A–133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the ''Bosque Redondo Memorial Act''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the ''Long Walk'';

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated $6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 203. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term ''Memorial'' means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

SEC. 204. BOSQUE REDONDO MEMORIAL.

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event.

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

TITLE III—SENSE OF THE CONGRESS REGARDING THE NEED FOR CATALOGING AND MAINTAINING CERTAIN PUBLIC MEMORIALS

SEC. 301. SENSE OF THE CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) There are many thousands of public memorials scattered throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces.

(2) These memorials have never been comprehensively cataloged.

(3) Many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where they are unavailable to the public and subject to further neglect and damage.

(4) There exists a need to collect and centralize information regarding the location, status, and description of these memorials.

(5) The Federal Government maintains information on memorials only if they are Federally funded.

(6) Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada) has undertaken a self-funded program to catalogue the memorials located in the United States that commemorate military conflicts of the United States and the service of individuals in the Armed Forces, and has already obtained information on more than 7000 memorials in 50 States.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the people of the United States owe a debt of gratitude to veterans for their sacrifices in defending the Nation during times of war and peace;

(2) public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces should be maintained in good condition, so that future generations may know of the burdens borne by these individuals;

(3) Federal, State, and local agencies responsible for the construction and maintenance of these memorials should cooperate in cataloging these memorials and providing the resulting information to the Department of the Interior; and

(4) the Secretary of the Interior, acting through the Director of the National Park Service, should—

(A) collect and maintain information on public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(B) coordinate efforts at collecting and maintaining this information with similar efforts by other entities, such as Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada); and

(C) make this information available to the public.

TITLE IV—CONVEYANCE OF KINIKLIK VILLAGE

SEC. 401. CONVEYANCE OF KINIKLIK VILLAGE.

(a) That portion of the property identified in United States Survey Number 628, Tract A, containing 0.34 acres and Tract B containing 0.63 acres located in Section 26, Township 9 North, Range 10 East, Seward Meridian, containing 0.97 acres, more or less, and further described as Tracts A and B Russian Greek Church Mission Reserve according to United States Survey 628 shall be offered for a period of 1 year for sale by quitclaim deed from the United States by and through the Forest Service to Chugach Alaska Corporation under the following terms:

(1) Chugach Alaska Corporation shall pay consideration in the amount of $9,000.00.

(2) In order to protect the historic values for which the Forest Service acquired the land, Chugach Alaska Corporation shall agree to and the conveyance shall contain the same reservations required by 43 CFR 2653.5(a) and 2653.11(b) for protection of historic and cemetery sites conveyed to a Regional Corporation pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act.

(b) Notwithstanding any other provision of law, the Forest Service shall deposit the proceeds from the sale to the Natural Resource Damage Assessment and Restoration Fund established by Public Law 102–154 and may be expended without further appropriation in accordance with Public Law 102–229.

TITLE V—REVISION OF RICHMOND NATIONAL BATTLEFIELD PARK BOUNDARIES

SEC. 501. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Richmond National Battlefield Park Act of 2000''.

(b) DEFINITIONS.—In this title:

(1) BATTLEFIELD PARK.—The term ''battlefield park'' means the Richmond National Battlefield Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 502. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155; 16 U.S.C. 423j), Congress authorized the establishment of the Richmond National Battlefield Park, and the boundaries of the battlefield park were established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in the vicinity of the City of Richmond, Virginia. The battlefield park originally included the area then known as the Richmond Battlefield State Park.–

(2) The total acreage identified in 1936 for consideration for inclusion in the battlefield park consisted of approximately 225,000 acres in and around the City of Richmond. A study undertaken by the congressionally authorized Civil War Sites Advisory Committee determined that of these 225,000 acres, the historically significant areas relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres.

(3) In a 1996 general management plan, the National Park Service identified approximately 7,121 acres in and around the City of Richmond that satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in the battlefield park. The National Park Service later identified an additional 186 acres for inclusion in the battlefield park.

(4) There is a national interest in protecting and preserving sites of historical significance associated with the Civil War and the City of Richmond.

(5) The Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse uses of these historic resources and can play a significant role in the protection of the historic resources related to the campaigns against and in defense of Richmond.

(6) The preservation of the New Market Heights Battlefield in the vicinity of the City of Richmond is an important aspect of American history that can be interpreted to the public. The Battle of New Market Heights represents a premier landmark in black military history as 14 black Union soldiers were awarded the Medal of Honor in recognition of their valor during the battle. According to National Park Service historians, the sacrifices of the United States Colored Troops in this battle helped to ensure the passage of the Thirteenth Amendment to the United States Constitution to abolish slavery.

(b) PURPOSE.—It is the purpose of this title—

(1) to revise the boundaries for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service; and

(2) to direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the City of Richmond, other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the City of Richmond, Virginia.

SEC. 503. RICHMOND NATIONAL BATTLEFIELD PARK; BOUNDARIES.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of protecting, managing, and interpreting the resources associated with the Civil War battles in and around the City of Richmond, Virginia, there is established the Richmond National Battlefield Park consisting of approximately 7,307 acres of land, as generally depicted on the map entitled ''Richmond National Battlefield Park Boundary Revision'', numbered 367N.E.F.A.80026A, and dated September 2000. The map shall be on file in the appropriate offices of the National Park Service.

(b) BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments in the boundaries of the battlefield park consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)).

SEC. 504. LAND ACQUISITION.

(a) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire lands, waters, and interests in lands within the boundaries of the battlefield park from willing landowners by donation, purchase with donated or appropriated funds, or exchange. In acquiring lands and interests in lands under this title, the Secretary shall acquire the minimum interest necessary to achieve the purposes for which the battlefield is established.

(2) SPECIAL RULE FOR PRIVATE LANDS.—Privately owned lands or interests in lands may be acquired under this title only with the consent of the owner.

(b) EASEMENTS.—

(1) OUTSIDE BOUNDARIES.—The Secretary may acquire an easement on property outside the boundaries of the battlefield park and around the City of Richmond, with the consent of the owner, if the Secretary determines that the easement is necessary to protect core Civil War resources as identified by the Civil War Sites Advisory Committee. Upon acquisition of the easement, the Secretary shall revise the boundaries of the battlefield park to include the property subject to the easement.

(2) INSIDE BOUNDARIES.—To the extent practicable, and if preferred by a willing landowner, the Secretary shall use permanent conservation easements to acquire interests in land in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VISITOR CENTER.—The Secretary may acquire the Tredegar Iron Works buildings and associated land in the City of Richmond for use as a visitor center for the battlefield park.

SEC. 505. PARK ADMINISTRATION.

(a) APPLICABLE LAWS.—The Secretary, acting through the Director of the National Park Service, shall administer the battlefield park in accordance with this title and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) NEW MARKET HEIGHTS BATTLEFIELD.—The Secretary shall provide for the establishment of a monument or memorial suitable to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights. The Secretary shall include the Battle of New Market Heights and the role of black Union soldiers in the battle in historical interpretations provided to the public at the battlefield park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Commonwealth of Virginia, its political subdivisions (including the City of Richmond), private property owners, and other members of the private sector to develop mechanisms to protect and interpret the historical resources within the battlefield park in a manner that would allow for continued private ownership and use where compatible with the purposes for which the battlefield is established.

(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Commonwealth of Virginia, its political subdivisions, nonprofit entities, and private property owners for the development of comprehensive plans,

land use guidelines, special studies, and other activities that are consistent with the identification, protection, interpretation, and commemoration of historically significant Civil War resources located inside and outside of the boundaries of the battlefield park. The technical assistance does not authorize the Secretary to own or manage any of the resources outside the battlefield park boundaries.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 507. REPEAL OF SUPERSEDED LAW.

The Act of March 2, 1936 (chapter 113; 16 U.S.C. 423j–423l) is repealed.

TITLE VI—SOUTHEASTERN ALASKA INTERTIE SYSTEM CONSTRUCTION; NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM

SEC. 601. 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 title shall be construed to limit or waive any otherwise applicable State or Federal law.

SEC. 602. 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.

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

CLOSING THE SESSION

Mr. REID. Mr. President, both the Senator from Wyoming and I are gratified that the Senator from Oklahoma is presiding today. We certainly look forward to closing this session.

From the minority's perspective, we are ready to vote as soon as possible. We know how Senator STEVENS has worked very hard to wrap up these final three appropriations bills. We hope it can be done expeditiously.

In recognition of the fact that once we agree on what the final plan is going to be, it usually takes a day or so to understand, that people need that time to read the bill and to make sure that final legislation is what we want, I hope tomorrow can be a full, complete day. We look forward to moving on a day-by-day basis with 24-hour continuing resolutions. The only way we are going to get out of here is to continue working. I hope if we don't make the Friday deadline, as the Senator from Wyoming indicated, which I hope we can do, that we will continue working through the weekend until we finish with the election on the national level and the State level only 2 weeks from now.

What we are doing here doesn't seem to be getting a lot of attention anyway, with all the problems around the world, the Presidential election, Middle East problems. It seems to me it would be to everyone's benefit to try to resolve some of the outstanding issues which are important at this stage only to Members who serve in Congress. I hope that is wrong, but it appears that is the case.

I repeat, for the third time today, the minority is willing and able to do whatever is possible to move these bills along to finality.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

COMPLETING THE WORK OF THE 106TH CONGRESS

Mr. THOMAS. Mr. President, I, too, am anxious that we complete the work we have before us. We still have three important appropriations bills to put together. I hope we can deal with respect to the issues and move away from some of what has happened, where we have sought, in some cases, to make an issue more than to reach a solution.

In fairness to the Congress and to our associates, since Labor Day there has been a substantial amount of progress made. I will review some of it to assure you that we have been doing some very helpful and useful work.

For example, repeal of the telephone excise tax: This was a tax that was implemented during the Spanish-American War on telephones. I suspect it had exhausted itself by this time and finally was repealed.

The Safe Drug Reimportation Act, which, of course, is a part of a solution to pharmaceutical costs: In the case of Canada, for example, pharmaceuticals that are exported there are under price controls by the Government and therefore are less expensive than they are in the United States. This authorizes those drugs to be reimported and hopefully to be resold at a price less than what we have had in the United States. One of the issues is to ensure that those drugs are indeed bona fide and are indeed safe and will be the kinds of drugs that we would receive absent the reimportation.

Permanent normal trade relations with China: An interesting issue, one that is sometimes thought to be a big gift for China. The fact is, in terms of our trade with China, the restrictions they have had against our goods have been much greater than the restrictions we have had against theirs; in agriculture, for example, a 40-percent tariff on beef.

If this is implemented, we will have a reduction in the barriers for us to be shipping goods to China. We have had a good deal of discussion in some campaigns about trade and whether or not the effects of trade are valuable to the United States. Of course, about 40 percent of agricultural products are sold overseas. Obviously, those markets are very important to us, but we need to ensure that it is done as fairly as can be and that we are treated well in this exchange. That, of course, is the reason for organizations such as WTO.

Legislation on H–1B visas was passed which allows for more high-tech people to enter this country to take jobs we are not able to fill. I think one of the very important things that goes with that is it emphasizes and funds some additional training for students in this country so that rather than hiring foreign people to fill these jobs, we will also be training people here to be hired for those jobs. I think that is terribly important.

We have done some things with the Children's Health Act; for instance, the Cancer Prevention Treatment Act, which is one bill that is particularly important to me. My wife is very involved in the Race For A Cure and doing things as to breast cancer.

The Rural Schools and Communities Health Determination Act is one that I think is very important. The real issue we have had on education in this Chamber has not been the amount of money the Federal Government spends but, rather, how it can be spent, and one of the obstacles has been that this administration has insisted that as the Federal money goes out, there are certain things tied to it that are required to be done. We on this side of the aisle have said, yes, we want to strengthen education, but we believe local educators, school boards, and State school departments should have the authority

to make those kinds of decisions. Certainly, the needs in Wyoming are different from those in New York. So we certainly needed to do that, and we have indeed done that.

The Violence Against Women Act was an act we passed again so that it stays in effect, which is one of the most important aspects. We have done some things with the Water Resource Development Act, which is still in play but has been passed through this Congress. It has water development projects in it, the emphasis being on the Everglades. A good deal of authorization money is made available to the Everglades, which is one of our very important ecological activities.

NASA authorization and DOD authorization are continued, and we have done the Interior appropriations, which took into account some of the discussion involved with the CARA Act, but it didn't make it in defined spending—not with 15 years of mandatory spending, but it did provide additional funds for activities such as stateside parks and maintenance of Federal parks.

It was kind of disappointing to me when we received the budget from the administration. I happen to be chairman of the Parks Subcommittee. Despite our acknowledgment of the need for infrastructure for parks, the budget provided more money for acquisition of new parks than for the maintenance of the parks we have now. So we need to make sure we deal with those issues.

We have had energy and water and Treasury-Postal.

My point is that we have done a great deal this year. Of course, there are always many more things to do. The issues that probably have dominated more time than anything are the issues that most people are concerned about, such as education. We talked about education for 5 weeks here this year. I have already indicated the different view. I was disappointed, frankly, in the way that progressed. We could have resolved that long ago. But the difference in view was on who has control of the spending, and it really was held up more as an issue for this election. That is too bad. I think we have a substantial amount of that taking place.

Social Security: It is interesting that Social Security now becomes one of the prime issues in the election—and indeed it should be. It is something that is extremely important to most everyone, of course. The proposal out there would ensure that those receiving benefits now would continue to receive them and those close to receiving benefits would have no change. But when you take a long look at Social Security, it is clear that unless something is done over time, then young people, such as these pages, who will pay taxes in their first paycheck, probably will not be able to line up for benefits. A change must be made.

It is interesting that that is one of the Presidential issues talked about the most. But during the past 8 years, really nothing has been done about it by this administration. That is interesting. The options, of course, are to do nothing or to try to make changes. One of the changes could be to increase taxes. That is not a very popular proposal. Reducing benefits is equally unpopular.

We can take a portion of those dollars and let them be in the account of people for themselves, let them invest it in the private sector and raise the return from about 2 percent to whatever it would be in the market, which would be substantially more than 2 percent. It is too bad that hasn't been changed. We have talked about keeping all the money there, and we are determined to do that. I think we have had five or six votes on a lockbox. All of that has been turned down because it seemed to be more important at that point to make an issue rather than find a solution.

We have had a good deal of discussion over a Patients' Bill of Rights, of course. We have had it before a conference committee. The Presiding Officer is a leader in that, and he has worked very hard to find a solution. But really, it turns on a relatively singular issue, and that is, where do you go with your appeal? Some would like to go directly to court. Others of us would like to see in the interim a professional medical person be able to make those choices, and make them quickly, rather than the trial lawyers. So that has been a difficult issue.

Tax relief is something that, of course, is very important to all people. I find a lot of folks in Wyoming who are very interested in the repeal of the estate tax because we have lots of farms, ranches, and small businesses which people have spent their lives developing. The estate tax comes along and pretty well wipes out the profits they have made on efforts that have already been taxed. We passed that measure and the marriage penalty repeal. The marriage penalty clearly needed to be repealed. It provided that two people, singly, on the same salary, paid less taxes than they would if they were married. That isn't right. These, of course, were both vetoed by the President. So we didn't solve those issues. They are still there to be considered.

So I think in many ways we have had a very successful session. The amount of activity by the Congress is not always the measurement of success. I am one who believes there ought to be a limited role in the Federal Government and that that role is reasonably well defined, of course, in the Constitution. This is a United States of America. The implication, and I believe the better purpose, was for a limited role of the Federal Government. Obviously, there are things that are very appropriate—not only appropriate, but necessary—for the Federal Government to do.

On the other hand, I find as I move around in my State more and more people are saying, wait a minute, there are a lot of things here the Federal Government is involved in that it need not be involved. This economy that we have, which has been good to us over the last 12, 13 years, is a result of people being able to do things for themselves in the private sector, being able to have more of their own money to invest, using their initiative to compete.

So I think we ought to really examine in each of our minds what we think the role of the Federal Government ought to be and where we want to be over a period of time with respect to the division of power among the Federal Government, State governments, local governments and, most of all, of individuals. And then, as we move forward through all these programs, we ought to measure those things against that goal and see if, indeed, they are the kinds of things that contribute to the attainment of the way we see it.

Are there different views about that? Of course. There are people who believe the Federal Government should be involved in many things, and we have seen over the last decade sort of a turn to the Federal Government on most every issue that arises. We have found that the Federal Government is not the best place to resolve many things.

I don't mean to be in opposition to better government; certainly the role of defense; no one else can do that; interstate types of things we have to do; research we have to do. But there is a measure of balance that we should have.

I am hopeful as we complete this year and move into another cycle after this year that we can take time to really evaluate where we want to go and where we want to be when it is over.

I look forward to a very productive week. I, too, hope we are able to put together our packages and over the period of the next 3 days come to some conclusions. I hope we can basically try to stay within the spending limits that we have set for ourselves. The fact that we have a surplus seems to be an incentive to spend more money for whatever is there. And obviously we have to take a look at all kinds of issues. But we ought to really take a look at that surplus. Where does it belong? It seems to me that the surplus very clearly needs to be set aside. The money that goes to Social Security ought to be left in Social Security.

I think we have to certainly fund adequately those things that we determine are legitimate activities of the Federal Government. I think then we ought to really address ourselves to paying down the debt. I hope we will take a look at paying down the debt the way all of us take a look at home mortgages, and say we have—whatever it is—$3 trillion of publicly held debt that we want to pay off. Let's set it up to pay it off in 15 years. It takes so much every year, and that is part of budgeting. If we just say we will pay it off whenever we get a good opportunity, it never happens. I hope we can continue that effort.

Finally, there is, hopefully, money left from that surplus. That ought to go back to the people who paid it. We ought not to be asking taxpayers to pay in more money than really is necessary to perform the functions of government. It ought to be spent in the private sector so we can continue this fairly prosperous society.

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

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

ELIZABETH HANAHAN OLIVER

Mr. BYRD. Mr. President, Elizabeth Hanahan Oliver was born in Rocky Mount, NC and grew up in Washington, DC where she graduated from George Washington University.

''Beth'' Shotwell, as she was known during much of the time that she worked on Capitol Hill, began her employment in the office of Representative Horace R. Kornegay of North Carolina in the early 1960's. She then joined the staff of Senator Mike Mansfield, later becoming Chief Clerk of the Democratic Policy Committee. She served in that post through the terms of three Democratic Majority Leaders, Senator Mansfield, myself, and Senator George Mitchell. After her marriage to G. Scott Shotwell ended in divorce, she married former Secretary of the Senate, Francis R. ''Frank'' Valeo, in 1985.

In 1989, after 27 years of service to the Congress, Beth Shotwell retired. This year on September 22, she passed away at her home in Chevy Chase, Maryland. She had been battling cancer for several years.

''Beth'' Shotwell Valeo was an excellent employee of the Senate. She was a dependable, reliable asset to the members of this body. Her staff loved her and worked hard under her direction. ''Beth'' relished her work and she revered the Senate.

She was probably proudest of her contribution to the Commission on the Operation of the Senate, and the efficiency that the recommendations of that Commission brought to this institution. Beth also had a large hand in computerizing the compilation of members' voting records, an innovation which has helped Members and staff immeasurably.

On the personal side, Beth was a lover of life with varied interests and a curious intellect. She appreciated music. She liked to needlepoint. She often rescued homeless animals. What a noble person. She enjoyed boating. She liked scuba diving, and she delighted in travel.

I shall always remember her as a tall, attractive woman, who seemed disciplined, polite, and very dedicated to her work in the Senate. In her life and in her work she was the best of the best. I was shocked and saddened to hear of her passing at far too young an age. My wife and I extend our deepest condolences to her daughters Rebecca and Abigail, her two sisters Abbie Smith and Ann Duskin, her brother Skip Oliver, Jr. of Fairfax Station, and her husband Frank.

In this autumn time of falling leaves, some words from Robert Frost come to mind:

Nature's first green is gold,
Her hardest hue to hold.
Her early leaf's a flower;
But only so an hour.
Then leaf subsides to leaf.
So Eden sank to grief,
So dawn goes down to day.
Nothing gold can stay.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. Yes. The Senate is in morning business.

CREDIBILITY IN THE PRESIDENTIAL RACE AND SOCIAL SECURITY

Mr. DORGAN. Mr. President, I wish to comment today on this issue of credibility with respect to the Presidential race in our country. I know there has been a lot of discussion about credibility on one side or another. I wish to talk about the issue of credibility with respect to Social Security.

Some while ago, Governor Bush of Texas, who is running for President, suggested we should take about $1 trillion—about one-sixth of the tax moneys that are coming into the Social Security system—and invest it in private individual accounts in the stock market.

On May 30th, Senator SCHUMER and I were joined by twenty of our colleagues in sending a letter to Governor Bush asking how that added up and how he would replace the $1 trillion that would be a shortfall in the Social Security trust fund used to pay the Social Security benefits of those who are retired. We have not yet received a reply in the intervening months. And the Presidential debates did nothing to illuminate what might or might not be on the mind of the Governor with respect to that $1 trillion.

But this is not a case of double-entry bookkeeping, as understood by politicians, where you can use the same money twice. You cannot use the same money twice. If you take $1 trillion—or one-sixth of the tax money that would go into the Social Security trust fund—and say, we are going to take that money and invest it in private accounts in the stock market, then you have $1 trillion less in the Social Security trust fund with which to pay benefits for those who are retired. The question is, How do you make up that difference?

A great many studies have been done on this issue. Let me cite one. Last week, a distinguished group of Social Security experts—one of my favorites, Henry Aaron, at the Brookings Institution, who I think is a remarkable and wonderful economist, Alan Blinder, Alicia Munnell, and Peter Orszag—released an update to their report about what this plan would mean of diverting Social Security trust fund money into private accounts.

They point out that it could very well mean less in Social Security benefits for those who have the private accounts later, and that some $1 trillion in the Social Security system, that would be expected to be available, would no longer be available because that $1 trillion was moved.

There is an interesting comment from Governor Bush about this proposal. This is not a question of whether he proposes to do this. He says:

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

So he says he is going to take $1 trillion out of the Social Security trust fund and use that to establish private accounts for current workers.

Now, Allan Sloan had an article in today's Washington Post which I thought was interesting. He said:

If you ever wanted living proof of what a fool you would be to entrust your personal financial fate—or the nation's—to the stock market, you sure got it last week. On Wednesday the Dow plummeted more than 400 points before you could finish your first cup of coffee.

He said:

Sorry to disappoint you, but if you're looking for rationality, don't look at the stock market. At least not on a day-to-day basis. And don't look to the markets to bail out the Social Security ''trust fund'' or to make everyone in the United States rich.

He says:

If we put a big chunk of the Social Security trust fund into stocks, as many people suggest, the national budget will be hostage to short-term stock movements.

Aside from the issue of the credibility of saying to our senior citizens, ''It is going to be in the Social Security trust fund'' and then saying to the younger workers, ''I will take the same $1 trillion and allow you to have private accounts in the stock market with it''—aside from the credibility of having $1 trillion that is missing and no one forcing Governor Bush to answer the questions: What are you going to do with the $1 trillion? What is it going to be? How are you going to fill a hole that exists in Social Security if you take the $1 trillion and allow private accounts to be invested in the stock

market?—aside from that question, which I think is very important, the other point is this: If you look at 20-year periods in this country, there have been 108 20-year periods in which one can calculate a rate of return on a dollar invested in U.S. securities. In six of those periods, the return was less than 2 percent; and in only eight of those periods, the return was 11 percent or more.

The point is, instead of having a Social Security plan that provides some security of income when you retire, you might find—with Governor Bush's plan, assuming that the $1 trillion was made up someplace, assuming you did not have a $1 trillion hole, which now exists in the Governor's proposal—you might still find yourself having retired and having private accounts in your name and having much less money than you ever expected or ever would have received under the Social Security system because you don't retire on an average date, you retire on an actual date. You retire on a specific day. Who knows what the stock market is going to be doing in that particular period. It is not the case, as economists have demonstrated, that there will always be good news for everyone with respect to these private accounts.

But let me, again, go back to the central question: What about the $1 trillion? If someone in this Chamber said they would like to take $1 trillion out of this trust fund and use it for something else, logically someone would stand on the floor of the Senate and say, but if you are going to take it out of this trust fund and use it for something else, what are you going to do for this trust fund where the money is needed? That is the logical question to ask Governor Bush. And we did. And there has been no answer. Because the $1 trillion will be gone from the trust fund. He knows it. We know it.

So if there is a question of credibility on these issues, it seems to me it would be wise to at least question the credibility of someone who wants to take $1 trillion out of the Social Security trust fund and use it for private accounts and then say: Oh, by the way, it all adds up. It does not add up.

I went to a high school with only nine seniors in my senior class. We did not necessarily take advanced mathematics, but we took enough math to understand how to add these numbers. We did not discuss ''trillions'' in my school, but we discussed it enough to understand that if you take one-something here and move it over here, it is gone in the first location.

Politics, apparently, these days does not require one to reconcile; it does not require one to add and subtract in a traditional way. I think the American people will want to know the consequences of that. You cannot do both. You cannot promise that which you promised to senior citizens for their retirement and then say: By the way, that money is going to be promised to workers for private accounts in the stock market under your name. You cannot promise both. To those who do so, I would say, retake your accounting exam, and remember double-entry bookkeeping does not mean you can use the same money twice. That's a pretty simple lesson, it seems to me, for political dialog in this country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MEDIA CONCENTRATION FOLLOWING PASSAGE OF THE TELECOMMUNICATIONS ACT

Mr. DORGAN. Mr. President, in 1996, the Congress passed the Telecommunications Act. I was involved in the passage of that act. I served on the Commerce Committee, and we wrote the first rewrite of the telecommunications law in some 60 years.

One of the contentious areas in that debate was the ownership limits on television and radio stations. The ownership limits on television and radio stations in this country were established over the years because we wanted to promote localism in radio and television stations, local ownership, local control, so that people living in an area would have some notion that those who were distributing information over their television and radio stations would have some idea of local responsibility.

It is interesting what has happened since 1996. When we had that debate in 1996, the Commerce Committee took all the limits off radio stations. You could own as many as you want. They took the limits that existed on television stations and increased it.

I authored an amendment on the floor of the Senate to change what happened inside the Commerce Committee. I offered an amendment saying I didn't think that was the right way to go. We didn't need bigger ownership groups owning the radio and television stations. The amendment would have restored the ownership limits on television stations in this country.

We had a rollcall vote, and I won with Senator Dole leading the opposition. It was a surprise to everyone, but I won. Then a Senator on the other side asked for permission to change his vote. He changed his vote because he wanted it to be reconsidered at some point. That was at 4 o'clock in the afternoon. And then dinner intervened. About 7 or 8 o'clock that evening, as I recall, they asked for reconsideration of the vote, and four or five Members of the Senate had some sort of epiphany over the dinner hour and discovered their earlier vote was wrong and they really had to change their vote, so I lost.

I understand how things work here. I understand what happened over the dinner hour. People didn't have bandages and visibly broken arms, but clearly pressure was applied because over a period of 3 or 4 hours people changed their votes, and I lost. We have no ownership national limits on radio stations, and the ownership limits on television stations have been dramatically relaxed. The number of television stations you could own has increased.

Let me show a chart on radio stations. In 1996, we had the top 10 companies in this country owning roughly 400 radio stations. Clear Channel had 57 stations. This total was about 400 radio stations for the top 10 companies. Let me show you what this looks like today on this chart. These are the top 10. Between them, they now own well over 2,000 radio stations. Clear Channel owns over a thousand by itself following its merger with AM/FM. I won't go through the rest of them. You can see what is happening—a massive concentration. They are buying up radio stations all over the country.

In 1996, Clear Channel wasn't in North Dakota. Now they own numerous stations in the State. In Minot, ND, a former broadcaster called me and said: Do you know what is happening? They own all the radio stations except the two religious ones. I said: How could that be?

It was approved because the Minot service area was considered the same as the service area with Bismarck because their signals overlap. Therefore, it was one market and in a community like Minot, with 40,000 people, one company can essentially own all the radio stations.

The question is: What do they do with those? What kind of localism exists when you have a company whose headquarters is somewhere else controlling a thousand radio stations? Does that matter? It sure does to me. It ought to matter to the Senate. How about television stations?

On this chart, the yellow bar represents the situation in 1996 when we passed the Telecommunications Act. For example, the number of stations Paxson had was 11, and now Paxson has 60 as the red bar indicates. That doesn't describe, incidentally, the management alliances that existed. It is much more aggressive than this chart indicates.

In television and radio stations, we are galloping toward concentrated ownership in a very significant way. I think this Congress ought to ask itself: Is this what we intend? Is this what we want to have happen? Don't we want local ownership in this country with radio and television stations? Do people in our communities not have a voice in what is broadcast on their radio stations? Does their voice have to extend to a city 2,000 miles away where the owner of their radio station resides?

I think the Congress ought to have a good discussion about that. Where does

it end? Do we end up with several companies owning almost all the radio stations? In one of our largest cities, two companies will bill over 80 percent of all the billing from radio stations—two companies. Is that competition? I don't think so.

I raise the question because I intend to meet with the FCC and send them a letter and meet with others. I don't mean to be pejorative with Clear Channel. I've never met with them, but they are the largest group in radio ownership. They were approved for the merger with AM/FM. They have well over a thousand stations. Where does this end? Is it good for this country to demolish the notion of localism in broadcasting? I don't think so. I don't think it is good for television or radio. These are public airwaves and they attach to it, in my judgment, the responsibility of certain kinds of public good that must be presented by broadcasters when they accept the responsibility of using the airwaves.

So I raise that question today, and I intend to visit with the National Association of Broadcasters, and especially with the Federal Communications Commission, to ask them if this is really what was intended, is this what Congress wants, and is it something that we think marches in the right direction? Frankly, I don't think so. I hope we can discuss this as we turn the corner next year and talk about public policy and whether we think concentration of radio and television stations is something that should alarm all of us. I believe it should.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. I ask unanimous consent to speak for the next 10 minutes.

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

SOCIAL SECURITY

Mr. CRAIG. Mr. President, my colleague from North Dakota has just left the floor. I was off the floor for a few moments, but I know he talked about the Presidential campaign and the proposal by the Governor from Texas to reform Social Security, especially for the young people of our country as it relates to their future participation in it and the amount of money they will ultimately pay into it versus that which they get out.

I thought I would come to the floor for a few moments to share with the Senate several experiences I have had over the last couple of years dealing with Social Security. About a year ago, I did a series of town meetings across my State called senior-to-senior. I invited high school seniors and senior citizens to come together in the same place to talk about Social Security.

Every time you go to a high school, one of the top two or three questions asked is about Social Security. Now, my guess is that the average American would not believe a senior in high school would be that interested in Social Security. But they have probably heard their mom or dad saying you really ought to not plan on Social Security; it is certainly not going to be there when you get to be your grandparents' age. That has been a fairly standard refrain across America for the last decade. Why? Why would parents of today suggest to their young people not to expect to get a Social Security benefit? Largely because they have been told it would go bankrupt, that it would create so much liability that it could never pay for itself.

What I think they failed to recognize is that since the Social Security reforms of the mid-1980s, Social Security has been building a reserve trust fund and we are taking in more than we are paying out. But sometime in the near future—sometime in the future of the Senator from Idaho and the Senator from North Dakota—when we get to be Social Security age along with other baby boomers, there is going to be a peak of Social Security liability, or Social Security obligation. It will be some $7 trillion-plus. That is a fact. We know that.

But we also know that the seniors of today and immediately tomorrow, at least for the next decade or two, are well protected because of the reforms we made in that system in the mid-1980s and the very dramatic tax increases that workers and employers have paid since that time. Social Security is strong today. But we didn't do it by cutting benefits very much, we did it by dramatically raising taxes on the working men and women of this country.

If you want to keep this cycle up, if you do not want to make it self-supporting, and if you do not want it to yield what the other annuities and private annuities are yielding, then you keep it up and you say to the young people: You are going to pay in hundreds of thousands of dollars of your wages in taxes, and for every dollar you put in during your lifetime, you are going to get only three quarters back.

Is that being very honest with the young people of America today? They are going to work all of their lives and put all of their money in, and they are going to be taxed at an even higher rate. And in return, even the likelihood of getting back a 5-, 4-, or 3-percent return just isn't going to be there.

Yet you can say to them: If you invest in private investment funds, the average return over the last 100 years invested in the industry of this country is about a 10-percent analyzed rate.

Young people aren't dumb. They are pretty darned bright. With today's Internet and their ability to calculate, to communicate, and to invest independently, they pretty well understand that what their parents are telling them has some truth, makes some sense.

Social Security may be there. But it is not a very good investment unless you are paying for your parents' retirement—or, should I say ''enhanced income,'' because your parents paid for your grandparents. The only problem is that every senior in high school today can expect a 20-percent increase in their taxes over what their parents are paying today, when they get to be their parents' age, to fund the current Social Security system.

That is why Social Security has become a debate issue in this Presidential campaign. And it darned well should be. No responsible Presidential candidate is going to stand out there and say all is well. It is well for the immediate future—for the next decade or two. But for young people today to invest in this system without significant reform in it is not only bad policy, it is bad politics.

But I hope we reside on the side of good policy and ultimately good politics. It tends to go hand in hand.

It has been fascinating for me to watch the debate between Governor Bush and Vice President GORE, with GORE saying Bush is going to bankrupt Social Security and Bush suggesting that what GORE might do would simply increase the system's liability and increase the debt burden on future citizens. Where does the balance lie?

I really believe it is time for this Senate and this Government to investigate the opportunity to take a small piece of Social Security taxes and allow taxpayers to invest them in what we call personal savings accounts.

I always notice when the Senator from North Dakota or others talk about this issue, they only talk about investments in the stock market. But that is not Governor Bush's proposal. It was Bill Clinton who said invest it in the stock market.

What Governor Bush has consistently said for the last month is personal accounts invested somewhat like the Federal retirees have—like the Senator from North Dakota and the Senator from Idaho have, which means they don't invest their individual accounts in individual stocks. They have categories of investment that are high risk, moderate risk, and low risk. Yes, some of that money is invested in the stock market, because that is where you invest money—you invest it in the economy of this country—but some is also invested in private and government bonds and other less risky investments.

We all know the demographics. We will soon have a record number of seniors in this country. What we are suggesting is that, as we shift back and forth, as older people get older and younger people move into the system, that over the next few decades we transform the system; we adjust it. Over that period of time, we can create less dependency on the American taxpayer and as future retirees—if we adjust it properly—increasingly rely on their individualized account. That makes awfully good sense.

Here is what doesn't make good sense to me. When Vice President began to talk about his Social Security proposals—increasing benefits for widows, and increasing benefits for stay-at-home parents by attributing earnings to them while they stay at home—oh, did that sound like good politics in an election year. My guess is it is pretty good politics in an election year. But the question is, Is it good policy for the Social Security system? Does it keep Social Security stable? Does it keep it well funded? Or down the road does Mr. GORE—if he becomes President and long after he has left—create such a liability that the person who will be serving here from Idaho long after I am gone has to say to the young people and wage earners of this country that we are either going to have to cut your benefits or raise your taxes? My guess is that is exactly what is going to happen. Let me for a few moments suggest why.

Everybody wants to help moms and widows, especially during election years. But, Mr. President, let me suggest to you that Social Security is the wrong tool for that job.

The Gore Social Security surplus scheme would fail to provide meaningful assistance to the people they are targeting to aid. Worse, it would increase the Social Security's unfunded liability by almost a third; reduce Social Security trust fund balances by hundreds of billions of dollars; and simply accelerate the cash-flow problem in which Social Security will find itself in the near decades if we don't make reasonable reforms.

Social Security is one of the few Federal programs that already takes stay-at-home parents into account. In the current system, married spouses generally receive about the same Social Security benefits regardless of whether they worked full time, part time, or took a break in child rearing and did not work at all.

For example, in 1996, women who received Social Security benefits based upon their own work record received an average of $675 in benefits while women whose benefits were based on their husbands' work record received $569. What I am saying is women who stayed at home received almost the same benefit.

Let's remember that Social Security is not designed to be the sole source of retirement income. It was designed to be supplemental income, and it should be understood to be just that. Nevertheless, for many seniors, Social Security is their sole source of income. For those seniors, our first priority should be to ensure we don't further endanger the program by adding additional obligations on top of the ones we already cannot afford.

If the Vice President wants to help mothers, why didn't he embrace the tax relief the Senate Marriage Tax Relief Act would have provided? That would have been immediate relief. Instead, his proposal takes a program already under financial stress, and it would put it, in my estimation, at substantially greater financial risk.

What does it cost? Everybody has seen what the Vice President has proposed for Social Security. And yet, while the short-term cost of Governor Bush's proposal has been discussed—there has been a trillion dollar figure floated around—Nobody wants to talk about what the Vice President's plan will cost.

This is what we believe and this is what others believe the Vice President's plan will cost. The Vice President said it would just cost a few billion over the next 10 years. While the Social Security Administration has not estimated the motherhood proposal, economist Henry Aaron offered a seat-of-your-pants estimate in Slate Magazine of about 0.25 percent of taxable wages. That is about $150 billion over the next 10 years. Meanwhile, Vice President's GORE's proposal to increase widow's benefits would constitute about 0.32 percent of taxable wages, according to the report of the 1994 through 1996 Advisory Council on Social Security, Volume 1: ''Findings and Recommendations.'' That translated into about $166 billion over the next 10 years.

Now the Vice President has put a limit on his benefits so it would cost maybe a little bit less than that. The bottom line is, if you spread this concept out over the lifetime of the beneficiary, we truly are talking about these proposals costing trillions of dollars. He doesn't propose to raise taxes. He proposes a finance scheme which simply advances the liability and expands the liability into future generations.

If you are going to raise benefits in Social Security, at least have the political integrity to propose a tax increase to offset the benefits so you don't stress out the trust funds beyond where they currently are and you don't create outyear liabilities.

But then again, how could you be all things to all people and propose this great benefit, if on the backside you looked the worker in the eye and said, ''And now you are going to have to pay for it''?

So, once again, it is a Ponzi scheme. We shift a little around and we move a little over here. Now, the Governor from Texas has different approach. He clearly recognizes that by setting aside a couple of percentage points and allowing them to be invested within a fixed universe of investments, that we begin to build for the future of Social Security by compounding our investment income instead of compounding our liabilities and our debts by adding to the benefit structure.

If we are going to improve the condition of widows and spouses, let's do it in a way that is realistic and honest. If we want to use Social Security as that vehicle, then at least provide a revenue flow that effectively justifies those benefits in the outyears, the several hundreds of billions of dollars that ultimately the motherhood proposal and the proposal that relates to widow's benefits would cost. That is what we ought to be talking about. That is the fair way to do it.

The amount of new liabilities required under the Vice President's proposal is truly staggering. Some economists have suggested it is in the trillions of dollars. A trillion here, a trillion there adds up to be real money. In the past, those involved in public policy—and, more importantly, those involved in the electorial process—said that Social Security is off limits unless you are willing to increase benefits. Don't talk about new taxes, only add to the benefit structure.

Thank goodness, a few years ago Congress stopped that. We reformed Social Security, and we said we are going to leave it alone.

As a result, we stabilized it. We made the tough votes in the mid-1980s. We raised the taxes dramatically on the working men and women of this country—but we stabilized the system. So today, I say don't add benefits to that system unless you are clearly willing to offset those benefits by revenue flows.

The Governor is talking about an idea, a concept that he would work with the Congress of the United States. Recognizing we are in historic surpluses at this moment, there is a unique opportunity to reform the Social Security system so we can go to the young men and women entering the workforce in this country and say, in your lifetime, your Social Security annuity will amount to something very significant instead of getting back just three quarters for every $1 you pay in.

For my parents, Social Security has been a tremendous benefit. For their parents, it was a windfall. For me, it will be about a break even for the amount of money I have invested my lifetime. For my children, unless we reform it as the Governor from Texas has proposed, it will be one very bad investment. I don't want to ask that of my children. Certainly the Senator from North Dakota and I are better thinkers than that. We ought to be able to come together to devise a system that doesn't create outyear liabilities of the kind the Vice President is proposing.

Those are the real issues. Sure, it is worthy of a Presidential debate. That is where it ought to be debated. Clearly, the facts and figures ought to be well established. At the same time, I am pleased there is a candidate out there who isn't willing to live in the shell of the past and the concept of a system that was crafted way back in the 1930s, under a Bismarckian plan that simply said it is going to work because you will never live out its benefit cycle. Thank goodness my parents will live it out. People are living longer.

Because of the demographics of this country today, it is critically important that the Congress develop the political will to reform Social Security,

to establish personal savings accounts underneath a governing body to ensure sound investments and the security of the system. That makes good sense to me. And it sounds, by the numbers out there, it is making even better sense to Americans.

I want my children to have a strong Social Security supplemental income system for them so they receive a healthy return instead of a three quarters for the dollar. That makes good sense. They can do it in the private sector. Why aren't we smart enough to design a plan so we can do it in the public sector?

I yield the floor.

Mr. DORGAN. Mr. President, this, I think, is the debate we ought to have in this country on the subject of Social Security. I am pleased to hear the Senator from Idaho describe the plan proposed by Governor Bush and describe the proposal by Vice President GORE on the issue of Social Security.

If you read history, you will find there are people for the last nearly 70 years who have predicted that Social Security won't work, will go broke, and won't be there when they retire. Decade after decade, people predicted that in every community around this country, especially the small towns of North Dakota.

There are people living better lives because the Social Security Program provided them something called ''security.'' Does it provide for all their needs? No. But it is a bedrock security for their retirement years. They invested in it when they were working and now they have Social Security in their retirement years. The word ''security'' in Social Security is not some accident. People understood that the purpose of Social security is just that—security. It is the economic baseline of retirement, the one means of financial support that Americans can count on.

As I indicated, there are people who, every decade, have said the sky is falling with respect to this program. There are some who never supported this program in the first place. They wouldn't have supported Social Security because philosophically they didn't believe Government ought to do anything, and they didn't support Medicare because philosophically they thought the Government shouldn't do anything.

What would America be like today if we had an aging population without Medicare or Social Security? This country would not be as good a country as it is without those two important programs.

People are living longer and better lives. That has placed some stress on both Social Security and Medicare, but do not let anybody tell anybody else that the problem is that these programs do not work. These programs work and work well. People are growing older and living better lives in this country. This is a problem born of success.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I will be happy to yield, of course.

Mr. CRAIG. I know proper procedure, Mr. President, is to ask the question, but it is important to suggest this Senator did not say Social Security does not work. Quite the opposite. I believe it has worked.

What I talked about today is who pays for it because what the Senator from North Dakota is suggesting, I think—and I agree with him, the tremendous benefit that has come, but he has also seen the doubling and the quadrupling of taxes on the working people to pay for that benefit.

I suggest this to the Senator from North Dakota. I think it is important. CBO has just scored the Gore transfers within his plan. They have suggested those transfers are around $40 trillion over the next 54 years. If that is true, 40 trillion bucks would have to flow out of other sources, such as the general fund, because we know the Vice President is not talking about a tax increase. The question is, How do you handle it? Do you create higher Government debt? Do you do direct investments? The Senate voted 99–0 against Government investments.

So the legitimate question in this debate is not whether Social Security has successfully benefitted current and past retirees. The Senator from North Dakota and I just flat agree that it has. Senator DORGAN and I know of too many cases of individual citizens who find that Social Security is almost their sole source of income. Thank goodness it is there. I am talking about is the growing tax burden on our children. We are imposing a 20-percent payroll tax liability on the young working men and women in this country and we have to be extremely cautious.

Mr. DORGAN. Mr. President, I reclaim my time.

Mr. CRAIG. Mr. President, $40 trillion in 54 years. Where do we get it, and how do we handle it?

Mr. DORGAN. I reclaim my time. Mr. President, $40 trillion —I do not know how big the school of the Senator from Idaho was. I assume he did not study a trillion, nor did I. There ought to be rules when one starts talking about trillions of dollars. If you extend it for two centuries, you can probably come up with hundreds and hundreds of trillions of dollars, but it is largely irrelevant.

The issue is this: We have a Social Security program and a Medicare program. Both of them have some funding challenges in the outyears—not next year, not in the next 10 years. For Social Security, it is well beyond the next three decades, but there are challenges.

Why do we have these challenges? This is good news. Let's not grit our teeth and wring our hands and wipe our brow over good news. People are living longer and better lives. Good for them and good for us. This is good news. This is born of success.

If you want to solve the Social Security problem and Medicare problem, go back to the old mortality rates. At the turn of the last century in 1900, if you lived in this country, you were expected to live on average to age 48. Now people are going to live 30 years longer on average. That is good news. Good for us. That causes some difficulties in Social Security and Medicare. This is not a big problem. We can solve this problem.

Let me describe something the Senator from Idaho needs to know. The Senator from Idaho never did address the question of the $1 trillion hole. He sort of went over it like: ''Well, people say a trillion dollars but'' and then went on.

If you are going to take money out of the current revenue base for Social Security and say to young people who are now working—you can use it for private accounts, then what happens to the estimated $1 trillion over 10 years you took from over here which was to be used to pay benefits for current beneficiaries of Social Security?

I have served in this Congress with my colleague from Idaho and others. Over the years, we have put in place $100 billion a year in incentives for private savings and private investments. We have SEPs. We have traditional and Roth IRAs and 401(k)s. We have them all, and more. We say to people: If you put some money away in savings under certain conditions, you will have a tax benefit, a tax credit, a tax deduction. We spend $100 billion a year in reduced taxes by providing incentives for people to create and open private accounts, to invest in the stock market, and to invest in other things. We do that. I support it. I think it makes good sense for this country. But that is not the same as Social Security.

The word ''security'' ought to mean something. That is the bedrock, the foundation of retirement funds that we do as a country. The Senator from Idaho asks the question—I want to answer it—he asks the question about the issues that the Vice President has raised on the widow's benefit to surviving spouses and also of the issue of the motherhood penalty.

The Vice President proposes to solve those, which I think makes some sense. I assume the Senator from Idaho will agree that the issue of the widow's benefit, to increase the widow's benefit to 75 percent of the couple's previously combined Social Security benefit, makes sense. He knows and I know all kinds of retired women around this country living by themselves who are struggling mightily to make ends meet with a pittance in their assistance check, and we need to do better than that. The Vice President proposes we do better than that.

The Senator from Idaho asks: Where does he get the money? I will tell him where he gets the money. Then I will ask where does George Bush get the $1 trillion because I would like to hear an answer to that.

Where does Vice President GORE get the money? He does not propose a massive $1.5 trillion in tax breaks, most of which goes to upper income folks. He

proposes a smaller tax cut to working families and uses the difference to reduce the Federal debt. When we reduce the Federal debt every year, we have a surplus and will get to the point when we wipe out the indebtedness. When we wipe out the Federal debt, the third largest expenditure in the Federal budget, which is interest on the debt, will no longer exist. And that money which we now pay for interest on the Federal debt, the Vice President proposes be put into the Social Security system to help pay for the two issues the Senator from Idaho just described and provide increased solvency for the Social Security system. The answer is very simple. The Senator asks where does the money come from? It comes from reducing the Federal debt, eliminating interest on the debt as cost to the Federal budget, plowing that back into the Social Security system to help mothers, widows, and to increase and promote solvency in the system. That is the answer. It is a very simple answer.

Mr. CRAIG. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mr. DORGAN. Mr. President, I appreciate the indulgence of the Senator from Iowa. I will try to finish before 5 minutes. I want to finish this point. The Senator from Iowa is on the floor and I know wants to speak. Let me finish this point because I think it is so important.

The difference in priorities here is a priority. I am not saying one candidate is a bad person and the other candidate is a good person. Those who aspire to be President of this country have different priorities. Governor Bush says he supports a very large tax cut right up front even before we have the surpluses. We have all these economists telling us we are going to have 10 years of surpluses. Most cannot remember their telephone numbers, and they are telling us what is going to happen in this country 8 years down the road. Nonsense.

We would be very smart to be more conservative than that. What we ought to do, as Vice President Gore suggests, is use a substantial portion of that estimated surplus to pay down indebtedness. If during tough times you run up the Federal debt, during good times you ought to pay it down. One of the advantages of doing that is you reduce the third largest item in the Federal budget—that is interest on the debt—and use that for another purpose. That is exactly the answer to the question the Senator raises.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I want to make one additional point. What brought me to the floor today was this discussion of $1 trillion that is proposed to be taken from the trust funds of Social Security that is now used to pay benefits to those who are now retired and to be used instead for private accounts for working men and women. My point is this: We already spend $100 billion a year to incentivize private investment accounts. I am all for that.

In fact, as far as I am concerned, we can increase that and probably will. Vice President Gore suggests Social Security-plus to keep Social Security, do not threaten the base of Social Security at all, do not take money and divert it, but then on top of Social Security say we are going to provide even more incentives for those who want to invest in private savings accounts.

My point is this, very simple: When the issue of credibility is raised about all of these claims and counterclaims, there is a serious credibility issue of taking $1 trillion out of the current trust fund over the next 10 years, $1 trillion that would otherwise go into the trust funds to pay current benefits to those who are retired, and saying at the same time: It is available for private accounts for other people. As I said before, when you take bookkeeping in high school or college, they do not teach you ''double entry'' means you can use the same money twice. Yet that is exactly what has happened with this proposal.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I will yield just for a moment.

Mr. CRAIG. For 1 minute only.

The Vice President starts the benefit, accrues the debt into the trust fund, and then you have an increased debt over in the trust fund of Social Security. An increased debt because the new benefits are going out.

On the other hand, I believe Governor Bush is proposing the following: He will take $1 trillion out of a $2.4 trillion surplus to create these personal accounts. It is not current money to pay for current programs. No. No. The Senator from North Dakota and I agree that under current law, and under current benefit rates, Social Security is building a trust fund surplus that will peak at $2.4 trillion.

Therein lies the difference. Those are the facts. The Gore plan is a Ponzi scheme, Mr. President. It is a Ponzi scheme.

Mr. DORGAN. Let me reclaim my time. I am generous to yield and always yield when asked to yield. But this notion of a Ponzi scheme—the definition of ''Ponzi,'' it seems to me, is a description that says: The surplus that is going to go into the Social Security system each year, for a while, is somehow available for some other purpose.

We have a deliberate surplus going into Social Security. Why? Because it is needed, as the Senator from Idaho knows, to meet the day when baby boomers retire. We are going to need that money.

What is going to happen is, if you follow his proposal, or the Governor's proposal, and you take that money out, when you need it later, it is not going to be there.

So I do not want anybody to stand up on the floor and say: Oh, yes, there is a surplus right now. By the way, that is unobligated. Somebody can come and grab that, and it will not matter. That surplus is delivered.

I happened to be on the Ways and Means Committee in the House when we passed the Social Security reform plan. We did it to deliberately create a surplus to meet the needs when the baby boomers retire.

When the Second World War ended, the folks came back from fighting for this country's liberty and freedom, and they created the largest baby crop in the history of our country. They are called ''war babies.'' There was this outpouring of love and affection, I guess, and we had the largest baby crop in American history.

When that largest baby crop in American history retires, we are going to have a substantial need for all of the surplus we have designed to put into that trust fund now.

My point is, if you take that out now, by saying it is not obligated, that we do not need it, I just say you are wrong. You can stand up and holler ''Ponzi'' all you want.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. But you are wrong if you take that position.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I ask unanimous consent to be recognized for up to 10 minutes.

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

Mr. HARKIN. I want to add to what the Senator from North Dakota is saying. I am sorry the Senator from Idaho has left.

Basically, the Senator from Idaho said Vice President GORE's proposals would—I do not know if he used the word ''bankrupt,'' but they would destroy the Social Security surplus, et cetera.

I say to the Senator from North Dakota, the actuaries of the Social Security Administration did a study. They said the Gore plan that would apply the interest savings, improve the widow's benefits, and end the motherhood penalty, would, in total—when you take the total package—extend the Social Security trust fund solvency to over 50 years. That is from the actuaries themselves.

So if my friend from Idaho were here, I would make sure he heard that. Maybe he did.

EDUCATION IN TEXAS

Mr. HARKIN. Mr. President, today a very interesting release was made of a study on education in Texas by the Rand Corporation. I will read some parts from this.

I ask unanimous consent that the executive summary of the Rand Corporation's study that was released today be printed in the RECORD after my remarks.

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

(See Exhibit 1.)

Mr. HARKIN. What did this Rand study show? Let me read the first couple paragraphs:

What Do Test Scores in Texas Tell Us?

Do the scores on high-stakes, statewide tests accurately reflect student achievement? To answer this critical question, a team of RAND researchers examined the results on the Texas Assessment of Academic Skills (TAAS), the highest-profile state testing program and one that recorded extraordinary gains in math and reading scores.

The team's report, an issue paper titled ''What Do Test Scores in Texas Tell Us?'', raises ''serious questions'' about the validity of those gains [in Texas]. It also cautions about the danger of making decisions to sanction or reward students, teachers and schools on the basis of test scores that may be inflated or misleading.

It continues:

To investigate whether the dramatic math and reading gains on the TAAS [the Texas Assessment of Academic Skills] represent actual academic progress, the researchers compared these gains to score changes in Texas on another test, the National Assessment of Educational Progress. The NAEP tests were used as a benchmark because they reflect standards endorsed by a national panel of experts, they are not subject to pressures to boost scores, and they are generally considered the nation's single best indicator of student achievement. Both the TAAS and the NAEP tests were administered to fourth and eighth graders during comparable four-year periods.

According to the Rand study: The ''stark differences'' between the stories told by NAEP and TAAS are especially striking when it comes to the gap in average scores between whites and students of color. According to the NAEP results, that gap in Texas is not only very large but increasing slightly. According to TAAS scores, the gap is much smaller and decreasing greatly.

''We do not know the source of these differences,'' the researchers state. But one reasonable explanation, consistent with survey and observation data, is that ''many schools are devoting a great deal of class time to highly specific TAAS preparation.'' While this preparation may improve TAAS scores, it may not help students develop necessary reading and math skills. The authors suspect that ''schools with relatively large percentages of minority and poor students may be doing this more than other schools.''

Then it went on to say: Other features of the Texas test also may contribute to the false sense that the racial gaps are closing.

Let me read now what Governor Bush has said about the Texas tests. According to Governor Bush:

One of my proudest accomplishments is I worked with Republicans and Democrats to close that achievement gap in Texas.

Bush said that on ''Larry King Live.''

The Rand study shows this claim is false. The achievement gap is not closing; it is actually increasing in Texas.

Bush says that:

Without comprehensive regular testing, without knowing if children are really learning, accountability is a myth, and standards are just slogans.

That is from a George Bush press conference.

The Rand study shows that the tests cited by Bush to support this claim are biased, the gains are the product of teaching to the test, and that claims of success far exceed the actual results.

Here is another Bush quote:

And our State provides some of the best education in the nation, not measured by us, but measured by the Rand Corporation, or other folks who take an objective look as to how states are doing when it comes to educating children.

Bush said this in a live web chat on August 30.

Governor Bush was citing the Rand Corporation as an independent, outside organization to look at what States are doing and what they are doing in educating their children.

Here the Rand Corporation came out with their finding today. ''I think the, quote, 'Texas miracle' is a myth,'' Stephen Klein, a senior Rand researcher who helped lead the study, told Reuters in a phone interview. He said: the ''Texas miracle'' is a myth.

So much for what George Bush is saying about the ''Texas miracle'' in education. What it shows is that Texas set up its own tests, called the TAAS, the Texas Assessment of Academic Skills. They administered those, put rewards out there for how well you do on these tests.

So what did they start doing in those schools? They taught to the test, especially in schools that had a high proportion of minority students. But when measured against the national test —that is not biased, that is generally accepted around the Nation as the test to measure achievement—the Texas test falls short. It showed that the gap is not closing. It is actually widening, especially when it comes to the gap between white students and students of color.

George Bush's claim that great progress in education has been made in Texas is simply a myth. I am glad the Rand Corporation study came out at this time. The American people deserve to know this, that the exaggerations of George Bush on education are clearly just that—terrible, gross exaggerations of what is actually happening in Texas, when he cites the Rand Corporation and then the Rand Corporation comes out and says, wait a minute, this is a myth. There are serious questions about the validity of the gains in Texas, stark differences between the stories told by Texas and by national testing.

It is obvious to me. George Bush keeps talking about taking tests and taking tests, but when you measure against the nationally respected NAEP test, Texas falls far short. So much for that exaggeration. Mr. Bush believes so much in taking tests; he should take an exaggeration test. He would flunk it. So much for education.

We were down at the White House earlier. We are sitting here now, almost a month into the new fiscal year. We have not passed our appropriations bills that fund education. We have no money for class size reduction, no money for rebuilding and modernizing our schools, no money for building new schools, no money for teacher training, no money for job training. We are a month into the new fiscal year. The last bill to be worked on is our education bill. The leadership on the Republican side said this year that education was their No. 1 priority. Yet it is the last bill to get through the Congress.

Finally, the Governor of Texas was quoted in today's Washington Post as saying that the Vice President has blocked reform for the past 7½ years. This is the exact quote from the newspaper:

''For 7½ years the vice president has been the second biggest obstacle to reform in America,'' Bush added. ''Now he wants to be the biggest, the obstacle in chief.''

That is kind of a cute line, I have to admit. He says that the Vice President and President Clinton have blocked reform for the last 7½ years. He has his little chant: They have had their chance. They have not led. We will. It is a catchy little phrase.

I have been watching George Bush. He has a lot of catchy phrases. It makes one wonder: What country has George Bush been living in for the last 8 years? Look at the record. During the Reagan and Bush years, we had record deficits. Our debt quadrupled in this country during those years, low job growth, low economic growth. Bill Clinton and AL GORE took us from the depths of a Republican-made recession to the heights of the longest peacetime economic expansion in this Nation's history, balanced our budgets; it took us from record deficits of $290 billion a year—that is what it was in 1992, a $290 billion deficit—and the surplus this year will be $237 billion, the largest surplus in our Nation's history.

We are now on track to eliminate the public debt by 2012. The Clinton and Gore team, in contrast to what George Bush is saying, created 22.2 million new jobs, an average of 242,000 new jobs every month. That is the highest number of jobs ever created under a single administration. Unemployment is now at the lowest rate in 30 years. Under the Reagan and Bush years, the number of people on welfare rose by 2.5 million, an increase of 22 percent. But under Bill Clinton and AL GORE, we ended welfare as we knew it. We have moved 7.5 million people off of welfare, a decrease of 50 percent. Today we have the lowest number of welfare recipients since 1968.

George Bush is saying: They are big spenders; they wanted to spend all this money. The size of Government has grown.

Let's look at the record.

Bill Clinton and AL GORE have shrunk spending. Today, Federal Government spending as a share of the economy, of our gross product, has

dropped to its lowest level since 1966. It is right at about 18.5 percent, the lowest level since 1966.

AL GORE was the head of reinventing government, which has saved us approximately $136 billion since he took over. How? There are now 377,000 fewer Federal Government employees than in 1993. We now have the smallest Federal workforce since 1960. Yet under George Bush in Texas, the size of the Texas government has grown. They have more people working for government. Under Clinton and GORE, we have reduced the size of the Government by 377,000 people to the lowest level since 1960. Those are the irrefutable facts.

Crime has been reduced. It has dropped for 7 years in a row, the longest consecutive decline in crime ever recorded. The environment has improved. During this time of economic growth, our environment has improved. They have set the toughest smog and soot standards ever. We have cleaned up over 500 toxic waste dumps. We have protected over 650 million acres of public lands, more than any administration since Franklin Roosevelt was President.

We have made new investments in our schools. We have begun an initiative to hire 100,000 more teachers to reduce class size. We have opened up slots for 200,000 new Head Start students. We have connected classrooms across America to the Internet. We have expanded afterschool, summer school, and college prep programs.

Evidently, George Bush does not think much of these results. Maybe these aren't the kinds of reforms in which he is interested. I guess Governor Bush would rather take us back to the old days of deficits, debts, and recession. Tax breaks for the rich; tough breaks for everyone else.

In essence, what Governor Bush wants to do is return to the failed policies of the past. Let's move beyond that. Those failed policies of the past brought us deficits, brought us more debt, brought us recession, but the economic programs of the Clinton-Gore administration have brought us the greatest prosperity we have known since World War II.

That is the record. Those are the facts. No amount of catchy little phrases or platitudes uttered by Governor Bush can erase that record.

Lastly on education, the Rand study shows that the Texas miracle is really a Texas myth.

EXHIBIT NO. 1

WHAT DO TEST SCORES IN TEXAS TELL US?

Do the scores on high-stakes, statewide tests accurately reflect student achievement? To answer this critical question, a team of RAND researchers examined the results on the Texas Assessment of Academic Skills (TAAS), the highest-profile state testing program and one that has recorded extraordinary gains in math and reading scores.

The team's report, an issue paper titled What Do Test Scores in Texas Tell Us? raises ''serious questions'' about the validity of those gains. It also cautions about the danger of making decisions to sanction or reward students, teachers and schools on the basis of test scores that may be inflated or misleading. Finally, it suggests some steps that states can take to increase the likelihood that their test results merit public confidence and provide a sound basis for educational policy.

To investigate whether the dramatic math and reading gains on the TAAS represent actual academic progress, the researchers compared these gains to score changes in Texas on another test, the National Assessment of Educational Progress (NAEP). The NAEP tests were used as a benchmark because they reflect standards endorsed by a national panel of experts, they are not subject to pressures to boost scores, and they are generally considered the nation's single best indicator of student achievement. Both the TAAS and the NAEP tests were administered to fourth and eight graders during comparable four-year period.

The RAND team—Stephen P. Klein, Laura Hamilton, Daniel McCaffrey and Brian M. Stecher—generally found only small increases, similar to those observed nationwide, in the Texas NAEP scores. Meanwhile, the TAAS scores were soaring. Texas students did improve significantly more on a fourth-grade NAEP math test than their counterparts nationally. But again, the size of this gain was smaller than their gains on TAAS and was not present on the eighth-grade math test.

The ''stark differences'' between the stories told by NAEP and TAAS are especially striking when it comes to the gap in average scores between whites and students of color. According to the NAEP results, that gap in Texas is not only very large but increasing slightly. According to TAAS scores, the gap is much smaller and decreasing greatly.

''We do not know the source of these differences,'' the researchers state. But one reasonable explanation, consistent with survey and observation data, is that ''many schools are devoting a great deal of class time to highly specific TAAS preparation.'' While this preparation may improve TAAS scores, it may not help students develop necessary reading and math skills. The authors suspect that ''schools with relatively large percentages of minority and poor students may be doing this more than other schools.'' Other features of the TAAS also may contribute to the false sense that the racial gaps are closing.

Problems with statewide tests are not confined to the TAAS or Texas, the authors observe. To lessen the likelihood of invalid scores on such tests, they recommend that states:

Reduce the pressure associated with high-stakes testing by using one set of measures for decisions about individual students and another set for teachers and schools;

Replace traditional paper-and-pencil multiple choice exams with computer-based tests that are delivered over the Internet and draw on banks of thousands of questions;

Peridocially conduct audit testing to validate score gains; and

Examine the positive and negative effects of the testing programs on curriculum and instruction.

In July, RAND released a detailed analysis by David Grissmer and colleagues that compared the NAEP scores of 44 states, including Texas. That study and today's issue paper are not directly comparable. They differ in scope, focus and data. Grissmer et al. found that Texas ranked high in achievement when comparing children from similar families. Both found at least some gains in the NAEP scores in Texas. Grissmer et al. suggested that the Texas accountability regime, of which TAAS is a part, might be a ''plausible'' explanation for the state's NAEP gains, but added that more research is needed before a linkage can be made. What Do Test Scores in Texas Tell Us? represents an important contribution to that research effort. It is also the latest in a continuing series of RAND analyses involving high-stakes testing issues.

STATEMENT OF RAND PRESIDENT AND CEO, JAMES A. THOMSON

The issue paper on Texas Education and Test Scores that RAND issued today is already the subject of intense controversy, as we expected. I want to underscore several points:

This research was thoroughly reviewed by distinguished external and internal experts. We stand behind the quality of both this paper and of our July report on the meaning of national test scores across the country, which also sparked considerable controversy.

The timing of the release of both reports was based on the same, constant RAND standard; we release our work as soon as the research, review and revision processes are complete. We don't produce findings for political reasons, we don't distribute them for political reasons and we don't sit on them for political reasons. This is a scrupulously nonpartisan institution.

The July study—Improving Student Achievement: What State NAEP Scores Tell Us—also touched on Texas schools and received widespread press play. Both efforts draw on NAEP scores. The new paper suggests a less positive picture of Texas education than the earlier effort. But I do not believe that these efforts are in sharp conflict. Together in fact they provide a more comprehensive picture of key education issues.

The July report differed in scope (it covered almost all states, not just Texas), in methodology (it adjusted states' NAEP scores for family characteristics, such as racial and socioeconomic differences), and most of all in focus. It sought to explain why student achievement scores vary so widely across the states even after those demographic adjustments are made. The team that researched the new Issue Paper on the other hand focused on Texas and its statewide testing program. Texas was studied because the state exemplifies a national trend toward using statewide exams as a basis for high-stakes educational decisions.

From the Texas standpoint, the good news is that the state ranks high in adjusted student achievement. Our July study correlates this with specific ways that resources are allocated to high-leverage programs, such as pre-kindergarten, one of the features of the Texas reform effort. The bad news is that the statewide testing system in Texas needs improvement. The Issue Paper team suggests ways this can be done in Texas and other states.

Mr. HARKIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, as I have done every day we have been in

session, I ask unanimous consent to discharge the Judiciary Committee from further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court of Appeals; that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter; that debate on the nomination be limited to 2 hours equally divided; and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER. At the request of the majority leader and in my individual capacity as a United States Senator, I object.

Mr. HARKIN. Mr. President, every day I raise it and every day the Republican majority objects. It is still a shame that Bonnie Campbell has been tied up in that committee since May. She has had her hearing. She has done a great job running the Violence Against Women office. Everyone agrees on that. She would be an outstanding circuit court judge. No one doubts her qualifications. Yet the Judiciary Committee refuses to report out her name.

It is really a disservice to her and to our country, and it is really a disgrace on this body that her name continues to be bottled up in the Judiciary Committee.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AN EXCERPT FROM PAT CONROY'S UPCOMING BOOK, ''MY LOSING SEASON''

Mr. THURMOND. Mr. President, I was recently given a copy of an excerpt from a yet unpublished book written by South Carolina native and former Citadel graduate, Mr. Pat Conroy. This essay is an insightful tribute to the men and women who served their country in times of conflict, and I would like to take this opportunity to bring this exceptional essay to the attention of my colleagues.

Mr. Conroy's composition recounts the experiences of a courageous man who answered his nation's call to serve in the armed forces during a time of conflict, and the intense pride he had in his country even during the most dire of circumstances as a POW. It also recounts how, through the author's interaction with this patriotic individual, Mr. Conroy arrived at the realization that duty to one's country is an obligation that comes with the privilege of being a citizen.

This dramatic composition honors those who accepted their duty with courage and dignity, and I ask unanimous consent that this poignant essay be inserted into the RECORD.

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

MY HEART'S CONTENT

(By Pat Conroy)

The true things always ambush me on the road and take me by surprise when I am drifting down the light of placid days, careless about flanks and rearguard actions. I was not looking for a true thing to come upon me in the state of New Jersey. Nothing has ever happened to me in New Jersey. But came it did, and it came to stay.

In the past four years I have been interviewing my teammates on the 1966–67 basketball team at the Citadel for a book I'm writing. For the most part, this has been like buying back a part of my past that I had mislaid or shut out of my life. At first I thought I was writing about being young and frisky and able to run up and down a court all day long, but lately I realized I came to this book because I needed to come to grips with being middle-aged and having ripened into a gray-haired man you could not trust to handle the ball on a fast break.

When I visited my old teammate Al Kroboth's house in New Jersey, I spent the first hours quizzing him about his memories of games and practices and the screams of coaches that had echoed in field houses more than 30 years before. Al had been a splendid forward-center for the Citadel; at 6 feet 5 inches and carrying 220 pounds, he played with indefatigable energy and enthusiasm. For most of his senior year, he led the nation in field-goal percentage, with UCLA center Lew Alcindor hot on his trail. Al was a battler and a brawler and a scrapper from the day he first stepped in as a Green Weenie as a sophomore to the day he graduated. After we talked basketball, we came to a subject I dreaded to bring up with Al, but which lay between us and would not lie still.

''Al, you know I was a draft dodger and antiwar demonstrator.''

''That's what I heard, Conroy,'' Al said. ''I have nothing against what you did, but I did what I thought was right.''

''Tell me about Vietnam, big Al. Tell me what happened to you,'' I said.

On his seventh mission as a navigator in an A–6 for Major Leonard Robertson, Al was getting ready to deliver their payload when the fighter-bomber was hit by enemy fire. Though Al has no memory of it, he punched out somewhere in the middle of the ill-fated dive and lost consciousness. He doesn't know if he was unconscious for six hours or six days, nor does he know what happened to Major Robertson (whose name is engraved on the Wall in Washington and on the MIA bracelet Al wears).

When Al awoke, he couldn't move. A Viet Cong soldier held an AK–47 to his head. His back and his neck were broken, and he had shattered his left scapula in the fall. When he was well enough to get to his feet (he still can't recall how much time had passed), two armed Viet Cong led Al from the jungles of South Vietnam to a prison in Hanoi. The journey took three months. Al Kroboth walked barefooted through the most impassable terrain in Vietnam, and he did it sometimes in the dead of night. He bathed when it rained, and he slept in bomb craters with his two Viet Cong captors. As they moved farther north, infections began to erupt on his body, and his legs were covered with leeches picked up while crossing the rice paddies.

At the very time of Al's walk, I had a small role in organizing the only antiwar demonstration ever held in Beaufort, South Carolina, the home of Parris Island and the Marine Corps Air Station. In a Marine Corps town at that time, it was difficult to come up with a quorum of people who had even minor disagreements about the Vietnam War. But my small group managed to attract a crowd of about 150 to Beaufort's waterfront. With my mother and my wife on either side of me, we listened to the featured speaker, Dr. Howard Levy, suggest to the very few young enlisted marines present that if they get sent to Vietnam, here's how they can help end this war: Roll a grenade under your officer's bunk when he's asleep in his tent. It's called fragging and is becoming more and more popular with the ground troops who know this war is bullshit. I was enraged by the suggestion. At that very moment my father, a marine officer, was asleep in Vietnam. But in 1972, at the age of 27, I thought I was serving America's interests by pointing out what massive flaws and miscalculations and corruptions had led her to conduct a ground war in Southeast Asia.

In the meantime, Al and his captors had finally arrived in the North, and the Viet Cong traded him to North Vietnamese soldiers for the final leg of the trip to Hanoi. Many times when they stopped to rest for the night, the local villagers tried to kill him. His captors wired his hands behind his back at night, so he trained himself to sleep in the center of huts when the villagers began sticking knives and bayonets into the thin walls. Following the U.S. air raids, old women would come into the huts to excrete on him and yank out hunks of his hair. After the nightmare journey of his walk north, Al was relieved when his guards finally delivered him to the POW camp in Hanoi and the cell door locked behind him.

It was at the camp that Al began to die. He threw up every meal he ate and before long was misidentified as the oldest American soldier in the prison because his appearance was so gaunt and skeletal. But the extraordinary camaraderie among fellow prisoners that sprang up in all the POW camps caught fire in Al, and did so in time to save his life.

When I was demonstrating in America against Nixon and the Christmas bombings in Hanoi, Al and his fellow prisoners were holding hands under the full fury of those bombings, singing ''God Bless America.'' It was those bombs that convinced Hanoi they would do well to release the American POWs, including my college teammate. When he told me about the C–141 landing in Hanoi to pick up the prisoners, Al said he felt no emotion, none at all, until he saw the giant American flag painted on the plane's tail. I stopped writing as Al wept over the memory of that flag on that plane, on that morning, during that time in the life of America.

It was that same long night, after listening to Al's story, that I began to make judgments about how I had conducted myself during the Vietnam War. In the darkness of the sleeping Kroboth household, lying in the third-floor guest bedroom, I began to assess my role as a citizen in the '60s, when my country called my name and I shot her the bird. Unlike the stupid boys who wrapped themselves in Viet Cong flags and burned the American one, I knew how to demonstrate against the war without flirting with treason or astonishingly bad taste. I had come directly from the warrior culture of this country and I knew how to act. But in the 25 years that have passed since South Vietnam fell, I have immersed myself in the study of totalitarianism during the unspeakable century we just left behind. I have questioned survivors of Auschwitz and Bergen-Belsen, talked to Italians who told me tales of the Nazi occupation, French partisans who had counted German tanks in the forests of Normandy, and officers who survived the Bataan

Death March. I quiz journalists returning from wars in Bosnia, the Sudan, the Congo, Angola, Indonesia, Guatemala, San Salvador, Chile, Northern Ireland, Algeria. As I lay sleepless, I realized I'd done all this research to better understand my country. I now revere words like democracy, freedom, the right to vote, and the grandeur of the extraordinary vision of the founding fathers. Do I see America's flaws? Of course. But I now can honor her basic, incorruptible virtues, the ones that let me walk the streets screaming my ass off that my country had no idea what it was doing in South Vietnam. My country let me scream to my heart's content—the same country that produced both Al Kroboth and me.

Now, at this moment in New Jersey, I come to a conclusion about my actions as a young man when Vietnam was a dirty word to me. I wish I'd led a platoon of marines in Vietnam. I would like to think I would have trained my troops well and that the Viet Cong would have had their hands full if they entered a firefight with us. From the day of my birth, I was programmed to enter the Marine Corps. I was the son of a marine fighter pilot, and I had grown up on marine bases where I had watched the men of the corps perform simulated war games in the forests of my childhood. That a novelist and poet bloomed darkly in the house of Santini strikes me as a remarkable irony. My mother and father had raised me to be an Al Kroboth, and during the Vietnam era they watched in horror as I metamorphosed into another breed of fanatic entirely. I understand now that I should have protested the war after my return from Vietnam, after I had done my duty for my country. I have come to a conclusion about my country that I knew then in my bones but lacked the courage to act on: America is good enough to die for even when she is wrong.

I looked for some conclusion, a summation of this trip to my teammate's house. I wanted to come to the single right thing, a true thing that I may not like but that I could live with. After hearing Al Kroboth's story of his walk across Vietnam and his brutal imprisonment in the North, I found myself passing harrowing, remorseless judgment on myself. I had not turned out to be the man I had once envisioned myself to be. I thought I would be the kind of man that America could point to and say, ''There. That's the guy. That's the one who got it right. The whole package. The one I can depend on.'' It had never once occurred to me that I would find myself in the position I did on that night in Al Kroboth's house in Roselle, New Jersey: an American coward spending the night with an American hero.

TRIBUTE TO LIEUTENANT COMMANDER CLAYTON O. MITCHELL, JR., CIVIL ENGINEER CORPS, UNITED STATES NAVY

Mr. LOTT. Mr. President, it is with great pleasure that I take this opportunity to recognize and bid farewell to an outstanding naval officer, Lieutenant Commander Clayton O. Mitchell, Jr., upon his departure from my staff. Lieutenant Commander Mitchell has truly epitomized the ''Can Do'' spirit of the Seabees and Navy core values of honor, courage, and commitment during his assignment as a Navy Legislative Fellow on my staff. He has been a valued team member who has had an enduring impact upon the State of Mississippi. He will be sorely missed.

Lieutenant Commander Mitchell reported to my staff from Naval Mobile Construction Battalion Seventy Four, a Seabee battalion homeported in my home State of Mississippi. As operations officer for the ''Fearless'' Seabees of NMCB 74, he directed the military and construction operations for the unit at 11 deployment sites throughout the Atlantic coast, Caribbean, and Central America in addition to leading disaster recovery efforts in the aftermath of hurricane Georges. He spearheaded recovery operations which helped clear roads and restore vital services at Construction Battalion Center Gulfport and the Mississippi Gulf Coast within 24 hours.

Lieutenant Commander Mitchell is a 1985 industrial engineering graduate of California Polytechnic State University (Cal-Poly), San Luis Obispo. He was commissioned as an Ensign through the Officer Candidate School at Newport, Rhode Island after working two years as an engineer for Rockwell International. He began his career as a Navy Civil Engineer Corps officer with Chesapeake Division, Naval Facilities Engineering Command as the Assistant Resident Officer in Charge of Construction, Andrews AFB, Maryland. He then reported to Naval Mobile Construction Battalion Forty for two nine month deployments which included Assistant Officer in Charge, Detail Sigonella, Sicily and Officer in Charge, Detail Diego Garcia, British Indian Ocean Territories.

After his first Seabee tour with NMCB Forty, Lieutenant Commander Mitchell then attended the University of California at Berkeley, earning a Master of Science degree in civil engineering. He followed Berkeley with an assignment to the United States Naval Academy as Shops Engineer in the Public Works Department, directing a 270 member workforce responsible for the Academy's facilities maintenance, transportation, and utilities operations.

His next challenge was as Facilities Planning Officer, Public Works Center, Yokosuka, Japan. In this capacity, he directed a host nation construction program with over $1.7 billion in projects under design and/or construction. He spearheaded execution of some of the Navy's most critical projects in Japan, including the delivery of 854 family housing units with the completion of the $1 billion Ikego family housing complex and a $41 million carrier pier at Yokosuka. For nine months during this tour, Lieutenant Commander Mitchell also served as Staff Civil Engineer to the Commander, U.S. Naval Forces Japan, where he was the Navy's ''go to'' man for facilities and civil engineering issues.

Lieutenant Commander Mitchell has also made a significant impact in the various communities in which he has served. He directed a Mids'N'Kids tutorial/mentorship program, providing Annapolis youth with a midshipman sponsor and access to Naval Academy facilities on a weekly basis during the school year. As treasurer for the Samuel P. Massie Educational Endowment, he distributed over $35,000 in scholarship awards to Maryland college and university students. In 1995, he was recognized as the ''Volunteer of the Week for Father's Day'' by the Annapolis Capitol newspaper for his contributions in the community. In 1997, he was recognized by Black Engineer magazine with an ''Engineer of the Year: Special Recognition Award'' as one of the nation's promising young engineers of the future.

On my staff, he has established himself as a consummate professional providing guidance and oversight on a plethora of Department of Defense issues ranging from Defense health care, military construction, shipbuilding, and various weapons systems programs. His efforts also yielded over $100 million in research, development, test, and evaluation funds for Mississippi Universities.

Lieutenant Commander Mitchell is married to the former Karen Elaine Blackwell of Washington, D.C. and their family includes daughter, Kendra and son, Austin. He is a registered professional engineer in the Commonwealth of Virginia and a Seabee Combat Warfare qualified officer who enthusiastically returns to his Navy. I have appreciated greatly Lieutenant Commander Mitchell's contributions to my team and wish him fair winds and following seas in the future.

TRIBUTE TO STEPHEN C. NUNEZ, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Mr. LOTT. Mr. President, I take this opportunity to recognize and say farewell to an outstanding NASA Manager, Stephen C. Nunez, upon his departure from my staff. Mr. Nunez was selected as a NASA Congressional Fellow to work in my office because of his knowledge of the aerospace industry, NASA programs, and NASA's John C. Stennis Space Center in my home state of Mississippi. It is a privilege for me to recognize the many outstanding achievements he has provided for the United States Senate, NASA, and our great Nation.

During his NASA fellowship, Mr. Nunez worked on legislation affecting NASA, the aerospace industry, and veterans. He worked hard to ensure the NASA Authorization Bill and the VA-HUD and Independent Agencies Appropriation Bill for fiscal year 2001 included legislative provisions that will lead to the next generation of reusable launch vehicles. These initiatives will reduce the cost of getting payloads into orbit by a factor of 10. These provisions also support specific programs aimed at fostering the development of a robust U.S. propulsion industry, which includes rocket engine testing at the Stennis Space Center. Specifically, he helped ensure that NASA's Space Launch Initiative was fully funded in fiscal year 2001 at $290 million.

Mr. Nunez also worked to ensure that legislative provisions were included in

both bills to support robust funding of the Commercial Remote Sensing Program to enable a $10 billion commercial remote sensing industry by 2010. He assisted greatly in the economic development in the State of Mississippi by bringing Aerospace companies and Mississippi Economic Development officials together.

Mr. Nunez worked with former Congressman G. V. ''Sonny'' Montgomery to enhance the educational benefits of the Montgomery G.I. bill through S. 1402, the ''Veterans and Dependents Millennium Education Act.'' He also worked with the Veterans Administration to open more Community Based Outpatient Clinics in Mississippi.

Mr. Nunez began his aerospace career as a contract engineer supporting the Space Shuttle Main Engine Test Program at NASA's Stennis Space Center shortly after graduating from Mississippi State University, where he received a Bachelor of Science degree in Civil Engineering. He joined NASA as a systems engineer supporting various propulsion development programs at Stennis Space Center, including the Space Transportation Main Engine and Space Shuttle Main Engine. He then took on additional responsibilities as Chief Engineer for various component and hybrid motor development test programs, including the first ever successful tests of a turbopump-fed hybrid motor. His next challenge was project lead for test program support of Boeing's Phase I Evolved Expendable Launch Vehicle Low Cost Concept Validation Program. The test program support was completed under budget and ahead of schedule. This program demonstrated water recovery of a Space Shuttle Main Engine propulsion module and culminated in a successful hot fire test after the propulsion module was dropped into the Gulf of Mexico.

Mr. Nunez is no stranger to Washington, D.C. where he served a one year detail to the Associate Administrator for the Office of Space Flight at NASA Headquarters. Prior to starting his Congressional Fellowship, Mr. Nunez served as X–33 Project Manager at Stennis Space Center where he was responsible for all reusable launch vehicle initiatives there totaling $35 million. As X–33 Project Manager, he led a team of engineers and technicians in the successful test firing of the X–33 Linear Aerospike Engine, whose success has been a major highlight of the X–33 Program.

A native Mississippian, Mr. Nunez is married to the former Cynthia Marlene Cuevas of Leetown, Mississippi. They have one son, Stephen C. Nunez, II. Mr. Nunez is a registered Professional Engineer in Mississippi who looks forward to returning to the NASA team. I will truly miss his talents and expertise, and wish him all the very best as he helps NASA's efforts to advance human space flight in the 21st century.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. 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 24, 1999:

Yvetta Boyland, 30, Memphis, TN;

Andy Carr, 18, Atlanta, GA;

Chun Man Choi, 27, New Orleans, LA;

Javier Cortez, 29, Houston, TX;

Anthony Jackson, 38, Dallas, TX;

Ricky Harris, 22, Oakland, CA;

Mary Mata, 16, Fort Worth, TX;

Matthew Nimene, 39, Minneapolis, MN;

Robert D. Steward, 29, Chicago, IL; and

Jones Tiran, 21, Dallas, TX.

Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday, Sunday and Monday.

October 20, 1999:

Rossi Anderson, 37, Houston, TX;

Melvin Axler, 75, Miami-Dade County, FL;

Steve Gaitan, 19, Miami-Dade County, FL;

Michael Hanton, 24, Philadelphia, PA;

Darrion Johnson, 28, Chicago, IL;

Roasiare Morneault, 58, Hollywood, FL;

Rafel Stokes, 41, Detroit, MI;

Carlos Thomas, 23, Washington, DC;

Richard Washington, 20, Chicago, IL;

Manuel Watkins, 14, Dallas, TX;

Betty Weaver, 56, Detroit, MI;

Albert Winters, 24, Washington, DC;

Shavon Young, 16, Irvington, NJ; and

Unidentified male, San Francisco, CA.

October 21, 1999:

Alexander Bednar, 87, Seattle, WA;

Kwame Bellentine, 24, Miami-Dade County, FL;

Calvin Berry, 29, Detroit, MI;

Antonio Davis, 20, Washington, DC;

Jerry Dodd, 35, Chicago, IL;

Vivian C. Geary, 72, New Orleans, LA;

Devon Gross, 19, Wilmington, DE;

Judith Herbert, 57, Denver, CO;

Orlando Jones, 24, St. Louis, MO;

Edward Morris, 29, Atlanta, GA;

Marilyn Starr, 42, Dallas, TX;

Nichole Thomas, 19, St. Louis, MO;

Richard Wilson, 27, St. Louis, MO; and

Kirk C. Wint, 25, Chicago, IL.

October 22, 1999:

Antonio Crawley, 20, Houston, TX;

Juan Maldonado, 38, Chicago, IL;

David Marshall, 18, Washington, DC;

Thomas McEvoy, 47, Miami-Dade County, FL;

Martin McCinigley, 35, Philadelphia, PA;

Tita-Marie Murray, 36, Washington, DC;

Huey M. Rich, 29, Chicago, IL;

Eugene Richardson, 20, Baltimore, MD;

Timothy Spain, 22, Atlanta, GA;

Donald Storeball, 20, Detroit, MI;

Unidentified Male, 37, Honolulu, HI; and

Unidentified Male, 36, Newark, NJ.

October 23, 1999:

Juan Castellonos, 29, Dallas, TX;

Deandre Clark, 4, Gary, IN;

Clyde K. Edwards, 23, Oklahoma City, OK;

Lu Hu, 24, Houston, TX;

Walter Joseph Kurtz, 45, Baltimore, MD;

Timothy Lockett, 32, Baltimore, MD;

Timothy Massey, 26, Baltimore, MD;

Juan Pina, 28, Dallas, TX; and

Walter L. Weber, 77, North Little Rock, AR.

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.

COMMENDING SOUTH DAKOTA FARM, CONSERVATION, WILDLIFE, AND ENVIRONMENTAL GROUPS

Mr. JOHNSON. Mr. President, I rise today to offer sincere thanks and gratitude for the cooperation and leadership demonstrated this year in South Dakota by a large coalition of farm, conservation, wildlife, and environmental groups in my great State. These groups have taken an almost unprecedented step to cooperate in solving a problem concerning the treatment of wetlands in the context of production agriculture in South Dakota.

Their cooperation led to the adoption of a pilot project—the Conservation of Farmable Wetland Act of 2000—negotiated through Congress by Senator DASCHLE and me whereby farmed wetlands in a six-state region can become eligible for enrollment in the Conservation Reserve Program (CRP).

When it comes to conservation policy and the federal farm program, many issues are hotly debated. Perhaps nowhere has this become more evident than in the administration and policy implications of managing wetlands on farmground in South Dakota and the entire country. A real battle over the management of farmed wetlands has waged over the years between farmers—who own and farm the productive land where these wetlands are located—and conservation groups—who believe these wetlands should be maintained in their natural state.

Earlier this year, over thirty South Dakota groups struck an agreement in principle regarding the treatment of wetlands with some constructive ideas to signify a cease fire of sorts in this battle over the management of wetlands. Their agreement in principle expressed support for financial assistance

for farmers and landowners who voluntarily chose to commit the wetlands on their private lands—primarily land in crop production—to conservation under CRP. The farmable wetlands targeted in their agreement are located in low-lying draws or waterways that run through crop fields and carry runoff and topsoil into creeks and rivers in wet years. In dry years, these wetlands are farmed. Currently, grass filter strips surrounding these farmed wetlands qualify for CRP, but not the actual wetland acreage.

Mr. President, I ask unanimous consent that the agreement in principle and name of every group signing the agreement be printed at this point in the RECORD, and that my statement continue in the RECORD at the conclusion of the agreement in principle and list of groups.

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

Agreement in Principle Between Central Plains Water Development District; Clay County Conservation District; Clay County Farm Bureau; Delta Waterfowl Foundation; Ducks Unlimited, Inc., East Dakota Water Development District; Flandreau Santee Sioux Tribe; Izaak Walton League, Kempeska Chapter; Izaak Walton League, South Dakota District; James River Water Development District; National Audubon Society; Sierra Club-East River Group; Sierra Club-Living River Group; South Dakota Association of Conservation Districts; South Dakota Corn Growers Association; South Dakota Department of Agriculture; South Dakota Department of Environment and Natural Resources; South Dakota Department of Game, Fish and Parks; South Dakota Farm Bureau; South Dakota Farmers Union; South Dakota Grassland Coalition; South Dakota Lakes and Streams Association, Inc.; South Dakota Pork Producers Council; South Dakota Resources Coalition; South Dakota Soybean Association; South Dakota Stock Growers; South Dakota Water Congress; South Dakota Wheat Inc.; South Dakota Wildlife Federation; The Wildlife Society, South Dakota Chapter; Turner County Conservation District; U.S. Fish and Wildlife Service; Vermillion Basin Water Development District; and Vermillion River Watershed Authority.

PURPOSE

This memorandum is made by the organizations listed above, hereinafter called the partners, to express support for financial assistance to landowners who voluntarily choose to maintain wetlands on private lands and retire them from crop production in the Prairie Pothole Region of South Dakota, North Dakota, Minnesota, Iowa and Montana. The people of this partnership are united in their belief that programs should be available that compensate landowners who voluntarily commit their wetlands to conservation. We offer specific suggestions that certain wetlands be eligible for enrollment under the USDA Conservation Reserve Program, continuous sign up for buffers and filter strips and that incidental, after harvest grazing be better accommodated on these filter strips and buffers.

BACKGROUND

The Prairie Pothole Region of South Dakota, North Dakota, Minnesota, Iowa and Montana is a unique region of diverse wetlands on an agricultural, prairie landscape. Wetlands in this region function as habitat for wildlife and they retain runoff waters, sediments and pollutants. They interact with ground water and they play a role in protection of the quality and quantity of water used in homes, farms, ranches and industry throughout the region and beyond.

Most wetlands in the region are small, temporary wetlands. They typically hold water for only a few weeks after spring runoff and for short periods of time after heavy precipitation events. Many non-depressional wetlands in the region are the headwaters of major streams and rivers that reach across the North American continent. When they are dry, most temporary wetlands in agricultural fields are farmed.

The Prairie Pothole Region is also a region of deep rich soils and is recognized worldwide for its strong, diverse agricultural industry and abundant wildlife resources, which are second to none.

For decades wetland interests have often differed with agriculture and other development interests. While wetlands are valuable to society for the functions they provide, the cost of maintaining these values is often borne by those who own or farm the land. In the Prairie Pothole Region, most of the land is privately owned by farmers and ranchers, some whom find wetlands to be a hindrance to the efficient use of their land for cropping. In recent years they have been bound by legislation which prevents them from converting wetlands for agricultural development while retaining Federal farm benefits.

The USDA Conservation Reserve Program, established by the Food Security Act of 1985, provides annual payments to landowners who voluntarily retire qualifying lands from agricultural production for 10 or 15 years. Later farm acts provided for continuous CRP sign ups for environmentally sensitive lands and lands that contribute to water quality improvement such as riparian buffers and filter strips around wetlands.

In the Prairie Pothole Region, continuous sign up CRP for filter strips and buffers has not been widely used. One major obstacle to participation is that present USDA rules allow enrollment of a buffer or filter strip around a wetland, but have no provision for including the wetland acreage within the buffer or filter strip to be enrolled for payment. While this may be appropriate for lakes, rivers and deep permanent wetlands, it is not a good fit for the small frequently farmed wetlands of the Prairie Pothole Region.

In the prairie states, like elsewhere, farmers and ranchers typically move livestock into harvested grain fields to feed on waste grain and other crop residues. In fields where there are CRP filter strips or buffers, livestock grazing after harvest also graze the dormant grass of the filter strips and buffers unless they are fenced out. To avoid the need for this fencing, present USDA rules permit incidental grazing on buffers and filter strips, in conjunction with after harvest grazing of crop residues, for no more than two months. CRP payments are reduced by 25% for years when such grazing takes place.

In many years, winter weather sets in soon after harvest is complete and two months is an adequate time limit for after harvest grazing and incidental filter strip and buffer grazing. During open winters, however, when little or no snow falls, crop residue grazing may take place for more than two months. During these winters, incidental livestock use of those portions of fields enrolled in CRP filter strips and buffers could put the operator out of compliance with CRP rules.

Under the present rules, a person may enroll land around a wetland in a filter strip or buffer, but the wetland within must be excluded from the rental payment, even if that wetland is one that is frequently farmed when dry and the owner may be physically able to farm it, no payment is made for the wetland acreage.

To make the wetland protection measures of the continuous sign up CRP wetland buffer and filter strips more effective, USDA rules need to be changed so that frequently farmed wetlands are included in the continuous sign up CRP program in addition to the surrounding filter strip or buffer.

RECOMMENDATIONS

The partners recommend to the USDA that continuous sign up CRP rules be amended to allow wetlands with a cropping history, regardless of size, to be enrolled in the CRP along with adequate buffers and filter strips to protect the quality of water entering and leaving the enrolled wetlands. We also recommend that restrictions on duration of incidental grazing of filter strips and buffers, associated with after harvest grazing, be removed and that payment rates be adjusted for those years when grazing occurs.

These rule changes will allow participating landowners to realize a degree of compensation for income lost by leaving these wetlands uncultivated when dry and will allow farm operators to graze crop residues in certain years without fencing out buffers and filer strips enrolled in continuous enrollment CRP. This suggested change does not imply that filter strip or buffer grazing be allowed during the growing season, nor on other CRP acres.

We further recommend that USDA modify their specifications for filter strips around wetlands and buffer strips along riparian areas to make them more compatible with today's farming practices and machinery. We recommend that maximum allowable widths of these strips be adjusted with consideration for farmability of adjacent cropland and to protect wetlands and enhance wildlife habitat.

We recommend that USDA re-evaluate soil group rental payments for wetlands, filter strips and buffers for the continuous sign up CRP. Present rental rates do not adequately address the true value of wetland soils which are on the low end of rental payment schedules. Present soil rental rates do not take into account severance factors associated with the relatively small acreage that would be enrolled in a wetland/filter strip continuous CRP.

We recommend that selected members of the partner agencies and organizations listed in this agreement shall have input into USDA policy before final CRP rules are issued to assure that these recommendations are considered.

SOUTH DAKOTA CRP-WETLANDS AGREEMENT IN PRINCIPLE SIGNATORIES

Roger Strom, Clay County Conservation District.

Jerry Schmitz, Clay County Farm Bureau.

Lloyd Jones, Delta Waterfowl Foundation.

Jeff Nelson, Ducks Unlimited, Inc.

Jay Gilbertson, East Dakota Water Development District.

Wes Hansen, Flandreau Santee Sioux Tribe.

Ken Madison, Izaak Walton League, Kempeska Chapter.

Chuck Clayton, Izaak Walton League, South Dakota Division.

Darrell Raschke, James River Water Development District.

Genevieve Thompson, National Audubon Society.

Jeanie Chamness, Sierra Club, East River Group.

John Davidson, Sierra Club, Living River Group.

Gerald Thaden, South Dakota Association of Conservation Districts.

Ron Olson, South Dakota Corn Growers Association.
Darrell Cruea, South Dakota Department of Agriculture.
Nettie Myers, South Dakota Department of Environment and Natural Resources.
John Cooper, South Dakota Department of Game, Fish, and Parks.
Michael Held, South Dakota Farm Bureau.
Dennis Wiese, South Dakota Farmers Union.
Ron Ogren, South Dakota Grassland Coalition.
Don Marquart, South Dakota Lakes and Streams Association, Inc.
Mari Beth Baumberger, South Dakota Pork Producers Council.
Lawrence Novotny, South Dakota Resources Coalition.
Delbert Tschakert, South Dakota Soybean Association.
Bart Blum, South Dakota Stockgrowers.
Rick Vallery, South Dakota Wheat, Inc.
Chris Hesla, South Dakota Wildlife Federation.
Ron Schauer, Wildlife Society, South Dakota Chapter.
Dennis Johnson, Turner County Conservation District.
Carl Madsen, U.S. Fish and Wildlife Service.
Amond Hanson, Vermillion Basin Water Development District.
Lester Austin, Vermillion River Watershed Authority.
David Hauschild, Central Planes Water Development District and South Dakota Water Congress.

Mr. JOHNSON. Mr. President, given that over thirty groups and several more individuals were active participants in this historic agreement in South Dakota—it is impossible to aptly recognize every single one that deserves credit for this achievement. However, I cannot overlook the efforts of two real champions of this agreement and pilot project—two individuals who worked closely with me to make sure their idea developed from a South Dakota agreement to a six-state pilot project that the 106th Congress enacted and that the President will sign into law.

Paul Shubeck, a Centerville, South Dakota farmer and Carl Madsen, a Brookings, South Dakota private lands coordinator for the Fish and Wildlife Service developed this plan and helped negotiate its path through Congress.

Paul Shubeck greatly impressed me with his ability to shepherd this proposal, not only within a diverse coalition of South Dakota groups who normally do not tend to agree on wetlands matters, but also at the national level where he consistently advocated on behalf of the American family farmer who just wants a chance to produce a crop on his land and protect the environment all at the same time. Paul's drive and ability to compromise were key to the success of our pilot project.

Carl Madsen was a real source of passion for this project and provided us with a sense for the big picture—how our pilot would and could work in South Dakota and other parts of the United States. Carl's deep knowledge of wetlands and conservation policy provided us with critical technical assistance to ensure this pilot project was a credible, practical program.

Many, many more individuals and groups in South Dakota and the United States provided direct assistance to this effort Mr. President, and I want them all to know I am deeply grateful.

Earlier this year Mr. President, Senator DASCHLE and I urged Secretary Dan Glickman and the United States Department of Agriculture (USDA) to implement the South Dakota agreement in principle on an administrative basis. While USDA was supportive of the concept, they were reluctant to implement such a program without a clearer understanding of the purpose and implications of the program.

In response, on July 7, I brought a top USDA official to a farm near Renner, South Dakota where we met with several groups and individuals to discuss how to conserve these critical wetlands yet compensate farmers for taking the wetlands out of crop production. It was there that some suggested a pilot project would be the best route to take. Then, on July 27, Senator DASCHLE and I introduced S. 2980 to create a South Dakota pilot project permitting up to 150,000 acres of farmable wetlands into CRP.

Once S. 2980 was introduced, national conservation, wildlife, and farm organizations took interest and requested that we expand the pilot to cover more than South Dakota. The proposal adopted by Congress is the result of weeks of negotiations between Senator DASCHLE, myself, USDA, Senator LUGAR who serves as the Chairman of the Senate Agriculture Committee, and several national groups who now support the pilot. The changes resulted in expanding this program to the Prairie Pothole Region of the United States, including South Dakota, North Dakota, Minnesota, Nebraska, Iowa, and Montana. It is limited to 500,000 acres in those states, with an assurance that access be distributed fairly among interested CRP participants.

I truly believe this pilot project will provide landowners an alternative to farming these highly sensitive wetlands in order to achieve a number of benefits including; improved water quality, reduced soil erosion, enhanced wildlife habitat, preserved biodiversity, flood control, less wetland drainage, economic compensation for landowners for protecting the sensitive wetlands, and diminished divisiveness over wetlands issues.

Moreover, the pilot project is consistent with the purpose of CRP, and, if successful, could serve as a model for future farm policy as we look toward the next farm bill. I believe Congress will be unable to develop a future farm bill without the support of those in the conservation and wildlife community. I am a strong supporter of conservation programs that protect sensitive soil and water resources, promote wildlife habitat, and provide farmers and landowners with benefits and incentives to conserve land. I have introduced the Flex Fallow Farm Bill Amendment to achieve some of these objectives. It is my hope that the success on our pilot project can serve as a model to once again bring conservation groups together with farm interests in order to develop a well-balanced approach to future farm policy that protects our resources while promoting family-farm agriculture.

Finally, I fully understand the successful adoption of this wetlands pilot project—no matter how important—will not put an end to the ongoing debate over the management of wetlands on farmland. Yet, I really hope that everyone engaged in the debate considers how effective we can be when we cooperate and compromise on this important issue.

PASSAGE OF CERTAIN LEGISLATION

Mr. LEAHY. Mr. President, today we consider four bipartisan bills offered together as a package: the Public Safety Officer Medal of Valor Act, H.R. 46, the Computer Crime Enforcement Act, which I introduced as S. 1314, on July 1, 1999, with Senator DEWINE and is now also co-sponsored by Senators ROBB, HATCH and ABRAHAM; a Hatch-Leahy-Schumer ''Internet Security Act'' amendment; and a Bayh-Grams-Leahy-Cleland ''Protecting Seniors from Fraud Act'' amendment. I thank my colleagues for their hard work on these pieces of legislation, each of which I will discuss in turn.

I support the Public Safety Officer Medal of Valor. I cosponsored the Stevens bill, S. 39, to establish a Public Safety Medal of Valor Act. In April and May, 1999, I made sure that the Senate acted on Senator STEVENS' bill, S. 39.

On April 22, 1999, the Senate Judiciary Committee took up that measure in regular order and reported it unanimously. At that time I congratulated Senator STEVENS and thanked him for his leadership. I noted that we had worked together on a number of law enforcement matters and that the senior Senator from Alaska is a stalwart supporter of the men and women who put themselves at risk to protect us all. I said that I looked forward to enactment of this measure and to seeing the extraordinary heroism of our police, firefighters and correctional officers recognized with the Medal of Valor.

In May, 1999, I was privileged to be on the floor of the Senate when we proceeded to consider S. 39 and passed it unanimously. I took that occasion to commend Senator STEVENS and all who had worked so hard to move this measure in a timely way. That was over one year ago, during National Police Week last year. The measure was sent to the House where it lay dormant for over the rest of last year and most of this one.

The President of the United States came to Capitol Hill to speak at the Law Enforcement Officers Memorial Service on May 15, 2000, and said on that occasion that if Congress would

not act on the Medal of Valor, he was instructing the Attorney General to explore ways to award such recognition by Executive action.

Unfortunately, these calls for action did not waken the House from its slumber on this matter and the House of Representatives refused to pass the Senate-passed Medal of Valor bill. Instead, over the past year, the House has insisted that the Senate take up, fix and pass the House-passed version of this measure if it is to become law. House members have indicated that they are now prepared to accept the Senate-passed text, but insist that it be enacted under the House bill number. In order to get this important measure to the President, that is what we are doing today. We are discharging the House-passed version of that bill, H.R. 46, from the Judiciary Committee, adopting a complete substitute to bring it into conformance with the Stevens bill, S. 39, and sending it back to the House.

Senator STEVENS' version of this bill which I cosponsored is preferable to the House-passed bill, H.R. 46, and I am pleased that the version we pass today conforms to the Senate version.

For example, the House-passed version would limit the number of possible recipients of the Medal of Valor to 5 in any given year. The Stevens bill had allowed for up to 10 in any year. There is no requirement that the Board select the maximum possible recipients in any year, but I fear that 5 may be an artificially low ceiling for extraordinary valor across this country. I would not want officers from rural areas to be slighted because of such a low number. I would not want firefighters or correctional officers to be slighted. In addition, I can imagine a year where an incident involves a group of officers, maybe even a group numbering more than 5, and recognition of those involved in a single incident could consume all 5 of the awards allowed by the substitute that year and leave others, even others from that incident, without recognition. I believe that the Senate had it right the first time and is getting it right in the version we pass today.

In addition, the House-passed version omits any reference to a role for the Board in the creation of criteria and procedures for recommendations of nominees. The Senate-passed bill would have required the concurrence of the Board in the National Medal of Valor Office's establishing of those criteria. Again, I believe the Senate had it right and that is the version we pass today.

I hope that the proponents of proceeding in this manner and of making these changes in the language of the bill will explain to the Senate and the American people why we have had to wait over a year for action, why the Senate is being asked to act a second time on a bill strikingly similar to S. 39 but under a House number, and why each of these changes are necessary. I wish the House would have just passed S. 39.

The information age is filled with unlimited potential for good, but it also creates a variety of new challenges for law enforcement. A recent survey by the FBI and the Computer Security Institute found that 62 percent of information security professionals reported computer security breaches in the past year. These breaches in computer security resulted in financial losses of more than $120 million from fraud, theft of information, sabotage, computer viruses, and stolen laptops. Computer crime has become a multi-billion dollar problem.

Many of us have worked on these issues for years. In 1984, we passed the Computer Fraud and Abuse Act to criminalize conduct when carried out by means of unauthorized access to a computer. In 1986, we passed the Electronic Communications Privacy Act, ECPA, which I was proud to sponsor, to criminalize tampering with electronic mail systems and remote data processing systems and to protect the privacy of computer users. In 1994, the Violent Crime Control and Law Enforcement Act included the Computer Abuse Amendments which I authored to make illegal the intentional transmission of computer viruses.

In the 104th Congress, Senators KYL, GRASSLEY and I worked together to enact the National Information Infrastructure Protection Act to increase protection under federal criminal law for both government and private computers, and to address an emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless their extortion demands are met. In the 105th Congress, Senators KYL and I also worked together on criminal copyright amendments that became law to enhance the protection of copyrighted works online.

The Congress must be constantly vigilant to keep the law up-to-date with technology. The Computer Crime Enforcement Act, S. 1314, and the Hatch-Leahy-Schumer ''Internet Security Act'' amendment are part of that ongoing effort. These complementary pieces of legislation reflect twin-track progress against computer crime: More tools at the federal level and more resources for local computer crime enforcement. The fact that this is a bipartisan effort is good for technology policy.

But make no mistake about it: even with passage of this legislation, there is more work to be done—both to assist law enforcement and to safeguard the privacy and other important constitutional rights of our citizens. I wish that the Congress had also tackled online privacy in this session, but that will now be punted into the next congressional session.

The legislation before us today does not attempt to resolve every issue. For example, both the Senate and the House held hearings this session about the FBI's Carnivore program. Carnivore is a computer program designed to advance criminal investigations by capturing information in Internet communications pursuant to court orders. Those hearings sparked a good debate about whether advances in technology, like Carnivore, require Congress to pass new legislation to assure that our private Internet communications are protected from government over-reaching while protecting the government's right to investigate crime. I look forward to our discussion of these privacy issues in the next Congress.

The Computer Crime Enforcement Act is intended to help states and local agencies in fighting computer crime. All 50 states have now enacted tough computer crime control laws. They establish a firm groundwork for electronic commerce, an increasingly important sector of the nation's economy.

Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of enforcing their state computer crime statutes.

Earlier this year, I released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98 percent of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement. My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence.

According to my survey, 83 percent of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52 percent of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Without the necessary education, training and technical support, our law enforcement officers are and will continue to be hamstrung in their efforts to crack down on computer crimes.

I crafted the Computer Crime Enforcement Act, S. 1314, to address this problem. The bill would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in

the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and the Fraternal Order of Police. This is an important bipartisan effort to provide our state and local partners in crime-fighting with the resources they need to address computer crime.

The Internet Security Act of 2000 makes progress to ensure that we are properly dealing with the increase in computer crime. I thank and commend Senators HATCH and SCHUMER for working with me and other Members of the Judiciary Committee to address some of the serious concerns we had with the first iteration of their bill, S. 2448, as it was originally introduced.

Specifically, as introduced, S. 2448 would have over-federalized minor computer abuses. Currently, federal jurisdiction exists for a variety of computer crimes if, and only if, such criminal offenses result in at least $5,000 of damage or cause another specified injury, including the impairment of medical treatment, physical injury to a person or a threat to public safety. S. 2448, as introduced, would have eliminated the $5,000 jurisdictional threshold and thereby criminalized a variety of minor computer abuses, regardless of whether any significant harm resulted.

For example, if an overly-curious college sophomore checks a professor's unattended computer to see what grade he is going to get and accidently deletes a file or a message, current Federal law does not make that conduct a crime. That conduct may be cause for discipline at the college, but not for the FBI to swoop in and investigate. Yet, under the original S. 2448, as introduced, this unauthorized access to the professor's computer would have constituted a federal crime.

Another example is that of a teenage hacker, who plays a trick on a friend by modifying the friend's vanity Web page. Under current law, no federal crime has occurred. Yet, under the original S. 2448, as introduced, this conduct would have constituted a federal crime.

As America Online correctly noted in a June, 2000 letter, ''eliminating the $5,000 threshold for both criminal and civil violations would risk criminalizing a wide range of essentially benign conduct and engendering needless litigation. . . .'' Similarly, the Internet Alliance commented in a June, 2000 letter that ''[c]omplete abolition of the limit will lead to needless federal prosecution of often trivial offenses that can be reached under state law. . . .''

Those provisions were overkill. Our federal laws do not need to reach each and every minor, inadvertent and harmless computer abuse—after all, each of the 50 states has its own computer crime laws. Rather, our federal laws need to reach those offenses for which federal jurisdiction is appropriate.

Prior Congresses have declined to over-federalize computer offenses as proposed in S. 2448, as introduced, and sensibly determined that not all computer abuses warrant federal criminal sanctions. When the computer crime law was first enacted in 1984, the House Judiciary Committee reporting the bill stated:

> the Federal jurisdictional threshold is that there must be $5,000 worth of benefit to the defendant or loss to another in order to concentrate Federal resources on the more substantial computer offenses that affect interstate or foreign commerce. (H. Rep. 98–894, at p. 22, July 24, 1984).

Similarly, the Senate Judiciary Committee under the chairmanship of Senator THURMOND, rejected suggestions in 1986 that ''the Congress should enact as sweeping a Federal statute as possible so that no computer crime is potentially uncovered.'' (S. Rep. 99–432, at p. 4, September 3, 1986).

The Hatch-Leahy-Schumer substitute amendment to S. 2448, which was reported unanimously by the Judiciary Committee on October 5th, addresses those federalism concerns by retaining the $5,000 jurisdictional threshold in current law. That Committee-reported substitute amendment, with the additional refinements reflected in the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46, which the Senate considers today, makes other improvements to the original bill and current law, as summarized below.

First, titles II, III, IV and V of the original bill, S. 2448, about which various problems had been raised, are eliminated. For example, title V of the original bill would have authorized the Justice Department to enter into Mutual Legal Assistance Treaties (MLAT) with foreign governments that would allow the Attorney General broad discretion to investigate lawful conduct in the U.S. at the request of foreign governments without regard to whether the conduct investigated violates any Federal computer crime law. In my view, that discretion was too broad and troubling.

Second, the amendment includes an authorization of appropriations of $5 million to the Computer Crime and Intellectual Property (CCIP) section within the Justice Department's Criminal Division and requires the Attorney General to make the head of CCIP a ''Deputy Assistant Attorney General,'' which is not a Senate-confirmed position, in order to highlight the increasing importance and profile of this position. This authorized funding level is consistent with an amendment I sponsored and circulated to Members of the Judiciary Committee to improve S. 2448 and am pleased to see it incorporated into the Internet Security Act amendment to H.R. 46.

Third, the amendment modifies section 1030 of title 18, United States Code, in several important ways, including providing for increased and enhanced penalties for serious violations of federal computer crime laws, clarifying the definitions of ''loss'' to ensure that the full costs to a hacking victim are taken into account and of ''protected computer'' to facilitate investigations of international computer crimes affecting the United States, and preserving the existing $5,000 threshold and other jurisdictional prerequisites for violations of section 1030(a)(5)—i.e., no Federal crime has occurred unless the conduct (1) causes loss to 1 or more persons during any 1-year period aggregating at least $5,000 in value, (2) impairs the medical care of another person, (3) causes physical injury to another person, (4) threatens public health or safety, or (5) causes damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

The amendment clarifies the precise elements of the offense the government must prove in order to establish a violation by moving these prerequisites from the current definition of ''damage'' to the description of the offense. In addition, the amendment creates a new category of felony violations where a hacker causes damage to a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

Currently, the Computer Fraud and Abuse Act provides for federal criminal penalties for those who intentionally access a protected computer or cause an unauthorized transmission to a protected computer and cause damage. ''Protected computer'' is defined to include those that are ''used in interstate or foreign commerce.'' See 18 U.S.C. 1030(e)(2)(B). The amendment would clarify the definition of ''protected computer'' to ensure that computers which are used in interstate or foreign commerce but are located outside of the United States are included within the definition of ''protected computer'' when those computers are used in a manner that affects interstate or foreign commerce or communication of this country. This will ensure that our government will be able to conduct domestic investigations and prosecutions against hackers from this country who hack into foreign computer systems and against those hacking through the United States to other foreign venues. Moreover, by clarifying the fact that a domestic offense exists, the United States will be able to use speedier domestic procedures in support of international hacker cases, and create the option of prosecuting such criminals in the United States.

The amendment also adds a definition of ''loss'' to the Computer Fraud and Abuse Act. Current law defines the term ''damage'' to include impairment of the integrity or availability of data, programs, systems or information causing a ''loss aggregating at least $5,000 in value during any 1-year period to one or more individuals.'' See 18 U.S.C. § 1030(e)(8)(A). The new definition of ''loss'' to be added as section 1030(e)(11) will ensure that the full

costs to victims of responding to hacking offenses, conducting damage assessments, restoring systems and data to the condition they were in before an attack, as well as lost revenue and costs incurred because of an interruption in service, are all counted. This statutory definition is consistent with the definition of ''loss'' appended by the U.S. Sentencing Commission to the Federal Sentencing Guidelines (see U.S.S.G. §2B1.1 Commentary, Application note 2), and will help reconcile procedures by which prosecutors value loss for charging purposes and by which judges value loss for sentencing purposes. Getting this type of true accounting of ''loss'' is important because loss amounts can be used to calculate restitution and to determine the appropriate sentence for the perpetrator under the sentencing guidelines.

Fourth, subsection 3(e) of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 clarifies the grounds for obtaining damages in civil actions for violations of the Computer Fraud and Abuse Act. Current law authorizes a person who suffers ''damage or loss'' from a violation of section 1030 to sue the violator for compensatory damages or injunctive or other equitable relief, and limits the remedy to ''economic damages'' for violations ''involving damage as defined in subsection (e)(8)(A),'' relating to violations of 1030(a)(5) that cause loss aggregating at least $5,000 during any 1-year period. To take account of both the new definition of ''loss'' and the incorporation of this jurisdictional threshold into the description of the offense (rather than the current definition of ''damage''), the amendment strikes the reference to subsection (e)(8)(A) in the current civil action provision and retains Congress' previous intent to allow civil plaintiffs only economic damages for violations of section 1030(a)(5) that do not also affect medical treatment, cause physical injury, threaten public health and safety or affect computer systems used in furtherance of the administration of justice, the national defense or national security.

The Congress provided this civil remedy in the 1994 amendments to the Act, which I originally sponsored with Senator Gordon Humphrey, to enhance privacy protection for computer communications and the information stored on computers by encouraging institutions to improve computer security practices, deterring unauthorized persons from trespassing on computer systems of others, and supplementing the resources of law enforcement in combating computer crime. [See The Computer Abuse Amendments Act of 1990: Hearing Before the Subcomm. On Technology and the Law of the Senate Comm. On the Judiciary, 101st Cong., 2nd Sess., S. Hrg. 101–1276, at pp. 69, 88, 92 (1990); see also Statement of Senator Humphrey, 136 Cong. Rec. S18235 (1990) (''Given the Government's limited capacity to pursue all computer crime cases, the existence of this limited civil remedy will serve to enhance deterrence in this critical area.'')]. The ''new, civil remedy for those harmed by violations of the Computer Fraud and Abuse Act'' was intended to ''boost the deterrence of the statute by allowing aggrieved individuals to obtain relief.'' [S. Rep. No. 101–544, 101st Cong., 2d Sess., p. 6–7 (1990); see also Statement of Senator LEAHY, 136 Cong. Rec. S18234 (1990)]. We certainly and expressly did not want to ''open the floodgates to frivolous litigation.'' [Statement of Senator LEAHY, 136 Cong. Rec. S4614 (1990)].

At the time the civil remedy provision was added to the Computer Fraud and Abuse Act, this Act contained no prohibition against negligently causing damage to a computer through unauthorized access, reflected in current law, 18 U.S.C. §1030(a)(5)(C). That prohibition was added only with subsequent amendments made in 1996, as part of the National Information Infrastructure Protection Act. Nevertheless, the civil remedy has been interpreted in some cases to apply to the negligent manufacture of computer hardware or software. Most notably See, e.g., Shaw v. Toshiba America Information Systems, Inc., NEC, 91 F. Supp. 2d 926 (E.D. TX 1999) (court interpreted the term transmission to include sale of computers with a minor design defect).

The Hatch-Leahy-Schumer Internet Security Act amendment adds a new sentence clarifying that civil actions may not be brought ''for the negligent design or manufacture of computer hardware, computer software, or firmware.'' This change should ensure that the civil remedy is a robust option for private enforcement actions, while limiting its applicability to cases that are more appropriately governed by contractual warranties, state tort law and consumer protection laws.

Fifth, sections 104 and 109 of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 authorize criminal and civil forfeiture of computers, equipment, and other personal property used to violate the Computer Fraud and Abuse Act, as well as real and personal property derived from the proceeds of computer crime. Property, both real and personal, which is derived from proceeds traceable to a violation of section 1030, is currently subject to both criminal and civil forfeiture. See 18 U.S.C. §981(a)(1)(C) and 982(a)(2)(B). Thus, the amendment would clarify in section 1030 itself that forfeiture applies and extend the application of forfeiture to property that is used or intended to be used to commit or to facilitate the commission of a computer crime. In addition, to deter and prevent piracy, theft and counterfeiting of intellectual property, the section 109 of the amendment allows forfeiture of devices, such as replicators or other devices used to copy or produce computer programs to which counterfeit labels have been affixed.

The forfeiture amendments are based on the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §853) and chapter 46 of title 18, as revised this year by the Civil Asset Forfeiture Reform Act of 2000, and thereby build in all of the existing due process protections in existing law.

In particular, these provisions protect innocent property owners. Sections 104 and 109 subject to forfeiture only property which belongs to the person who knowingly violated the law, not innocent third parties whose property unbeknownst to them was used to violate the law. Under existing law, for example, a drug trafficker may avail herself of the facilities of a telephone company to communicate with her source of narcotics, send pager messages to drug confederates and signal the buyer by beeper when the sale is ready to be consummated, but the law does not authorize forfeiture of the facilities of the telephone company which was neither aware of nor intended the drug deal. Likewise, a rogue employee of an Internet access provider or other computer hacker or cyber-criminal will almost necessarily use the facilities of an Internet access provider to commit her violation, but Sections 104 and 109 do not authorize forfeiture of the provider's facilities simply because its facilities were used.

The criminal forfeiture provision in section 104 specifically states that only the ''interest of such person,'' referring to the defendant who committed the computer crime, is subject to forfeiture. Moreover, the criminal forfeiture authorized by Sections 104 and 109 is made expressly subject to Section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, but subsection (d) of section 413 is expressly exempted from application to Section 104 and 109. That subsection (d) creates a rebuttable presumption of forfeiture in favor of the government where a person convicted of a felony acquired the property during the period that the crime was committed or within a reasonable time after such period and there was no likely source for such property other than the criminal violation. Thus, by making subsection (d) inapplicable, Sections 104 and 109 make it more difficult for the government to prove that the property should be forfeited.

Chapter 46 of title 18, to which the civil forfeiture provision of section 104 is expressly made subject, provides property owners with important safeguards from unwarranted forfeitures and government overreaching. First, the civil forfeiture law states that ''[n]o property shall be forfeited . . . to the extent of the interest of an owner or lien holder by reason of any act or omission . . . to have been committed without the knowledge of that owner or lien holder.'' 18 U.S.C. § 981(a)(2).

Furthermore, the chapter puts the burden on the government to prove forfeiture by a preponderance of the evidence, permits courts to appoint counsel to represent indigent owners where the owner is represented by a court-appointed attorney in a related federal criminal case, and permits recovery of attorney fees and costs for property owners not appointed counsel if they substantially prevail on their claim.

Sixth, the amendment contains certain provisions intended to deter computer crimes by juveniles. The amendment would permit federal prosecution, under 18 U.S.C. § 5032, of juveniles as juveniles upon certification by the Attorney General, after investigation, that the offense charged is one of the most serious felonious violations of our federal computer crime laws and that there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction. The computer crime offenses that would qualify for federal prosecution of a juvenile offender as a juvenile are: violations of 1030(a)(1) (accessing a computer and obtaining information relating to national security with reason to believe the information could be used to the injury of the United States or to the advantage of a foreign nation and willfully retaining or transmitting that information or attempting to do so); (a)(2)(B) (intentionally accessing without authorization a federal government computer and obtaining information); (a)(3) (intentionally accessing without authorization a federal government computer and affecting the use by or for the government); and (a)(5)(A)(i) (knowingly causing the transmission of a program to intentionally cause damage without authorization to a protected computer).

The amendment would also authorize a judge to exercise discretion and impose as part of a sentence for a violation of the Computer Fraud and Abuse Act termination of or ineligibility for federal financial assistance for education at a post-secondary institution. The court is expressly authorized to reinstate such eligibility upon motion of the defendant.

Unlike the version reported by the Judiciary Committee, the amendment does not require that prior delinquency adjudications of juveniles for violations of the Computer Fraud and Abuse Act be counted under the definition of ''conviction'' for purposes of enhanced penalties. This is an improvement that I urged since juvenile adjudications simply are not criminal convictions. Juvenile proceedings are more informal than adult prosecutions and are not subject to the same due process protections. Consequently, counting juvenile adjudications as a prior conviction for purposes of the recidivist sanctions under the amendment would be unduly harsh and unfair. In any event, prior juvenile delinquency adjudications are already subject to sentencing enhancements under certain circumstances under the Sentencing Guidelines. See, e.g., U.S.S.G. § 411.2(d) (upward adjustments in sentences required for each juvenile sentence to confinement of at least sixty days and for each juvenile sentence imposed within five years of the defendant's commencement of instant offense).

Seventh, section 108 of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 would authorize the interception of wire and oral communications relating to computer fraud and abuse violations by expanding the enumerated list of predicate offenses that may support such authority to include felony violations of section 1030. Under current law, federal investigators and prosecutors have the authority to obtain an order for interception of electronic communications, such as e-mail, when investigating any felony, including a felony violation of Section 1030. Current law, however, does not permit federal investigators and prosecutors to intercept wire or oral communications in investigations of such crimes.

Section 108 addresses this anomaly by adding felony violations of Section 1030 to the list of federal crimes for which federal law enforcement officials may seek evidence by intercepting wire or oral communications. Applications for such interception are to be governed by the same stringent Title III requirements that govern all such applications. See 18 U.S.C. § 2510 et seq.

Some have objected to this provision, questioning the necessity of adding computer crimes to the list of crimes for which interception of wire and oral communications are authorized since this provision would, for example, permit government wiretapping for some relatively minor computer felonies. I disagree. We have come to rely on computers for everything from banking and stock-trading to travel reservations to our most intimate personal conversations with friends and family. Opportunists are exploiting our reliance on computers to advance fraudulent schemes or just for the sport of disruption. We have seen the global havoc that is threatened by a lone hacker transmitting a single virus. Giving law enforcement a full complement of tools to fight computer crime serves to protect the security, confidentiality and privacy of our computer communications and stored electronic information. That there are some computer felonies that are less serious than other computer felonies that might not be as worthy of a wiretap is true of all felonies. The stringent procedural requirements for wiretaps and the investment in time and resources necessary to execute a wiretap within the bounds of the law provide incentive for law enforcement to make prudent use of this important investigative tool in computer fraud and abuse cases.

Developments in technology have placed wire, oral and electronic communications on more equal footing in terms of frequency of use, expectation of privacy, and exploitation for criminal purposes. The law should recognize that more equal footing, particularly for electronic messages, and accord the same privacy safeguards to electronic communications as apply to both oral and wire communications. In fact, the Administration has proposed such changes in the legislation transmitted to the Congress in July, 2000 called the ''Enhancement of Privacy and Public Safety in Cyberspace Act.'' For example, the Administration's proposal would apply existing prerequisites for court-authorized wire communications, such as high-level official approval and investigation of an enumerated predicate offense (rather than any felony), to most electronic communications, such as e-mails and fax transmissions. Unfortunately, as I have noted, we have been unable to reach a consensus on privacy legislation in general or on this more specific instance where additional legislative attention is needed. These are matters that should be addressed.

Eighth, the amendment changes a current directive to the Sentencing Commission enacted as section 805 of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104–132, that imposed a 6-month mandatory minimum sentence for any conviction of the sections 1030(a)(4) or (a)(5) of title 18, United States code. The Administration has noted that ''[i]n some instances, prosecutors have exercised their discretion and elected not to charge some defendants whose actions otherwise would qualify them for prosecution under the statute, knowing that the result would be mandatory imprisonment.'' Clearly, mandatory imprisonment is not always the most appropriate remedy for a federal criminal violation, and the ironic result of this ''get tough'' proposal has been to discourage prosecutions that might otherwise have gone forward. The amendment eliminates that mandatory minimum term of incarceration for misdemeanor and less serious felony computer crimes.

Ninth, section 110 of the amendment directs the Sentencing Commission to review and, where appropriate, adjust sentencing guidelines for computer crimes to address a variety of factors, including to ensure that the guidelines provide sufficiently stringent penalties to deter and punish persons who intentionally use encryption in connection with the commission or concealment of criminal acts.

The Sentencing Guidelines already provide for enhanced penalties when persons obstruct or impede the administration of justice, see U.S.S.G. §3C1.1, or engage in more than minimal planning, see U.S.S.G. §2B1.1(b)(4)(A). As the use of encryption technology becomes more widespread, additional guidance from the Sentencing Commission would be helpful to determine the circumstances when such encryption use would warrant a guideline adjustment. For example, if a defendant employs an encryption product that

works automatically and transparently with a telecommunications service or software product, an enhancement for use of encryption may be not be appropriate, while the deliberate use of encryption as part of a sophisticated and intricate scheme to conceal criminal activity and make the offense, or its extent, difficult to detect, may warrant a guideline enhancement either under existing guidelines or a new guideline.

Tenth, section 105 of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 would eliminate certain statutory restrictions on the authority of the United States Secret Service (''Secret Service''). Under current law, the Secret Service is authorized to investigate offenses under six designated subsections of 18 U.S.C. §1030, subject to agreement between the Secretary of the Treasury and the Attorney General: subsections (a)(2)(A) (illegally accessing a computer and obtaining financial information); (a)(2)(B) (illegally accessing a computer and obtaining information from a department or agency of the United States); (a)(3) (illegally accessing a non-public computer of a department or agency of the United States either exclusively used by the United States or used by the United States and the conduct affects that use by or for the United States); (a)(4) (accessing a protected computer with intent to defraud and thereby furthering the fraud and obtaining a thing of value, unless the object of the fraud and the thing obtained consists only of the use of the computer and the value of such use is not more than $5,000 in a one-year period); (a)(5) (knowingly causing the transmission of a program, information, code or command and thereby intentionally and without authorization causing damage to a protected computer; and illegally accessing a protected computer and causing damage recklessly or otherwise); and (a)(6) (trafficking in a password with intent to defraud).

The Secret Service is not authorized to investigate offenses under subsection (a)(1) (accessing a computer and obtaining information relating to national security with reason to believe the information could be used to the injury of the United States or to the advantage of a foreign nation and willfully retaining or transmitting that information or attempting to do so); (a)(2)(C) (illegally accessing a protected computer and obtaining information where the conduct involves an interstate or foreign communication); and (a)(7) (transmitting a threat to damage a protected computer with intent to extort).

Section 105 of the Internet Security Act removes these limitations on the authority of the Secret Service and authorizes the Secret Service to investigate any offense under Section 1030 subject to agreement between the Secretary of the Treasury and the Attorney General. Section 105 also makes a stylistic change, describing the interagency agreement as ''between'' the Secretary of the Treasury and the Attorney General rather than one ''which shall be entered into by'' them.

Prior to 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate all violations of Section 1030. According to the 1996 Committee Reports of the 104th Congress, 2nd Session, the 1996 amendments attempted to concentrate the Secret Service' s jurisdiction on certain subsections considered to be within the Secret Service's traditional jurisdiction and not grant authority in matters with a national security nexus. According to the Administration, which first proposed the elimination of these statutory restrictions in connection with transmittal of its comprehensive crime bill, the ''21st Century Law Enforcement and Public Safety Act,'' however, these specific enumerations of investigative authority ''have the potential to complicate investigations and impede interagency cooperation.'' (See Section-by-section Analysis, SEC. 3082, for ''21st Century Law Enforcement and Public Safety Act'').

The current restrictions, for example, risk hindering the Secret Service from investigating ''hacking'' into White House computers or investigating threats against the President that may be delivered by such a ''hacker,'' and fulfilling its mission to protect financial institutions and the nation's financial infrastructure. The provision thus modifies existing law to restore the Secret Service's authority to investigate violations of Section 1030, leaving it to the Departments of Treasury and Justice to determine between them how to allocate workload and particular cases.

Eleventh, section 107 of the Hatch-Leahy-Schumer Internet Security Act amendment would provide an additional defense to civil actions relating to preserving records in response to government requests. Current law authorizes civil actions and criminal liability for unauthorized interference with or disclosures of electronically stored wire or electronic communications under certain circumstances. 18 U.S.C. §§ 2701, et seq. A provision of that statutory scheme makes clear that it is a complete defense to civil and criminal liability if the person or entity interfering with or attempting to disclose a communication does so in good faith reliance on a court warrant or order, grand jury subpoena, legislative or statutory authorization. 18 U.S.C. § 2707(e)(1).

Current law, however, does not address one scenario under which a person or entity might also have a complete defense. A provision of the same statutory scheme currently requires providers of wire or electronic communication services and remote computing services, upon request of a governmental entity, to take all necessary steps to preserve records and other evidence in its possession for a renewal period of 90 days pending the issuance of a court order or other process requiring disclosure of the records or other evidence. 18 U.S.C. § 2703(f). Section 2707(e)(1), which describes the circumstances under which a person or entity would have a complete defense to civil or criminal liability, fails to identify good faith reliance on a governmental request pursuant to Section 2703(f) as another basis for a complete defense. Section 107 modifies current law by addressing this omission and expressly providing that a person or entity who acts in good faith reliance on a governmental request pursuant to Section 2703(f) also has a complete defense to civil and criminal liability.

Finally, the bill authorizes construction and operation of a National Cyber Crime Technical Support Center and 10 regional computer forensic labs that will provide education, training, and forensic examination capabilities for State and local law enforcement officials charged with investigating computer crimes. The section authorizes a total of $100 million for FY 2001, of which $20 million shall be available solely for the 10 regional labs and would complement the state computer crime grant bill, S. 1314, with which this bill is offered.

I am pleased to see the ''Protecting Seniors from Fraud Act'' pass as an amendment to this legislation. I was an original cosponsor of this bill, S. 3164, which Senator BAYH introduced on October 5, 2000, with Senators GRAMS and CLELAND. 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, this 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 have urged the Chairman of the Senate Judiciary Committee to hold hearings on the Seniors Safety Act as long ago as October 1999, and again this past February, but my requests have not been granted. Now, as the session is coming to a close, we are out of time for hearings on this important and comprehensive proposal and significant parts of the Seniors Safety Act remain pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress declined to consider. 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. This legislation 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, this 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 find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convicted 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.

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.

I commend Senators BAYH, GRAMS and CLELAND for working to take steps to improve the safety and security of America's seniors. We are doing the right thing today in passing this bipartisan legislation and beginning the fight to lower the crime rate against seniors. I also urge my colleagues 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.

On March 27, 2000, the Senate passed H.R. 1658, the Civil Asset Forfeiture Reform Act of 2000. This was an important step forward and I want to thank Mr. HYDE, Mr. CONYERS and Senators SESSIONS, BIDEN, SCHUMER and all others who worked with us in good faith to enact these long overdue reforms. At the same time, there was some unfinished business in connection with this legislation that a Hatch-Leahy amendment to H.R. 46 completes.

The bill that the Senate passed by unanimous consent on March 27th was supposed to be a substitute amendment to H.R. 1658. I had been led to believe that the substitute was word-for-word that which I had painstakingly worked out over the preceding weeks for approval by the Senate Committee on the Judiciary the previous Thursday, March 23, 2000. Imagine my surprise to see reprinted in the RECORD the next day a substitute amendment at variance with the version to which I had agreed to and at variance with the language that had been circulated to and approved by the Committee.

Specifically, the agreed upon version of the bill would amend section 983(a)(2)(C) of title 18, United States Code, to describe what a claimant in a civil asset forfeiture case must state to assert a claim. The amendment to which I agreed and which the Judiciary Committee ''ordered reported'' requires that a ''claim shall—(i) identify the specific property being claimed; (ii) state the claimant's interest in such property; and (iii) be made under oath, subject to penalty of perjury.''

By contrast, the version of the amendment submitted to the Senate for passage contained the following additional clause in subparagraph (ii): ''state the claimant's interest in such property (and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous''. I did not approve the language inserted in the version considered by the Senate and this language was not approved by the Judiciary Committee.

This inserted language is superfluous, at best, since the claim must already be made under oath and penalty of perjury. At worst, this inserted language is an invitation for mischief in an area where the record has already amply demonstrated overreaching by law enforcement agencies. For example, if a claimant provides only partial paperwork supporting a claim to property seized by the government, would the claim be subject to dismissal for failure to state a claim? If a claimant certifies that the claim is not frivolous, as required by the inserted language, and a court ultimately determines otherwise, would the claimant be put at risk of a perjury prosecution? Even the threat of such risks puts additional burdens on claimants and may dissuade claimants from filing claims.

For these reasons, I had objected to insertion of this language and approved a substitute amendment that did not contain this problematic insert. Moreover, the version of that substitute amendment ''ordered reported'' by the Judiciary Committee and in the Committee's official files simply does not contain that problematic insert.

We rely every day on each other and on the professionalism of our staffs. Having raised my concern about the change as soon as it was discovered, I am pleased that Chairman HATCH has worked with me to pass a correction to the law that strikes the language that was added without agreement.

HERITAGE HARBOR MUSEUM NATIVE AMERICAN HISTORY

Mr. L. CHAFEE. Mr. President, today I rise to thank the chairman of the Senate Appropriations Subcommittee on Treasury and General Government, Senator CAMPBELL, for including funds for the National Historical Publications and Records Commission to provide a grant to the Heritage Harbor Museum in Providence for the development of the museum's Native American Story exhibit.

The funds will be used by the Museum and the local Native American community to research and catalog the history of the area's Native Americans in a cross-cultural context. As the chairman knows, Heritage Harbor revolves around the telling of our nation's history in an integrated environment. The museum will not focus on one ethnic or religious group but strive to present the independent and coexisting histories of many of our nation's peoples.

The task ahead for Heritage Harbor is a complex one, and I appreciate the committee underscoring the federal interest in the project by providing these funds. In order for the Native American perspective to be presented effectively, the museum will not only research records, data and artifacts, but it will also catalog the research and present it in formal exhibit fashion.

Is it the understanding of the Chairman that these funds are intended to be used for research and cataloging as well as exhibit presentation?

Mr. CAMPBELL. That is my understanding.

Mr. L. CHAFEE. Again, I thank the Senator for his interest in this project, and I look forward to inviting you to Rhode Island to see the results of the museum's effort.

PASSAGE OF S. 1854

Mr. LEAHY. Mr. President, last Thursday, the Senate passed the Hatch-Leahy-DeWine-Kohl substitute amendment to S. 1854, the ''Hart-Scott-Rodino Antitrust Improvements Act,'' that will make significant improvements to this important antitrust law. Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Act of 1976 (HSR), requires companies that plan to merge to notify the Justice Department's Antitrust Division and the Federal Trade Commission of their intention and submit certain information. HSR pre-merger notifications provide advance notice of potentially anti-competitive transactions and allow the antitrust agencies to block mergers before they are consummated, which is easier than undoing them after-the-fact.

Since passage of the Hart-Scott-Rodino Act, this law has worked well to help the American economy flourish, despite larger and more complex mergers and consolidations within and among different industries. The Hatch-Leahy-DeWine-Kohl substitute amendment to S. 1854, the ''Hart-Scott-Rodino (HSR) Antitrust Improvements Act,'' will update this law and make it work even better.

Specifically, the substitute would raise the minimum threshold for the ''size of the transaction'' required to provide HSR notifications from $15,000,000 to $50,000,000. Thus, no pre-merger filing will be required if the transaction is valued at less than $50,000,000. A pre-merger filing would always be required if the size of the transaction is valued at more than $200,000,000. With regard to transactions valued at between $50,000,000 and $200,000,000, the amendment would require pre-merger filing if the total assets or net annual sales of one party are over $100,000,000 annually while the other party's total assets or net annual sales are over $10,000,000 annually. The thresholds may be adjusted by the FTC every three years to reflect the percentage change in the gross national product for that period. These threshold changes are supported by the antitrust agencies.

The remaining part of the substitute directs the Federal Trade Commission and the DOJ's Antitrust Division to implement regulations to improve the manner in which these agencies obtain information as part of the review of a proposed merger. The antitrust agencies do not object to these parts of the substitute amendment.

As explained in more detail below, this substitute addresses the most significant flaws in the original bill.

To appreciate the issues addressed in the bill, the pre-merger review procedures currently in effect must be understood. Upon receipt of the merger notification, the agency takes a ''quick look'' and determines whether to open a Preliminary Investigation, PI. A PI may take from a few weeks to several months to determine whether to close the PI or proceed with a Second Request or Civil Investigative Demand, CID, for additional information. Second Requests were issued in only 2.5 percent of reported transactions in 1999.

Under statutory time limits, the Second Request must be made within 30 days from the initial filing. In addition, only a single Second Request is allowed so it must be complete. This Second Request extends the waiting period before the merger may be completed for up to 20 days from the time that all responsive documents are submitted to the agency. Second requests for voluminous documents, combined with the requirement that ''all responsive documents'' have been supplied by the companies to the agency, can cause substantial delays in the waiting period and the time when a merger may be completed.

To address business concerns over broad second requests and the delay such requests may cause, the original bill substantially limited the scope of agencies' second requests and authorized judicial review of both the scope of and compliance with these critical requests, as detailed below.

First, the original bill would have limited the scope of second requests to information or documents ''not unreasonably cumulative or duplicative'' and that ''do not impose a burden or expense that substantially outweighs the likely benefit of the information to the agency.'' The antitrust agencies raised significant, valid questions about whether these limitations were workable. In particular, at the time a second request is issued, an agency generally cannot evaluate the cost/benefit tradeoff because it does not know the costs of production, and has only limited knowledge about the potential benefits of the information for the investigation (in part because the anticompetitive issues are often still indefinite). The documents themselves provide this information.

The bill would also have required the antitrust agency to provide, with each second request, a specific summary of the competitive concerns presented by the proposed acquisition and the relation between such concerns and the second request specifications. The antitrust agencies questioned this requirement because anticompetitive concerns are still often general and evolving at the time a second request is issued. Consequently, a specific summary may not be possible at that time and would likely be incomplete since additional competitive concerns may be discovered during the investigation. Furthermore, according to the agencies, this requirement was unnecessary since they ordinarily provide a general explanation of their concerns and provide more specific information as it develops, in face-to-face conferences between parties (or their counsel) and investigating staff.

Second, the original bill would have limited the agencies' ability to claim that the production of documents in response to a second request is deficient only if the deficiency ''materially impairs the ability of the agency to conduct a preliminary antitrust review.'' This proposed standard for claiming deficiency (that is, for requiring further document production) is higher than the ordinary standard for discovery and would limit the agency's ability to investigate, especially given HSR's stringent time frames and the fact that the second request is the single opportunity to seek information in a premerger review. This could have seriously harmed the agency's posture in court, as courts often examine the entire substance of the agency's case even in a preliminary injunction action.

Finally, the original bill would have authorized a merging company to seek review by a magistrate judge of both the scope of the second request and any claim of deficient production. The magistrate was required to apply the scope and deficiency standards described above, which impose more limits on antitrust agencies than general civil discovery rules. Moreover, magistrates were unlikely to be familiar with the types of information that form the basis for the complex antitrust analysis required in predicting likely future competitive effects of a proposed transaction—a shortcoming with possible adverse consequences for antitrust agencies seeking relevant information for an investigation since

this experience is particularly important in light of HSR's special time constraints and the agencies' single opportunity to seek documents prior to the merger.

The substitute amendment eliminates these three problematic procedural limitations on the second request investigation process contained in the original bill. Instead, the Hatch-Leahy-DeWine-Kohl substitute amendment directs the agencies to reform the merger review process to eliminate unnecessary delay, costly duplication and undue delay. In addition, the agencies are directed to designate senior officials within the agencies to review the second requests to determine whether the requests are burdensome or duplicative and whether the request has been substantially complied with by the merging companies.

These changes are consistent with reforms that the FTC and Antitrust Division already have underway. Indeed, the FTC on April 5, 2000, and the Antitrust Division the next day, announced their adoption of new procedures and other initiatives to improve the premerger ''second request'' investigation process to make the process more efficient for both businesses and the agencies. I commend both agencies for their efforts in this regard and look forward to working with them to ensure that implementation of their regulations proceeds smoothly.

The Hatch-Leahy-DeWine-Kohl substitute amendment also imposes a reporting requirement on the FTC to provide the Congress with information on the number of HSR notices filed and on the reviews conducted by the antitrust agencies.

The antitrust agencies did not support the fee structure in the Committee reported bill since, in their view, the level of fees authorized in the substitute amendment would not provide them with the ability to collect sufficient fees to meet their budget request for FY 2001. Although these agencies are funded by direct appropriations and not by their fees, the reality is that the appropriations to these agencies usually corresponds to the level of the fees collected. Nevertheless, the Committee reported bill authorized the collection of sufficient fees to be revenue neutral and at a level that would enable the agencies, according to the CBO, to collect fees at a level amounting to an increase of ten percent over the agencies' last year's budget.

The Hatch-Leahy-DeWine-Kohl substitute amendment eliminates reference to the revised fee structure. I intend to work with my colleagues and the antitrust agencies, as I have in the past, to ensure that they receive all the funding necessary to support their mission and carry out their important work through the appropriations process.

THE SAVAGE RAPIDS DAM ACT OF 2000

Mr. WYDEN. Mr. President, I am pleased to be the original cosponsor of the Savage Rapids Dam Act of 2000, introduced by my friend and colleague from Oregon, Senator GORDON SMITH.

This legislation is another good example of the Oregon way: bringing together varied interests to get win-win results for all stakeholders. Born out of controversy concerning the detrimental effects of the Savage Rapids Dam on fish passage and survival, this legislation is now supported by the Grants Pass Irrigation District, Waterwatch, Oregon's Governor Kitzhaber, Trout Unlimited, and various Oregon river guide and sport fishing concerns.

The winners under this legislation are Oregon's environmental and agricultural interests. The legislation begins the important process of restoring salmon habitat on the Rogue River, while retaining access to necessary irrigation water from the Rogue River for the Grants Pass Irrigation District. The legislation authorizes the acquisition by the Secretary of Interior of the Savage Rapids Dam for the purpose of removing the Dam to promote the recovery of coastal salmon. But prior to that acquisition, the legislation directs the Secretary of Interior, through the Bureau of Reclamation, to design and install modern electric irrigation pumps for the Grants Pass Irrigation District so they may continue to access Rogue River water for crop irrigation, as they have done since 1921.

This legislation is good for irrigators: by maintaining water accessibility, it will help sustain local agricultural businesses. It is good for fish because it takes important steps toward habitat restoration by authorizing Dam removal as well as the monitoring, mitigation, and restoration activities necessary to restore the fish population in on the Rogue River.

I look forward to continuing to improve the legislation with my colleagues in the Senate and the stakeholders at home. As I work over the recess and on into the next Congress on this issue, I know, eventually, we will have another win for the Oregon way.

RESOLUTION FOR SUBPOENA TO SECRETARY RICHARDSON

Mr. LEAHY. Mr. President, during the last presidential debate, Governor Bush told the American people, as he has frequently during the campaign, that if he and Republicans are in control, there will be a more even-handed, cordial and respectful atmosphere in Washington and less partisan politics. I know that Governor Bush has tried to cast himself as a Washington outsider, so maybe he has not been paying attention to how the Republican majority here in Washington has been doing things these past few years. A resolution on the agenda for the final two meetings of the Judiciary Committee in this Congress might help bring Governor Bush up to speed.

That resolution proposed by the Republican leadership of the Judiciary Subcommittee on Administrative Oversight and the Courts sought to authorize issuance of a subpoena compelling Department of Energy Secretary Bill Richardson to testify before the Subcommittee about the investigation and prosecution of Wen Ho Lee and provide thirteen different categories of documents. Under the proposed resolution, if by November 8, 2000, Secretary Richardson did not agree to testify and provide the demanded documents, the subpoena would be authorized. This resolution was ultimately not brought to a vote due to the lack of the requisite quorum, sparing the Judiciary Committee from making an unnecessary and embarrassing demand for which the only enforcement mechanism is a contempt trial in the Senate.

It might appear from the targets of this subpoena resolution, namely, Secretary Richardson and the Department of Energy, that the Judiciary Committee and the Subcommittee on Administrative Oversight and the Courts are charged with oversight of the Department of Energy (DOE). In fact, the Republicans have proposed this resolution as part of the Subcommittee's oversight of the Justice Department. While the Department of Energy may have information helpful to an understanding of the Justice Department's handling of the Lee case, the manner in which the Republican majority has chosen to proceed both with regard to Secretary Richardson and other matters before the Subcommittee have been marked by an unprecedented political intervention in pending criminal matters and second-guessing of the handling of certain cases by federal agencies.

For example, the majority on the Senate Judiciary Committee has broken from tradition and called line assistants to testify before the Subcommittee, questioned federal judges about pending cases over which they are presiding, attempted to exact assurances that particular cases will be handled particular ways, and made public internal and confidential recommendations by senior prosecutors to the Attorney General on how to proceed in ongoing investigations. The Subcommittee's earlier intervention in the Waco matter prompted a rebuke from Special Counsel Jack Danforth, who wrote to the Senate Judiciary Committee twice in September, 1999, requesting that the Committee ''conduct its inquiries in a way that does not undermine the work of the Special Counsel.'' I should note that the Subcommittee on Administrative Oversight and the Courts persisted in seeking documents from the Department of Justice on the Waco matter, and that 250 boxes of Waco documents produced by the Department of Justice sit largely unopened in Judiciary Committee offices.

Let me help bring Governor Bush up to speed with the most recent example of how the majority is conducting itself. Sponsors of this subpoena resolution made it sound as if a subpoena were necessary because Secretary Richardson had been dodging a discussion of the Lee case since March 2000. Indeed, a sponsor of the subpoena resolution stated at a Judiciary Committee meeting on October 5, 2000, that ''[t]he efforts to secure Secretary Richardson's attendance go back to March of this year when we requested his appearance and he declined, with comments about his unavailability on a specific date.''

Yet, as some Republicans have even acknowledged, from December 1999 until just six weeks ago when Dr. Lee pled guilty, the Committee was honoring FBI Director Freeh's urgent request that the Committee suspend review of Dr. Lee's case during the pendency of the criminal prosecution so as not to compromise the case.

When former Senator Danforth testified to Congress about his independent investigation of the tragic raid on the Branch Davidian compound in Waco, Texas, he commented that, ''We have totally overblown our willingness to just trash people.'' Senator Danforth said about those who make reckless claims of government misconduct and who grandstand on matters of public importance: ''The wrong information was presented to the American people and it caused a real shaking of confidence of people in their government . . . When people make dark charges—I mean really, really serious charges—the people who make the charges should bear some kind of burden of proof before we all buy into them.'' His words have not been sufficiently heeded by the majority in this Congress, as this unwarranted and scurrilous subpoena resolution directed at Secretary Richardson makes clear.

Governor Bush may also not be aware of the following: Despite Director Freeh's request that the Congress suspend the Lee hearings during pendency of the case, and the Judiciary Committee's honoring of that request, an interim report on the Lee matter was issued by a Republican Member in March 2000. He did so over the written objections of a Member of his own party, who expressed concern about the haste of issuing the report despite an incomplete investigation and the lack of a consensus in the Judiciary Committee about key matters.

The Committee's suspension of its inquiry into this matter was lifted only six weeks ago, September 13, 2000, when Dr. Lee pled guilty and was sentenced. The March 2000 hearing to which Secretary Richardson was invited, but for which he had a conflict, was not about the facts of Dr. Lee's case, but legislation on which the Judiciary Committee was then working.

It might help Governor Bush size up the source of partisan bickering in Washington if he were aware of how the Senate Judiciary Committee was rushing to issue a subpoena to a cabinet secretary, even though Members of his own party acknowledge that the complete story of the Lee matter will not and cannot come out for some time. I concur with Senator GRASSLEY's comments on October 3, 2000, at a hearing conducted by the Subcommittee on Administrative Oversight and the Courts on the Lee matter: ''For now, Dr. Lee's side of the story is on hold. That is because his attorneys have asked that his side be told only after he is debriefed by the government. We also asked to interview Judge Parker about his views of the case but Judge Parker declined our invitations, so the public is not going to get the full picture, which may not come into view for some time yet.''

Nonetheless, for Secretary Richardson, a high-ranking member of this Administration, the Judiciary Committee was asked to authorize a subpoena and get him before Congress immediately in an apparent effort to make it seem as though he is dodging congressional oversight, even though by Senator GRASSLEY's candid admission that Congress will not have the full picture of Dr. Lee's case ''for some time.''

In fact, the investigation of Dr. Lee remains open with intense debriefings ongoing. The agencies involved are rightfully sensitive that the debriefings of Dr. Lee are not complete and concerned that public discussion of the case not jeopardize the debriefings or future steps in the case.

Republicans have not shown similar interest in oversight of other open criminal matters about which the American people might truly want all the facts immediately and certainly before Election Day. For example, no effort by the majority has been made to get to the bottom of ''Debategate,'' the mailing of Bush debate preparation materials to the Gore campaign. That incident might be a third-rate mail fraud, but it might also be serious campaign misconduct of the type we saw during the Watergate scandal. Some have speculated that it was a dirty trick by the Bush campaign to set up the Vice President. I have heard nothing from the Republicans about the matter. I have heard no outrage that Governor Bush and his campaign aides are not being put under oath or dragged before grand juries to get to the bottom of the scandal. In contrast to the majority's preference to investigate rather than legislate, their silence on the Debategate case is deafening. On that investigation, the Republicans are happy to allow the ongoing criminal investigation to take its course. But not here, where the important debriefings of Dr. Lee are sensitive and ongoing.

The fact is that in the six short weeks since Dr. Lee pled guilty, the Department of Energy has been extremely cooperative, just as the Department of Energy was cooperative with other committees' previous reviews of the Lee matter.

At the first hearing on the matter after Dr. Lee pled guilty, the Judiciary Committee's joint hearing with the Senate Committee on Intelligence on September 26th, Deputy Secretary T.J. Glauthier of the Department of Energy appeared to testify in place of Secretary Richardson because the Secretary was testifying before another committee. Secretary Richardson agreed to testify at that afternoon's closed session when he would be available, but no such afternoon session was conducted. At the second hearing on September 27th, DOE Security Chief Edward Curran appeared to testify.

At the third hearing on October 3rd, DOE computer specialist Ronald Wilkins appeared to testify. In addition, the Subcommittee on Administrative Oversight and the Courts heard from Los Alamos officials Dr. Stephen Younger and former officials Robert Vrooman and Notra Trulock. In sum, Department of Energy has provided witnesses before a total of 11 House and Senate committees and has provided testimony 37 times in hearings and briefings on the Lee case and related espionage and security matters in the past two years.

Moreover, the thirteen categories of documents called for in the subpoena resolution— to the extent not already produced—were requested only a few days before the subpoena was sought. A chronology of the relevant events shows that the Department of Energy has made and is making every effort to produce documents.

On November 17, 1999, the Republicans on the Judiciary Committee approved a resolution to issue subpoenas to five cabinet secretaries, including Secretary Richardson, containing a general request for all documents related to Wen Ho Lee and three other matters. Because the Judiciary Committee a few short weeks later, in December 1999 honored Director Freeh's request that the Committee suspend inquiry of the Lee matter, no subpoena was ever issued and forwarded, and it is unclear whether that document request was ever communicated to the Department of Energy.

On September 13, 2000, Dr. Lee pled guilty and was sentenced.

On September 28, 2000, Senator SPECTER wrote to DOE requesting that five pages of a DOE Inspector General report be declassified, but making no other request for documents. My understanding is that the request was honored.

On September 29, 2000, Senator SPECTER wrote a letter directly to Secretary Richardson enclosing follow-up written questions to DOE's Security Chief Edward Curran, who testified before the subcommittee on September 27th. Neither the letter to Secretary Richardson nor the questions to Mr. Curran contained any request for documents.

On October 3, 2000, Senator SPECTER wrote to both Secretary Richardson and the Attorney General requesting

documents relating to Dr. Lee's claim of racial profiling that the prosecution would have been required to submit to Judge Parker for in camera review had Dr. Lee not pled guilty. DOE has produced materials in response to that request.

On October 5, 2000, Secretary Richardson met with Senator SPECTER and discussed the case. My understanding is that Senator SPECTER's staff thereafter orally requested five documents or files from DOE Chief Larry Sanchez.

On October 12, 2000, Senator SPECTER asked the Judiciary Committee to approve a resolution authorizing a subpoena for Secretary Richardson's testimony. That resolution contained no request for documents.

Finally, on the evening of October 16, 2000, Senator SPECTER wrote a letter to Secretary Richardson listing the thirteen categories of documents sought by the subpoena resolution.

Despite that record of the DOE's good faith, on October 19, 2000, less than two weeks since Senator SPECTER's office made an oral request of Mr. Sanchez for five documents or files and just three days since Senator SPECTER submitted his list of thirteen categories of documents, the Republicans sought a resolution seeking issuance of a subpoena. The Department of Energy has made three deliveries of materials over the past two weeks, and I have no doubt that the Department of Energy will continue to comply with these document requests and act in good faith. Moreover, I understand that Secretary Richardson has met recently with Senator SPECTER and with Chairman HATCH to discuss the facts of the case. Far from dodging congressional oversight, the Secretary has made himself available for such meetings in the midst of recent crises over the price of oil.

The sponsors of the subpoena resolution advanced three reasons to justify its issuance. They claimed that the Judiciary Subcommittee on Administrative Oversight and the Courts needs to hear immediately from Secretary Richardson so that he may (1) respond to allegations that the Department of Energy was to blame for the delay between April 1999, when Dr. Lee's residence was searched and evidence of his downloading was seized, and December 1999, when he was indicted; (2) explain why his signature was purportedly on the order to put Dr. Lee in leg irons; and (3) respond to allegations made by DOE's former intelligence chief Notra Trulock at an earlier Congressional hearing that he had been told by New York Times reporter James Risen that Secretary Richardson had leaked Dr. Lee's name. Based on the record, as I understand it, these three claims are unsupportable. First, between April and December 1999, numerous agencies participated in sorting out a hugely complex case, analyzing a million computer files, interviewing a thousand people, and assessing the sensitive question of how to prosecute Dr. Lee in a public courtroom without publicly disclosing the nuclear secrets that he downloaded.

As to the second claim, Secretary Richardson wrote to the Attorney General certifying, as required by a federal regulation, that national security would be threatened if Dr. Lee communicated classified information to a confederate, and requesting that she direct prison authorities to implement whatever measures might be appropriate to prevent such communication while Dr. Lee was in custody. Secretary Richardson did not order leg irons. To the contrary, Secretary Richardson noted his understanding that ''the conditions of [Dr. Lee's] confinement are in no respect more restrictive than those of others in the segregation unit of the detention facility,'' and he emphasized his concern that Dr. Lee's civil rights be scrupulously honored.

As to the third claim, my understanding is that, immediately after the hearing at which Mr. Trulock testified, Mr. Risen walked up to Mr. Trulock and said that he had never told Mr. Trulock any such thing about Secretary Richardson. In addition, Secretary Richardson has already categorically denied the allegation.

These reasons are hardly a basis for taking the extraordinary step of authorizing the issuance of a subpoena for a member of the President's cabinet.

At the Judiciary Committee's meeting on October 19, 2000, it was suggested that Chairman HATCH might have the authority to issue a subpoena for Secretary Richardson pursuant to a resolution which the Republicans on the Committee approved in November 1999. The Democrats opposed that resolution in part because a subpoena might interfere with the ongoing investigation of Dr. Lee. Over the Democrats' objection, that partisan resolution was rushed through the Judiciary Committee by the majority precipitously and was never executed. Indeed, just a few weeks later, Director Freeh made his urgent request that the Committee suspend its inquiry into the Lee matter during the pendency of the criminal case.

As it related to the Department of Energy, the partisan resolution authorized issuance of a subpoena to Secretary Richardson for documents, not his personal appearance. As for the documents, the resolution authorized issuance of a subpoena for all documents related to DOE's investigation of Dr. Lee and identified just two particular documents that were sought. That resolution did not identify the thirteen categories of documents for which authorization was sought in the last meetings of the Judiciary Committee.

Since the Judiciary Subcommittee on Administrative Oversight and the Courts began its oversight of the Justice Department, no fewer than nine subpoenas have been authorized for cabinet secretaries, not including a subpoena for Secretary of State Madeleine Albright in connection with Elian Gonzalez which was authorized and later rescinded.

If the American people want to test the credibility of Governor Bush's claim about the kinder and gentler America that he claims only a Republican-led government can bring to our nation, they should examine the record of the oversight efforts by Republican-led Judiciary Committee and its Subcommittee on Administrative Oversight and the Courts.

ADDITIONAL STATEMENTS

CELEBRATING THE PUBLICATION OF EARLY ART AND ARTISTS IN WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, I rise today to address a subject very close to my heart. Not long after my wife, Sharon, and I settled in West Virginia, my father presented me with a wonderful painting of the Kanawha River by Frederic Edwin Church, one of America's greatest nineteenth-century landscape painters. Thoroughly delighted with the painting, I became curious to know more about West Virginia's art history. What I discovered was a rich and varied tradition of artists, musicians and authors. Indeed, we in West Virginia have much to be proud of in the fields of fine art, music and literature, as well as theater, dance and architecture.

However, there has persisted a distinct lack of documentation of West Virginia's artistic tradition. That is, until now, with the publication of the groundbreaking book, Early Art and Artists in West Virginia. Compiled and narrated by Dr. John A. Cuthbert, in cooperation with West Virginia University Press, this book is the first of its kind. This wonderful compendium finally establishes a foundation upon which we can begin to explore the history of art in West Virginia, and examine the important contributions the state has made to the world of fine art.

Dr. Cuthbert offers us a richly illustrated explanation of the development of portrait and landscape painting, as well as lesser genres in the state. He has also compiled a directory of nearly one thousand artists who are a part of this special history, providing both teachers and scholars with an invaluable tool for further study. From the many visiting and native artists who worked in the panhandles in the early nineteenth century, to the members of the Hudson River School who delighted in the state's virgin forests several decades later, all are present in this remarkable volume.

The lovely portrait of Sophie B. Colston that graces the book's cover is but a sample of the caliber of their work. Set in a landscape that every West Virginian will recognize, this

masterpiece by Berkeley County's William Robinson Leigh suggests the underlying message of this book—that sophistication and elegance have long been a part of the state's celebrated mountain folk culture.

Since receiving Church's study of the Kanawha River from my father, I have continued to be intrigued by the fine art inspired by and produced in my adopted state. Few American communities the size of Charleston and Wheeling can boast symphony orchestras as accomplished as those found in these cities. Rebecca Harding Davis, Melville Davisson Post, Pearl S. Buck, Davis Grubb and Jayne Anne Phillips are but a few of the West Virginians who have contributed to the great canon of American literature. This uplifting part of our heritage deserves to be much better known. Early Art and Artists in West Virginia is a remarkable contribution toward this end. Thank you, John Cuthbert and West Virginia University Press, for this wonderful and important book.●

IN RECOGNITION OF THE RETIREMENT OF DR. JAMES HENDRICKS

● Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. James Hendricks, who is retiring this year from a career in education which spanned 43 years, and included 33 years of dedicated service to Northern Michigan University in Marquette, Michigan. For the past 22 years, Dr. Hendricks has served as Director of the School of Education there, and in this capacity he has illustrated to fellow professors and students alike that, while there is no single formula for successful education, there is a single foundation—caring deeply for each and every student in the classroom.

Dr. Hendricks grew up on a farm in rural Indiana. As a child, his interests were extremely atypical. He loved the opera and classical music, and often chose to read a book during recess while his classmates played games. His experiences at school were to help him later in life, as he gained a sensitivity towards children with different interests, and developed educational strategies with the goal of ''just and inclusive classrooms.''

Dr. Hendricks graduated from the University of Indiana, where he studied English, Philosophy, History and Spanish, in 1957. Following his graduation, he turned down a job at his local bank to teach elementary school in Southport, Indiana. He immediately knew that he had made the right decision, and it did not take long for him to fall in love with teaching. His goal during those years was to help ''all children find a happiness in being in that classroom.''

Recognizing a need to further his own education, Dr. Hendricks returned to the University of Indiana after three years of teaching in Southport. In 1962, he received his Master's Degree in History and Education. He then spent three years in Bloomington as both a graduate assistant and research fellow before coming to Marquette to serve as an Assistant Professor at Northern Michigan from 1965–67.

In 1968, he returned to the University of Indiana, and received his Doctoral Degree in History and the Philosophy of Education. Following this, he accepted a position as Assistant Professor in the Department of Education at Portland State University, and during his time there helped the university set up its educational doctoral program. In 1969, Dr. Hendricks returned to Marquette and the faculty of Northern Michigan University.

During Dr. Hendricks' tenure at Northern Michigan, the Education Department has been rejuvenated. Admission standards for students have been elevated and the curriculum has been deepened. From the time that they decide they want to be teachers, students are required to gain hands-on experience in classrooms throughout Marquette County, where they learn from proven teachers, as well as from students. In addition, veteran elementary and secondary school teachers have joined the University's faculty in an effort to assist student teachers. All of this equates to students graduating the Education Department who are experienced and knowledgeable enough to immediately handle the pressure and responsibility of having their own classroom.

Dr. Hendricks' good works within the community were surpassed only by those of his wife, Sandra. Mrs. Hendricks greatly impacted the City of Marquette with her volunteerism, while at the same time remaining a devoted mother to the couple's three children. Before her death in 1998, she spent time baking brownies for cancer patients at Beacon House in Marquette, and then brightening their days by hand delivering the goods and staying to chat with the patients. She loved Christmas and each year sponsored the Alternative Gifts Fair, which benefitted Third World artists. The event still takes place each December at St. Paul's Episcopal Church.

Mr. President, I applaud Dr. Hendricks on an extraordinary career in education. The key to his success has been nothing more than a strong desire to see his Department and his students succeed to the utmost of their potential. Because of this desire, the Northern Michigan University Education Department not only has a profound impact on the quality of education offered to students in the Upper Peninsula, but throughout the entire State of Michigan. On behalf of the United States Senate, I thank Dr. James Hendricks for the many beneficial things he accomplished during his career, and wish him the best of luck in retirement.●

NATIONAL HISTORY DAY

Mr. LEAHY. Mr. President, I rise today to recognize an outstanding history education program in Vermont and throughout the United States. National History Day is a year-long nonprofit program through which students in grades 6–12 research and create historical projects related to a broad theme, culminating in an annual contest. This year's National History Day theme, Frontiers in History: People, Places, Ideas, encompasses endless possibilities for exploration. Each year more than 500,000 students participate in this nationwide event that encourages students to delve into various facets of world, national, regional, or local history and to produce original research projects.

By encouraging young Vermonters to take advantage of the wealth of primary historical resources available to them, students are able to gain a richer understanding of historical issues, ideas, people and events. Students in this program learn how to analyze a variety of primary sources such as photographs, letters, posters, maps, artifacts, sound recordings and motion pictures. This significant academic exercise encourages intellectual growth while helping students to develop critical thinking and problem solving skills that will help them manage and use information.

In June I had the pleasure of meeting with the 25 winners of this year's Vermont History Day contest here in Washington as they participated in the national contest held at the University of Maryland. These impressive students represent the great benefit of fostering and encouraging academic curiosity in our youth. Every student in Vermont should have the opportunity to participate in this enriching experience. I commend the coordinator of our state program, the Vermont Historical Society, for its commitment to expanding History Day in Vermont. The National History Day program is a truly great asset to Vermont educators and students in their quest for educational excellence.

MESSAGE FROM THE HOUSE

At 3:02 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 bills, without amendment:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness.''

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 710. An act to authorize the feasibility study on the preservation of certain Civil

War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado.

S. 2951. An act to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

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

H.R. 3388. An act to promote environmental restoration around the Lake Tahoe basin.

H.R. 3595. An act to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes.

H.R. 4794. An act to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 5086. An act to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 139. A concurrent resolution authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

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

S. 1508. An Act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes.

S. 1509. An Act to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes.

S. 2440. An Act to amend title 49, United States Code, to improve airport security.

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

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate 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.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions.

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

H.R. 3671. An act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

H.R. 4068. An act to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

H.R. 4320. An act to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4392. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4835. An act 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.

H.R. 5234. An act to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

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

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Licensing Operation of a Non-Federal Launch Site; request for comments on handling of solid propellants and cooperation with the NRSB; docket No. FAA–1999–5833 [10–19/10–23]'' (RIN2120–AG15) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Federal Airways in the vicinity of Dallas/Fort Worth; TX; docket No. 00ASW–6 [10–16/10–23]'' (RIN2120–AA66) (2000–0246) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives: Bombardier Model C1 600 1A11 and CL 600 2A12 Series Airplanes; docket No. 99–NM–26 [10–16/10–23]'' (RIN2120–AA64) (2000–0501) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200 Series Airplanes; docket No. 2000–NM–286 [10–11/10–23]'' (RIN2120–AA64) (2000–0499) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model C1–600–2B19 Series Airplanes; docket No. 2000–NM–312 [10–16/10–23]'' (RIN2120–AA64) (2000–0498) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11287. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2000–55) received on October 23, 2000; to the Committee on Finance.

EC–11288. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Greece; to the Committee on Foreign Relations.

EC–11289. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a waiver and certification of statutory provisions regarding the Palestine Liberation Organization; to the Committee on Foreign Relations.

EC–11290. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 1999 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

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

Coast Guard nominations beginning Janet B. Gammon and ending Thomas C. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on October 19, 2000.

Coast Guard nominations beginning Mark S. Telich and ending Deborah A. Dombeck, which nominations were received by the Senate and appeared in the Congressional Record on October 19, 2000.

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. EDWARDS (for himself, Mr. JEFFORDS, and Mr. LEAHY):

S. 3228. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERREY:

S. 3229. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the cost of certain equipment used to convert public television broadcasting from analog to digital transmission; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 3230. A bill to reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs; considered and passed.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 3231. A bill to provide for adjustments to the Central Arizona Project in Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LOTT:

S.J. Res. 55. A joint resolution to change the Date for Counting Electoral Votes in 2001; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SCHUMER:

S. Res. 381. A resolution designating October 16, 2000, to October 20, 2000, as ''National Teach For America Week''; considered and agreed to.

By Mrs. HUTCHISON (for herself, Mr. GRAMM, and Mr. WARNER):

S. Res. 382. A resolution recognizing and commending the personnel of the 49th Armored Division of the Texas Army National Guard for their participation and efforts in providing leadership and command and control of the United States sector of the Multinational Stabilization Force in Tuzla, Bosnia-Herzegovina; considered and agreed to.

By Mr. L. CHAFEE (for himself, Mr. HELMS, Mr. LEAHY, Mr. TORRICELLI, Mr. DEWINE, and Mr. DODD):

S. Con. Res. 155. A concurrent resolution expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political forces in Peru toward an immediate and full restoration of democracy in that country; considered and agreed to.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. EDWARDS (for himself, Mr. JEFFORDS, and Mr. LEAHY):

S. 3228. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Banking, Housing, and Urban Affairs.

THE RURAL RENTAL HOUSING ACT OF 2000

Mr. EDWARDS. Mr. President, I rise to introduce legislation to promote the development of affordable, quality rental housing for low-income households in rural areas. I am pleased, along with Senator JEFFORDS and Senator LEAHY, to introduce the ''Rural Rental Housing Act of 2000.''

There is a pressing and worsening need for quality rental housing for rural families and senior citizens. As a group, residents of rural communities are the worst housed of all our citizens. Rural areas contain approximately 20 percent of the nation's population as compared to suburbs with 50 percent. Yet, twice as many rural American families live in bad housing than in the suburbs. An estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

Substandard housing is a particularly grave problem in the rural areas of my home state of North Carolina. Ten percent or more of the population in five of North Carolina's rural counties live in substandard housing. Rural housing units, in fact, comprise 60 percent of all substandard units in the state.

Even as millions of rural Americans live in wretched rental housing, millions more are paying an extraordinarily high price for their housing. One out of every three renters in rural America pays more than 30 percent of his or her income for housing; 20 percent of rural renters pay more than 50 percent of their income for housing.

Most distressing is when people living in housing that does not have heat or indoor plumbing pay an extraordinary amount of their income in rent. Over 90 percent of people living in housing in the worst conditions pay more than 50 percent of their income for housing costs.

Unfortunately, our rural communities are not in a position to address these problems alone. They are disproportionately poor and have fewer resources to bring to bear on the issue. Poverty is a crushing, persistent problem in rural America. One-third of the non-metropolitan counties in North Carolina have 20 percent or more of their population living below the poverty line. In contrast, not a single metropolitan county in North Carolina has 20 percent or more of its population living below the poverty line. Not surprisingly, the economies of rural areas are generally less diverse, limiting jobs and economic opportunity. Rural areas have limited access to many forces driving the economy, such as technology, lending, and investment, because they are remote and have low population density. Banks and other investors, looking for larger projects with lower risk, seek metropolitan areas for loans and investment. Credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

Given the magnitude of this problem, it is startling to find that the federal government is turning its back on the situation. In the face of this challenge, the federal government's investment in rural rental housing is at its lowest

level in more than 25 years. Federal spending for rural rental housing has been cut by 73 percent since 1994. Rural rental housing unit production financed by the federal government has been reduced by 88 percent since 1990. Moreover, poor rural renters do not fair as well as poor urban renters in accessing existing programs. Only 17 percent of very low-income rural renters receive housing subsidies, compared with 28 percent of urban poor. Rural counties fared worse with Federal Housing Authority assistance on a per capita basis, as well, getting only $25 per capita versus $264 in metro areas. Our veterans in rural areas are no better off: Veterans Affairs housing dollars are spent disproportionately in metropolitan areas.

To address the scarcity of rural rental housing, I believe that the federal government must come up with new solutions. We cannot simply throw money at the problem and expect the situation to improve. Instead, we must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private and nonprofit sectors to make headway. We must leverage our resources wisely to increase the supply and quality of rural rental housing for low-income households and the elderly.

Senator JEFFORDS, Senator LEAHY, and I are proposing a new solution. Today, we introduce the Rural Rental Housing Act of 2000 to create a flexible source of financing to allow project sponsors to build, acquire or rehabilitate rental housing based on local needs. We demand that the federal dollars to be stretched by requiring State matching funds and by requiring the sponsor to find additional sources of funding for the project. We are pleased that over 70 housing groups from 26 states have already indicated their support for this legislation.

Let me briefly describe what the measure would do. We propose a $250 million fund to be administered by the United States Department of Agriculture (USDA). The funds will be allotted to states based on their shares of rural substandard units and of the rural population living in poverty. We will leverage federal funding by requiring states or other non-profit intermediaries to provide a dollar-for-dollar match of project funds. The funds will be used for the acquisition, rehabilitation, and construction of low-income rural rental housing.

The USDA will make rental housing available for low-income populations in rural communities. The population served must earn less than 80 percent area median income. Housing must be in rural areas with populations not exceeding 25,000, outside of urbanized areas. Priority for assistance will be given to very low income households, those earning less than 50 percent of area median income, and in very low-income communities or in communities with a severe lack of affordable housing. To ensure that housing continues to serve low-income populations, the legislation specifies that housing financed under the legislation must have a low-income use restriction of not less than 30 years.

The Act promotes public-private partnerships to foster flexible, local solutions. The USDA will make assistance available to public bodies, Native American tribes, for-profit corporations, and private nonprofit corporations with a record of accomplishment in housing or community development. Again, it stretches federal assistance by limiting most projects from financing more than 50 percent of a project cost with this funding. The assistance may be made available in the form of capital grants, direct, subsidized loans, guarantees, and other forms of financing for rental housing and related facilities.

Finally, the Act will be administered at the state level by organizations familiar with the unique needs of each state rather than creating a new federal bureaucracy. The USDA will be encouraged to identify intermediary organizations based in the state to administer the funding provided that it complies with the provisions of the Act. These intermediary organizations can be states or state agencies, private nonprofit community development corporations, nonprofit housing corporations, community development loan funds, or community development credit unions.

This Act is not meant to replace, but to supplement the Section 515 Rural Rental Housing program, which has been the primary source of federal funding for affordable rental housing in rural America from its inception in 1963. Section 515, which is administered by the USDA's Rural Housing Service, makes direct loans to non-profit and for-profit developers to build rural rental housing for very low income tenants. Our support for 515 has decreased in recent years—there has been a 73 percent reduction since 1994—which has had two effects. It is practically impossible to build new rental housing, and our ability to preserve and maintain the current stock of Section 515 units is hobbled. Fully three-quarters of the Section 515 portfolio is more than 20 years old. Currently $60 million of the $115 million appropriation in fiscal year 2000 is used to preserve existing stock.

The time has come for us to take a new look at a critical problem facing rural America. How can we best work to promote the development of quality rental housing for low-income people in rural America? My colleagues and I believe that to answer this question, we must comply with certain basic principles. We do not want to create yet another program with a large federal bureaucracy. We want a program that is flexible, that fosters public-private partnerships, that leverages federal funding, and that is locally controlled. We believe that the Rural Rental Housing Act of 2000 satisfies these principles and will help move us in the direction of ensuring that everyone in America, including those in rural areas, have access to affordable, quality housing options.

Mr. President, I request that the text of the legislation be included in the RECORD.

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

S. 3228

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 ''Rural Rental Housing Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There is a pressing and increasing need for rental housing for rural families and senior citizens:

(A) Two-thirds of extremely low-income and very low-income rural households do not have access to affordable rental housing units.

(B) More than 900,000 rural rental households (10.4 percent) live in either severely or moderately inadequate housing.

(C) Substandard housing is a problem for 547,000 rural renters, and approximately 165,000 rural rental units are overcrowded.

(2) Many rural United States households live with serious housing problems, including a lack of basic water and wastewater services, structural insufficiencies, and overcrowding:

(A) 28 percent, or 10,400,000, rural households in the United States live with some kind of serious housing problem.

(B) Approximately 1,000,000 rural renters have multiple housing problems.

(C) An estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

(3) One-third of all renters in rural America are paying more than 30 percent of their income for housing:

(A) 20 percent of rural renters pay more than 50 percent of their income for housing.

(B) 92 percent of all rural renters with significant housing problems pay more than 50 percent of their income for housing costs, and 60 percent paying more than 70 percent of their income for housing.

(4) Rural economies are often less diverse, and therefore, jobs and economic opportunity are limited:

(A) Factors existing in rural environments, such as remoteness and low population density, lead to limited access to many forces driving the economy, such as technology, lending, and investment.

(B) Local expertise is often limited in rural areas where the economies are focused on farming and/or natural resource-based industries.

(5) Rural areas have less access to credit than metropolitan areas:

(A) Banks and other investors, looking for larger projects with lower risk, seek metropolitan areas for loans and investment.

(B) Often, credit that is available is insufficient, leading to the need for interim or bridge financing.

(C) Credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

(6) The Federal Government investment in rural rental housing has dropped during the last 10 years, as—

(A) Federal spending for rural rental housing has been cut by 73 percent since 1994; and

(B) Rural rental housing unit production financed by the Federal Government has been reduced by 88 percent since 1990.

(7) To address the scarcity of rural rental housing, the Federal Government must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private sector, including nonprofit organizations.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE RURAL AREA.—The term ''eligible rural area'' means a rural area with a population of not more than 25,000, as determined by the most recent decennial census of the United States, and located outside an urbanized area.

(2) ELIGIBLE PROJECT.—The term ''eligible project'' means a project for the acquisition, rehabilitation, or construction of rental housing and related facilities in an eligible rural area for occupancy by low-income families.

(3) ELIGIBLE SPONSOR.—The term ''eligible sponsor'' means a public agency, an Indian tribe, a for-profit corporation, or a private nonprofit corporation—

(A) a purpose of which is planning, developing, or managing housing or community development projects in rural areas; and

(B) that has a record of accomplishment in housing or community development and meets other criteria established by the Secretary by regulation.

(4) LOW-INCOME FAMILIES.—The term ''low-income families'' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(5) QUALIFIED INTERMEDIARY.—The term ''qualified intermediary'' means a State, a State agency designated by the Governor of the State, a private nonprofit community development corporation, a nonprofit housing corporation, a community development loan fund, or a community development credit union, that—

(A) has a record of providing technical and financial assistance for housing and community development activities in rural areas; and

(B) has a demonstrated technical and financial capacity to administer assistance made available under this Act.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(8) STATE.—The term ''State'' means the States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, and any other possession of the United States.

SEC. 4. RURAL RENTAL HOUSING ASSISTANCE.

(a) IN GENERAL.—The Secretary may, directly or through 1 or more qualified intermediaries in accordance with section 5, make assistance available to eligible sponsors in the form of loans, grants, interest subsidies, annuities, and other forms of financing assistance, to finance the eligible projects.

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, an eligible sponsor shall submit to the Secretary, or a qualified intermediary an application in such form and containing such information as the Secretary shall require by regulation.

(2) AFFORDABILITY RESTRICTION.—Each application under this subsection shall include a certification by the applicant that the house to be acquired, rehabilitated, or constructed with assistance under this section will remain affordable for low-income families for not less than 30 years.

(c) PRIORITY FOR ASSISTANCE.—In selecting among applicants for assistance under this section, the Secretary, or a qualified intermediary, shall give priority to providing assistance to eligible projects—

(1) for very low-income families (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)); and

(2) in low-income communities or in communities with a severe lack of affordable rental housing, in eligible rural areas, as determined by the Secretary; or

(3) applications submitted by public agencies, Indian tribes, private nonprofit corporations or limited dividend corporations in which the general partner is a non-profit entity whose principal purposes include planning, developing and managing low-income housing and community development projects.

(d) ALLOCATION OF ASSISTANCE.—In carryout out this section, the Secretary shall allocate assistance among the States, taking into account the incidence of rural substandard housing and rural poverty in each State and the State's share of the national total of such indices.

(e) LIMITATIONS ON AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), assistance made available under this Act may not exceed 50 percent of the total cost of the eligible project.

(2) EXCEPTION.—Assistance authorized under this Act shall not exceed 75 percent of the total cost of the eligible project, if the project is for the acquisition, rehabilitation, or construction of not more than 20 rental housing units for use by very low-income families.

SEC. 5. DELEGATION OF AUTHORITY.

(a) IN GENERAL.—The Secretary may delegate authority for distribution of assistance to one or more qualified intermediaries in the State. Such delegation shall be for a period of not more than 3 years, and shall be subject to renewal, in the direction of the Secretary, for 1 or more additional periods of not to exceed 3 years.

(b) SOLICITATION.—

(1) IN GENERAL.—The Secretary may, in the discretion of the Secretary, solicit applications from qualified intermediaries for a delegation of authority under this section.

(2) CONTENTS OF APPLICATION.—Each application under this subsection shall include—

(A) a certification that the application will—

(i) provide matching funds from sources other than this Act in an amount that is not less than the amount of assistance provided to the applicant under this section; and

(ii) distribute assistance to eligible sponsors in the State in accordance with section 4; and

(B) a description of—

(i) the State or the area within a State to be served;

(ii) the incidence of poverty and substandard housing in the State or area to be served;

(iii) the technical and financial qualifications of the applicants; and

(iv) the assistance sought and a proposed plan for the distribution of such assistance in accordance with section 4.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $250,000,000 for each of fiscal years 2001 through 2005.

Mr. LEAHY. Mr. President, I rise today to offer my support for the Rural Rental Housing Act of 2000. This bill takes a much needed step toward reestablishing the federal government's commitment to quality affordable housing in rural areas and I am proud to be a cosponsor of this legislation.

The need for a new federal matching grant program to encourage the production, rehabilitation and acquisition of rural rental housing has never been more evident than it is today. Families across the country in small towns, where property is often high and resources scarce, are finding themselves with fewer and fewer options for a safe and affordable place to live. In my home state of Vermont, like many other states across the country, we are in the middle of an affordable housing crisis. Housing costs are soaring and rental vacancy rates are alarmingly low. For those fortunate enough to find an apartment it is increasingly difficult to afford the rent that the market demands. Recent studies suggest that while the need for rental units continues to grow in Vermont, estimated production levels are drastically inadequate to meet demand.

Despite this trend, the federal government has consistently scaled back their commitment to production and rehabilitation of rental housing. Rural rental production has dropped nearly 88% since 1990, and the funding for subsidized housing has fallen by 73% since 1994. This decline has made it difficult to produce new housing and maintain the current obligations and existing stock. In Vermont roughly 4,091 rental units were produced with federal assistance between 1976 and 1985, but during the next ten years this number fell to under two thousand—nearly half of what was produced the decade before, despite the rising need.

Nationally it is estimated that 2.6 million households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity. Unfortunately, rural areas often have less appeal for investment from financial institutions and are often isolated from social services that are more accessible in urban areas to help address these problems.

The Rural Rental Housing Act will provide $250 million dollars for a matching federal grant program to be administered by the United States Department of Agriculture to address this situation. These funds will complement existing programs run by the Rural Housing Service at USDA and will be used in a variety of ways to increase the supply, the affordability, and the quality of housing for the most needy residents, the lowest income families and the elderly. Most importantly the program is designed to be administered at the state and local level and to encourage public-private partnerships to best address the unique needs of each state.

I encourage my colleagues to support this legislation and am committed to work with Senator EDWARDS to reintroduce this bill in the 107th Congress.

Mr. KERREY:

S. 3229. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the cost of certain equipment

used to convert public television broadcasting from analog to digital transmission; to the Committee on Finance.

TO ESTABLISH A TAX CREDIT FOR PUBLIC TELEVISION DIGITAL TRANSMISSION CONVERSIONS

Mr. KERREY. Mr. President, we often use the tax code as a tool to reward certain taxpayer behaviors. Today, I am pleased to introduce a bill that would reward the behavior of individuals or groups who step forward to help finance the digital transmission conversions of the 348 public television stations across the United States.

Mr. President, public television is an extremely important public good, which brings creative, non-commercial TV programming of the highest quality to citizens in all 50 states, Puerto Rico, the U.S. Virgin Islands, Guam and American Samoa. Public television is available to 99 percent of American homes—and serves nearly 100 million people each week.

Throughout the U.S., 171 non-commercial, educational licensees operate 348 PBS member stations. Of the 171 licensees, 87 (51%) are community organizations, 55 (32%) are colleges or universities, 21 (12%) are state authorities and 8 (5%) are local educational or municipal authorities.

As my colleagues may remember, regulations promulgated by the FCC, pursuant to the Telecommunications Act of 1996, require all public television stations to convert their analog transmission equipment and systems to digital transmission by May 1, 2003. This is a very expensive—though important—Federal government mandate. The mandate is particularly burdensome for public television stations because, as non-profit entities, they rely primarily on the charitable donations of their viewers for financial sustenance.

In some states, all of the public television transmission equipment is operated and managed by an umbrella organization. In Nebraska, for example, Nebraska Educational Telecommunications (NET) operates nine transmitters and seventeen translators across the state. The cost of simultaneously replacing all of this equipment in a large, but sparsely populated, state is particularly burdensome.

I have been working with public broadcasters in the State of Nebraska to reduce the financial burden imposed by this government mandate. The legislation I am introducing today is the product of our discussions.

This legislation will provide a tax credit to individuals or groups that provide funding for the purchase or construction of qualified conversion equipment for a qualified public TV digital conversion project. Qualified conversion equipment would include: transmission towers, transmission equipment, production equipment (including cameras, recorders, software and editing systems), retransmission equipment, and transformers. The proposed tax credit is equal to the full cost of the conversion equipment, but the taxpayer will be limited to 1/6th of the credit each year over a six-year period. The individuals or groups who fund these conversions would not be able to charge rents for use of the equipment or claim depreciation for the equipment—the tax credit would be the sole benefit.

I am confident that citizens and groups across the United States would take advantage of this tax credit for the benefit of their local public television stations. While time is running out for action on this legislation during the 106th Congress, I am hopeful that the 107th Congress will work together with the next Administration to alleviate the financial burden on public television stations through the enactment of this legislation.

Mr. KYL (for himself and Mr. MCCAIN):

S. 3231. A bill to provide for adjustments to the Central Arizona Project in Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

ARIZONA WATER SETTLEMENTS ACT OF 2000

Mr. KYL. Mr. President, on behalf of Senator MCCAIN and myself I am introducing legislation today that would codify the largest water claims settlement in the history of Arizona. The affected parties have been negotiating for several years, and they are getting very close to finalizing these settlement agreements. They still have much work to do; but I am confident that a comprehensive settlement of these issues will be achieved. Therefore, we are introducing this bill today so that all interested Arizonans and others can have time to analyze the proposed language and make suggestions for changes that will enable us to submit a consensus bill early in the next session of Congress.

There are a few major issues that have not been resolved. To the extent that the parties are close to agreement on certain issues, we have included language in the bill that attempts to capture the essence of where the negotiations stand at the moment. For example, although differences remain, the parties are relatively close to agreement on the process to be followed in negotiating intergovernmental agreements. The legislation will have to be changed, therefore, before it is reintroduced in the next Congress, to precisely reflect the agreement reached between the parties. In addition, the timing of the waivers to be issued by the Gila River Indian Community is tied to, among other things, a transfer of a minimum amount of federal funds from the Lower Colorado River Basin Development Fund into the Gila River Indian Community Settlement Development Trust Fund. The relevant parties recognize that the settlement agreement needs more definition of uses of the funds and the precise timing of the transfers, and that the ultimate legislative language will reflect that consensus.

There are other issues that have not been resolved. For example, Section 213 of the bill has been left open for the resolution of the ''Upper Gila Valley'' (including the City of Safford) issues. Those negotiations are continuing, but have not progressed enough to produce language that can be included in this version of the bill. In addition, Title IV of the bill has been left open for a possible settlement of the claims of the San Carlos Apache Tribe. We will work with the parties over the next few months to ensure that, prior to its reintroduction next year, the bill is modified to reflect the ultimate resolution of these issues. Of course, if those parties choose to litigate their differences, rather than settle them by negotiation, we will not include titles for them in the final bill.

Mr. President, I am submitting for the RECORD a statement supporting this legislation signed by all eight members of the Arizona Congressional delegation. I am also submitting a letter of support from Arizona Governor Jane Dee Hull. I ask unanimous consent that these statements be printed in the RECORD.

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

STATEMENT OF THE ARIZONA CONGRESSIONAL DELEGATION REGARDING THE ARIZONA WATER SETTLEMENTS ACT OF 2000, OCTOBER 24, 2000

We are pleased to announce that legislation was introduced today to resolve issues relating to the repayment obligations of the State of Arizona for construction of the Central Arizona Project (CAP), allocation of remaining CAP water (including the use of nearly 200,000 acre-feet of water to satisfy the water rights claims of the Gila River Indian Community, the Tohono O'odham Nation, and other Arizona Indian tribes), and other issues, including final settlement of all claims to waters of the Gila River and its tributaries.

Legislation is needed to codify several aspects of the settlement of these various water related issues. Although not all water users have reached agreement on all issues, negotiations are continuing at a rapid pace. We, therefore, expect that all of the remaining differences will be resolved and settlement agreements will be signed by the parties in the next two months. When final agreements are signed, we intend to introduce the final version of legislation to effectuate those settlements. In the meantime, we have introduced this first version of legislation to demonstrate our commitment to the settlement process, and to allow all interested parties the time to suggest changes to precisely reflect the terms of the settlement.

One of the purposes of this legislation is to implement the settlement (in lieu of adjudication) of all of the water rights claims to the Gila River and its tributaries. Once this legislation is enacted, and the presiding judge approves the settlement, water litigation over rights to the waters of the Gila River, which has been ongoing since 1978, will be terminated. Resolution of this case, and of other issues addressed in the settlement agreements, will help to ensure that there is a more stable and certain water supply for the various water users. This is a significant benefit to the citizens of Arizona, the tribes, and the United States.

The legislation will also resolve several issues. For example, it will effectuate a settlement of litigation between the state and federal government over the state's repayment obligation for construction of the Central Arizona Project. It also amends the Colorado River Basin Project Act of 1968 to authorize the Secretary of the Interior to expend funds from the Lower Colorado River Basin Development Fund to construct irrigation distribution systems to deliver CAP water to the Gila River Indian Community and other CAP water users.

In addition, this legislation authorizes the reallocation of 65,647 acre-feet of CAP water for use by Arizona communities, and the reallocation of nearly 200,000 acre-feet for the settlement of Indian water claims.

We compliment the parties for their hard work and their commitment to resolving these difficult and sometimes contentious issues. We hope and expect that all parties will continue to negotiate in good faith to resolve the remaining issues.

Since the parties have not yet completed their negotiations, this bill is, of necessity, also a work in progress. We point out that some of the provisions in the bill may have to be modified (e.g. Section 207 has not been totally agreed to by all interested parties), and other provisions will have to be added (e.g. resolution of conflicts involving water users in the Upper Gila Valley, the City of Safford, and the San Carlos Apache Tribe).

We note that, while Interior staff have been active in the ongoing negotiations and have served on the committees drafting the bill, the Department of the Interior has not had an opportunity to vet some sections of this draft prior to its introduction. One reason for introducing this bill now rather than waiting until the final settlement agreement has been completed, is to enable Secretary Babbitt to analyze and comment upon the draft legislation before he leaves office in January. Secretary Babbitt has been a major participant in the negotiations over the last two years; and his input into the final legislation will be very important to the successful conclusion of the process.

In summary, our intention is to initiate public discussion of the issues and elicit constructive comments on this bill. Our plan is to reintroduce a modified form of this bill early in the 107th Congress. We expect that the necessary settlement agreements will be complete and signed prior to reintroduction. In relation to the Gila River Indian Community Settlement, we expect that all of the participants named in the attached list will support the settlement agreement, and the implementing legislation. Section 213 has been left open for additional parties to the agreement.

We hope that agreement can be reached to settle the claims of the San Carlos Apache Tribe. Title IV has been left open for this purpose. However, if the San Carlos Tribe cannot reach agreement with the other parties, including the United States, it is our intention to proceed without Title IV. A separate San Carlos settlement will have to be pursued at a later date.

We pledge our continuing effort to work with the parties to successfully conclude these historic settlements.

John McCain, U.S. Senator; Bob Stump, Member of Congress, Jon Kyl, U.S. Senator; Jim Kolbe, Member of Congress; Ed Pastor, Member of Congress; Matt Salmon, Member of Congress; J.D. Hayworth, Member of Congress; John Shadegg, Member of Congress.

SETTLEMENT PARTICIPANTS

Gila River Indian Community.

United States—Department of the Interior; Department of Justice.

State of Arizona/Arizona Department of Water Resources.

Central Arizona Water Conservation District.

Salt River Project.

Roosevelt Water Conservation District.

ASARCO.

Phelps Dodge.

City of Mesa.

City of Chandler.

City of Scottsdale.

City of Peoria.

City of Glendale.

City of Phoenix.

Maricopa Stanfield Irrigation and Drainage District.

Central Arizona Irrigation and Drainage District.

San Carlos Irrigation and Drainage District.

Town of Coolidge.

Hohokam Irrigation and Drainage District.

Gila Valley Irrigation District.

Franklin Irrigation District.

City of Safford.

Town of Kearney.

Graham County Utilities.

Arizona State Land Department.

Arizona Water Company.

City of Tempe.

Arizona Game and Fish.

City of Casa Grande.

Town of Gilbert.

Town of Florence.

Town of Duncan.

Buckeye Irrigation Company.

Roosevelt Irrigation District.

New Magma Irrigation and Drainage District.

STATE OF ARIZONA,
October 11, 2000.

Hon. JON KYL,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR KYL: I commend you for the introduction of the draft legislation the Arizona Water Settlements Act of 2000. This bill will maintain the momentum toward the completion of negotiations on difficult water issues concerning the Central Arizona Project, the Gila River Indian Community, the Tohono O'odham Nation, and the San Carlos Apache Tribe.

The Central Arizona Project is the lifeblood of Arizona. Confirming the repayment settlement between the United States and the Central Arizona Water Conservation District will benefit all of Arizona's taxpayers. Confirming the agreement between the Secretary of the Interior and the Arizona Department of Water Resources on the allocation of CAP water will provide for Arizona's future.

It is my understanding that when this legislation is reintroduced in the next congressional session, the parties will approve the Gila River Indian Community settlement agreement. The Governor of the State of Arizona has traditionally been a signatory to Indian water rights settlements and I expect to be a signatory to the Gila settlement. However, I want to emphasize that I will only support a complete settlement of the Gila River Indian Community claims. For example, the economic well being of the upper Gila River Valley communities and agricultural interests is of great interest to the State of Arizona. I understand that much work remains to revolve these upper valley issues and I urge all the participants to reach an agreement as part of the overall settlement.

Again, I commend your efforts to move the process along, and I look forward to our continued work together on Arizona water resource issues.

Sincerely,

JANE DEE HULL,
Governor.

Mr. MCCAIN. Mr. President, I am pleased to join my colleague, Senator KYL, as a co-sponsor to this important legislation, the Arizona Water Settlements Act of 2000, to ratify a negotiated settlement for Central Arizona Project water allocations to municipalities, agricultural districts and Indian tribes in the state of Arizona. This settlement reflects extensive negotiations by state, federal, and tribal parties.

Let me begin by commending the extraordinary commitment and diligence by all parties involved in these negotiations to reach this pivotal stage in the settlement process, which as I understand is near conclusion. I also praise my colleague, Senator JON KYL, and the Interior Secretary, Bruce Babbitt, for their front-line leadership in facilitating the settlement process. From my previous role in legislating past agreements, I recognize how challenging these negotiations can be, and I appreciate their personal commitment to this settlement process.

This legislation is vitally important to Arizona's future because it will finally bring certainty and stability to Arizona's water supply by completing the final adjudication of the Gila River. Repayment obligations of the state of Arizona for construction of the Central Arizona Project (CAP) will be addressed as part of this bill. Pending water rights claims to the Gila River and its tributaries by various Indian tribes and non-Indian users will be permanently settled and allocated.

I join Senator KYL, and the rest of the Arizona delegation, in sponsoring companion bills today to express our strong support for continuation and conclusion of this settlement process. While much of the negotiations have successfully resulted in consensus language among the various parties, it is important to emphasize that this bill does not reflect the final settlement agreement. All parties recognize that the provisions of this bill are likely to change as the negotiations continue and additional parties settle remaining claims. We fully expect that settlement negotiations will continue with a final agreement ratified in the 107th congressional session.

Mr. President, my sponsorship of this bill indicates my strong support for the settlement process and I expect that further negotiations will be carried out in good-faith among all parties. However, I want to be clear that my support today is not a full endorsement of all the provisions in this preliminary bill.

This is a particularly important point as several provisions in this bill are not typical of language included in past Indian water settlement agreements ratified by the Congress. These noted provisions are intended to prescribe future off-reservation Indian trust land acquisitions for the Gila River Indian Community, one of the primary Indian parties to the settlement. Inclusion of these provisions is

intended to address water management concerns of the state in the event that the tribe removes lands from either public or private use to be added into federal Indian trust land status.

Mr. President, Indian trust land acquisitions are the subject of much debate nationwide. In fact, the Department of Interior has proposed modifications to its existing regulations to address many of the same concerns raised by the state parties regarding potential impacts to resource management, loss of tax revenues, or other impacts to neighboring communities. These regulations have not been finalized to date.

Despite my support for the overall settlement, I believe it unwise to include ad hoc language that applies restrictions to only one particular tribe when overall changes to the underlying federal law governing Indian trust land acquisitions have not been settled. Such modifications to federal Indian trust land policies should also be guided by the review and advice of the congressional committees of jurisdiction. I hope that continuing discussions on this matter will result in a resolution that respects both the rights of the Indian tribes and the state of Arizona, consistent with applicable laws.

Mr. President, we introduce this bill today as an expression of our commitment to the various parties to successfully achieve conclusion to this process. The Arizona Water Settlements Act will be a historic accomplishment and one that will ultimately benefit all citizens of Arizona, the tribal communities, and the United States.

ADDITIONAL COSPONSORS

S. 1570

At the request of Mr. LUGAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1570, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to promote identification of children eligible for benefits under, and enrollment of children in, the medicaid and State Children's Health Insurance programs.

S. 2789

At the request of Mr. COCHRAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2789, a bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 2887

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2938

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 3067

At the request of Mr. JEFFORDS, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Washington (Mr. GORTON) 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. 3089

At the request of Mr. HAGEL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3131

At the request of Mr. MURKOWSKI, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 3131, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the medicare program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors.

S. 3145

At the request of Mr. BREAUX, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities

S. 3181

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3198

At the request of Mr. JEFFORDS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3198, a bill to provide a pool credit under Federal milk marketing orders for handlers of certified organic milk used for Class I purposes.

S. CON. RES. 138

At the request of Mr. WELLSTONE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

S. RES. 340

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Res. 340, a resolution designating December 10, 2000, as ''National Children's Memorial Day.''

SENATE CONCURRENT RESOLUTION 155—EXPRESSING THE SENSE OF CONGRESS THAT THE GOVERNMENT OF THE UNITED STATES SHOULD ACTIVELY SUPPORT THE ASPIRATIONS OF THE DEMOCRATIC POLITICAL FORCES IN PERU TOWARD AN IMMEDIATE AND FULL RESTORATION OF DEMOCRACY IN THAT COUNTRY

Mr. L. CHAFEE (for himself, Mr. HELMS, Mr. LEAHY, Mr. TORRICELLI, Mr. DEWINE, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 155

Whereas democracy in Peru suffered a severe setback when the Government of Peru, headed by President Alberto Fujimori, manipulated democratic electoral processes and failed to establish the conditions for free and fair elections—both for the April 9, 2000, election and the May 28, 2000, run off—by not taking effective steps to correct the ''insufficiencies, irregularities, inconsistencies, and inequities'' documented by the Organization of American States (OAS) and other independent election observers;

Whereas the absence of free and fair elections in Peru has further undermined democracy in that country and constitutes a major setback for the Peruvian people and for democracy in the Hemisphere; and

Whereas the fate of Peruvian democracy is a matter that should be decided upon by the people of Peru: Now, therefore, be it

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

(1) supports efforts toward restoring democracy in Peru, including the shortening of the term of Alberto Fujimori, the recent call for new elections, and the decision to deactivate the National Intelligence Service (SIN);

(2) is concerned that the same elements which have systematically undermined democratic institutions in Peru and which manipulated the electoral process in April and May 2000 remain in power and are in a position to manipulate the upcoming electoral process; and

(3) supports the efforts of Peruvian democratic civil society to create the necessary conditions for free and fair elections, including improving respect for human rights, the rule of law, the independence and constitutional role of the judiciary and the national congress, and freedom of expression and of the independent media.

(b) It is the sense of Congress that—

(1) it should be the policy of the United States to actively support the aspirations of the democratic political forces in Peru for a credible transition toward the full restoration of democracy and the rule of law in Peru, headed by leaders who are committed to democracy and who enjoy the trust of the Peruvian people;

(2) it should be the policy of the United States to work with the international community, including the OAS, to assist democratic forces in Peru in restoring democracy to their country;

(3) the Government of Peru should establish a fully independent and credible election authority and should end all interference with freedom of speech and the media;

(4) the Government of Peru should fully implement the recently enacted law deactivating the SIN and the United States Government should oppose all elements of the Government of Peru that continue to subvert Peruvian democracy; and

(5) the United States Government should cooperate fully with any credible investigation of narcotics or arms trafficking by officials of the Government of Peru.

SENATE RESOLUTION 381—DESIGNATING OCTOBER 16, 2000, TO OCTOBER 20, 2000, AS ''NATIONAL TEACH FOR AMERICA WEEK''

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 381

Whereas while the United States will need to hire over 2,000,000 new teachers over the next decade, Teach For America has proven itself an effective alternative means of recruiting gifted college graduates into the field of education;

Whereas in its decade of existence, Teach For America's 6,000 corps members have aided 1,000,000 low-income students at urban and rural sites across the United States;

Whereas Teach For America's popularity continues to skyrocket, with a record-breaking number of men and women applying to become corps members for the 2000-2001 school year;

Whereas over half of all Teach For America alumni continue to work within the field of education after their two years of service are complete;

Whereas Teach For America corps members leave their service committed to lifelong advocacy for low-income, underserved children;

Whereas over 100,000 schoolchildren are being taught by Teach For America corps members in 2000; and

Whereas October 16th through 20th will be Teach For America's fourth annual ''Teach For America'' week, during which government members, artists, historians, athletes, and other prominent community leaders will visit underserved classrooms served by Teach For America corps members: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Teach For America program, and its past and present participants, for its contribution to our Nation's public school system;

(2) designates the week beginning on October 16, 2000, and ending on October 20, 2000, as ''National Teach For America Week''; and

(3) encourages Senators and all community leaders to participate in classroom visits to take place during the week.

SENATE RESOLUTION 382—RECOGNIZING AND COMMENDING THE PERSONNEL OF THE 49TH ARMORED DIVISION OF THE TEXAS ARMY NATIONAL GUARD FOR THEIR PARTICIPATION AND EFFORTS IN PROVIDING LEADERSHIP AND COMMAND AND CONTROL OF THE UNITED STATES SECTOR OF THE MULTINATIONAL STABILIZATION FORCE IN TUZLA, BOSNIA-HERZOGOVINA

Mrs. HUTCHISON (for herself, Mr. GRAMM, and Mr. WARNER) introduced the following resolution; which was considered and agreed to:

S. RES. 382

Whereas the personnel of the 49th Armored Division, Texas Army National Guard, provided command and control of Regular Army forces and an 11-nation multinational force in the American sector of Bosnia-Herzegovina from March 7, 2000, through October 4, 2000;

Whereas the presence of the soldiers of the 49th Armored Division prolonged nearly five years of peace among ethnic Serbs, Croats, and Muslims in Bosnia-Herzegovina;

Whereas the historic deployment of elements of the 49th Armored Division marked the first time that the commander of an Army National Guard unit commanded Regular Army troops and multinational troops in Bosnia-Herzegovina;

Whereas the deployment marked the first time since the Korean War that an Army National Guard division provided command and control of Regular Army forces participating in operations overseas;

Whereas a majority of the members of the 49th Armored Division who served in Bosnia-Herzegovina volunteered for the deployment that necessitated leaving their families and their civilian jobs for eight months in order to maintain peace and stability in Bosnia-Herzegovina;

Whereas the soldiers of the 49th Armored Division were able to combine unique civilian occupational backgrounds and experience with their military skills to bring about unprecedented levels of reconstruction of destroyed homes and the resettlement of refugees;

Whereas the soldiers of the 49th Armored Division in the troubled Balkans achieved the highest level of safety demonstrated thus far in the performance of that mission, with division personnel compiling an impressive record of driving over 600,000 miles, conducting over 17,000 patrols and clearing 85 square miles of mine fields without serious injury or accident;

Whereas the 49th Armored Division's tour of duty in Bosnia-Herzegovina serves as a model for the integration of Army, Army Reserve, and Army National Guard forces in the performance of Army missions; and

Whereas the members of the 49th Armored Division involved in the mission in Bosnia-Herzegovina brought great credit upon themselves, the Army National Guard, the State of Texas, and the United States of America: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of the 49th Armored Division of the Texas Army National Guard for their contributions to the unqualified success of the Multinational Stabilization Force in Bosnia-Herzegovina during the period of their deployment;

(2) recognizes that the efforts of the men and women of the 49th Armored Division contributed immeasurably to the success of the peacekeeping in Bosnia-Herzegovina mission; and

(3) expresses deep gratitude for the sacrifices made by those men and women, their families, and their civilian employers in support of United States peacekeeping efforts in Bosnia-Herzegovina.

AMENDMENTS SUBMITTED

GUAM OMNIBUS OPPORTUNITIES ACT

MURKOWSKI AMENDMENT NO. 4334

Mr. SMITH of New Hampshire (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes; as follows:

Strike all after the enacting clause and insert:

''SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

''(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Excepts as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the 'Property Act'), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

''(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

''(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

''(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of two (2) years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

''(3) All transfer of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code or section 501 of Public Law 100–77 (42 U.S.C. 11411).

''(c) DEFINITIONS.—For the purposes of this section:

''(1) The term 'Administrator' means—

''(A) the Administrator of General Services; or

''(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

''(2) The term 'base closure law' means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510), or similar base closure authority.

''(3) The term 'excess real property' means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

''(4) The term 'Guam National Wildlife Refuge' includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figures 3, on page 74, and as submerged lands in figure 7, on page 78 of the 'Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993' to the extent that the Federal Government holds title to such lands.

''(5) The term 'public purpose' means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101–47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103–339, 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a non-discriminatory basis.

''(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

''(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

''(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

''(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward and agreement providing for the future ownership and management of such real property.

''(B) If the parties reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided,* That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

''(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

''(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided,* That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

''(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property;

''(3) to real property described in the Guam Excess Lands Act (P.L. 103–339, 108 Stat. 3116) which shall be disposed of in accordance with such Act;

''(4) to real property on Guam that is declared excess as a result of a base closure law; or

''(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

''(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

''(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

''SEC. 2. COMPACT IMPACT REPORTS.

''Paragraph 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting 'President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.' and inserting in lieu thereof, 'Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.'.

''SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.

''(a) The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance and services of the United States, to the extent that such programs, grant assistance and services are provided to states and local governments of the United States and residents of such states, for which a freely associated state or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99–239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

''(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 143a(a)) is amended—

(1) by striking 'or' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting '; or'; and

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

'(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided,* That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.'.''.

KORCZAK ZIOLKOWSKI POSTAGE STAMP LEGISLATION

DASCHLE AMENDMENTS NOS. 4335–4337

Mr. SMITH of New Hampshire (for Mr. DASCHLE) proposed three amendments to the bill (S.Res. 371) expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski:

AMENDMENT NO. 4335

Strike paragraphs (1) and (2) of the resolving clause and insert the following:

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private sources and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski and the Crazy Horse Memorial for the 20th anniversary of his death, October 20, 2002.

AMENDMENT NO. 4336

Strike the preamble and insert the following:

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux leader Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korczak Ziolkowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas in his invitation letter to Korczak Ziolkowski, Chief Henry Standing Bear wrote: ''My fellow chiefs and I would like the white man to know that the red man has great heroes, too.'';

Whereas in 1939, Korczak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas in 1941, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave Sioux leader Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculpting career aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, to honor the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the largest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth, the Ziolkowski family, and the Crazy Horse Memorial Foundation have continued to work on the Memorial and to continue the dream of Korczak Ziolkowski and Chief Henry Standing Bear; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

AMENDMENT NO. 4337

Amend the title so as to read: ''Resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski and the Crazy Horse Memorial.''.

MILITARY WORKING DOGS EUTHANIZATION TERMINATION LEGISLATION

ROBB AMENDMENT NO. 4338

Mr. SMITH of New Hampshire (for Mr. ROBB) proposed an amendment to the bill (H.R. 5314) to require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2582. Military working dogs: transfer and adoption at end of useful working life

''(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense may make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

''(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

''(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

''(d) CONSIDERATION.—The transfer of a military working dog under this section may be without charge to the recipient.

''(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

''(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated with a military working dog transferred under this section for a condition of the military working dog before transfer under this section, whether or not such condition is known at the time of transfer under this section.

''(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2582. Military working dogs: transfer and adoption at end of useful working life.''.

SMALL WATERSHED REHABILITATION ACT OF 1999

HARKIN AMENDMENT NO. 4339

Mr. SMITH of New Hampshire (for Mr. HARKIN) proposed an amendment to the bill (S. 1762) to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws; as follows:

On page 2, line 5, strike ''1999'' and insert ''2000''.

On page 8, lines 6 and 7, strike ''no benefit-cost'' and all that follows through ''be required'' and insert ''a benefit-cost ratio greater than 1 shall not be required''.

On page 8, line 20, after the period, insert the following: ''In establishing a system of approving rehabilitation requests, the Secretary shall give requests made by eligible local organizations for decommissioning as the form of rehabilitation the same priority as requests made by eligible local organizations for other forms of rehabilitation.''.

On page 8, strike lines 21 through 25 and insert the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

''(1) $10,000,000 for fiscal year 2001;

''(2) $10,000,000 for fiscal year 2002;

''(3) $15,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $35,000,000 for fiscal year 2005.

On page 9, line 3, strike ''2000 and 2001'' and insert ''2001 and 2002''.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Rhode Island (Mr. L. CHAFEE) as a member of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Berlin, Germany, November 17–22, 2000.

UNITED STATES MINT NUMISMATIC COIN CLARIFICATION ACT OF 2000

Mr. SMITH of New Hampshire. I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5273, 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 assistant legislative clerk read as follows:

A bill (H.R. 5273) to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. 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.S. 5273) was read the third time and passed.

ROBERT S. WALKER POST OFFICE

Mr. SMITH of New Hampshire. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 3194, 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 assistant legislative clerk read as follows:

A bill (S. 3194) to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office.''

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. 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. 3194) was read the third time and passed, as follows:

S. 3194

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

SECTION 1. DESIGNATION OF ROBERT S. WALKER POST OFFICE.

(a) IN GENERAL.—The facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, shall be known and designated as the ''Robert S. Walker Post Office''.

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

CALENDAR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the following legislation; further, that the Senate proceed en bloc to their consideration in the following bills at the desk: H.R. 4450, H.R. 4451, H.R. 4625, H.R. 4786, H.R. 4315, H.R. 4831, H.R. 4853, H.R. 5229.

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

Mr. SMITH of New Hampshire. I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD, with the above all occurring en bloc.

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

JUDGE HARRY AUGUSTUS COLE POST OFFICE BUILDING

The bill (H.R. 4450) to designate the facility of the United States Postal Service located at 900 East Fayette Street, Baltimore, Maryland, as the ''Judge Harry Augustus Cole Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

FREDERICK L. DEWBERRY, JR. POST OFFICE BUILDING

The bill (H.R. 4451) to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the ''Frederick L. Dewberry, Jr. Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

GERTRUDE A. BARBER POST OFFICE BUILDING

The bill (H.R. 4625) to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the ''Gertrude A. Barber Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

SAMUEL P. ROBERTS POST OFFICE BUILDING

The bill (H.R. 4786) to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the ''Samuel P. Roberts Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

LARRY SMALL POST OFFICE BUILDING

The bill (H.R. 4315) to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

ROBERTO CLEMENTE POST OFFICE

The bill (H.R. 4831) to designate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the ''Roberto Clemente Post Office'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

ARNOLD C. D'AMICO STATION

The bill (H.R. 4853) to designate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the ''Arnold C. D'Amico Station'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

RUTH HARRIS COLEMAN POST OFFICE BUILDING

The bill (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'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

GUAM LAND RETURN ACT

Mr. SMITH of New Hampshire. I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2462, 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 assistant legislative clerk read as follows:

A bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4334

(Purpose: To amend the Guam Omnibus Opportunities Act)

Mr. SMITH of New Hampshire. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. MURKOWSKI, proposes an amendment numbered 4334.

The amendment is as follows:

Strike all after the enacting clause and insert:

''SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

''(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the 'Property Act'), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

''(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the

property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

''(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

''(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of two (2) years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

''(3) All transfer of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code or section 501 of Public Law 100–77 (42 U.S.C. 11411).

''(c) DEFINTIONS.—For the purposes of this section:

''(1) The term 'Administrator' means—

''(A) the Administrator of General Services; or

''(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

''(2) The term 'base closure law' means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101.510), or similar base closure authority.

''(3) The term 'excess real property' means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

''(4) The term 'Guam National Wildlife Refuge' includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the 'Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993' to the extend that the federal government holds title to such lands.

''(5) The term 'public purpose' means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101–47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103–339. 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a non-discriminatory basis.

''(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

''(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

''(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

''(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward and agreement providing for the future ownership and management of such real property.

''(B) If the parties reach and agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

''(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

''(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

''(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property;

''(3) to real property described in the Guam Excess Lands Act (P.L. 103–339, 108 Stat. 3116) which shall be disposed of in accordance with such Act;

''(4) to real property on Guam that is declared excess as a result of a base closure law; or

''(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

''(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

''(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

''SEC. 2. COMPACT IMPACT REPORTS.

''Paragraph 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting 'President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.' and inserting in lieu thereof, 'Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decenial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.'.

''SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.

''(a) The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance and services of the United States, to the extent that such programs, grant assistance and services are provided to states and local governments of the United States and residents of such states, for which a freely associated state or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99–239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

''(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 143a(a)) is amended—

''(1) by striking 'or' at the end of paragraph (5);

''(2) by striking the period at the end of paragraph (6) and inserting '; or'; and

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

'' '(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided*, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.'.''.

Mr. SMITH of New Hampshire. I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, as amended, and 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. 4334) was agreed to.

The bill (H.R. 2462), as amended, was read the third time and passed.

COMMENDING ARCHBISHOP DESMOND TUTU

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 31, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 31) commending Archbishop Desmond Tutu for being a recipient of the Immortal Chaplains Prize for Humanity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 31) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 31

Whereas the Immortal Chaplains Prize for Humanity was established by the Immortal Chaplains Foundation to honor the memory of the four ''Immortal Chaplains'' of World War II, Lieutenant George L. Fox, Methodist; Lieutenant Alexander D. Goode, Jewish; Lieutenant John P. Washington, Catholic; and Lieutenant Clark V. Poling, Dutch Reformed;

Whereas witnesses have verified that during the approximate 18 minutes the United States Army transport Dorchester was sinking on February 3, 1943, after being torpedoed off the coast of Greenland, the four chaplains went from soldier to soldier calming fears and handing out life jackets and guiding men to safety and when there were no more life jackets, they removed their own life jackets and gave them to others to save their lives and were last seen arm-in-arm in prayer on the hull of the ship;

Whereas many of the 230 men who survived owed their lives to these four chaplains, and witnesses among them recounted the unique ecumenical spirit and love for their fellow man these four demonstrated;

Whereas the Immortal Chaplains Prize for Humanity was created to ensure that the spirit of these Chaplains is celebrated through a living memorial to be awarded to those who have been willing to put their lives in danger to grant assistance to persons of a different creed or color;

Whereas Archbishop Desmond Tutu served as Chairman of the Truth and Reconciliation Commission in South Africa, which performed a historical role and set a precedent in revealing the truth about atrocities committed in the past and providing the means of a peaceful resolution for the pain suffered by that nation;

Whereas Archbishop Desmond Tutu continues to defend the rights of the downtrodden of many nations, exhibiting compassion to those of different races and religious beliefs; and

Whereas it is proper and desirable to recognize that Archbishop Desmond Tutu's actions are in keeping with the spirit of the ''Immortal Chaplains'': Now, therefore, be it

Resolved, That the Senate commends Archbishop Desmond Tutu for being a recipient of the Immortal Chaplains Prize for Humanity.

NATIONAL TEACH FOR AMERICA WEEK

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 381, submitted earlier today by Senator SCHUMER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 381) designating October 16, 2000, to October 20, 2000, as ''National Teach For America Week''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, 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 resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 381

Whereas while the United States will need to hire over 2,000,000 new teachers over the next decade, Teach For America has proven itself an effective alternative means of recruiting gifted college graduates into the field of education;

Whereas in its decade of existence, Teach For America's 6,000 corps members have aided 1,000,000 low-income students at urban and rural sites across the United States;

Whereas Teach For America's popularity continues to skyrocket, with a record-breaking number of men and women applying to become corps members for the 2000-2001 school year;

Whereas over half of all Teach For America alumni continue to work within the field of education after their two years of service are complete;

Whereas Teach For America corps members leave their service committed to lifelong advocacy for low-income, underserved children;

Whereas over 100,000 schoolchildren are being taught by Teach For America corps members in 2000; and

Whereas October 16th through 20th will be Teach For America's fourth annual ''Teach For America'' week, during which government members, artists, historians, athletes, and other prominent community leaders will visit underserved classrooms served by Teach For America corps members: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Teach For America program, and its past and present participants, for its contribution to our Nation's public school system;

(2) designates the week beginning on October 16, 2000, and ending on October 20, 2000, as ''National Teach For America Week''; and

(3) encourages Senators and all community leaders to participate in classroom visits to take place during the week.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 340, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 340) designating December 10, 2000, as ''National Children's Memorial Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 340) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 340

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 10, 2000, as ''National Children's Memorial Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

REFERRAL OF S. 1456, FOR RELIEF OF ROCCO A. TRECOSTA, TO CHIEF JUDGE OF U.S. COURT OF FEDERAL CLAIMS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 231, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 231) referring S. 1456 entitled ''A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida'' to the chief judge of United States Court of Federal Claims for a report thereon.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 231) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 231

Resolved,

SECTION 1. REFERRAL.

S. 1456 entitled ''A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida'' now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

SEC. 2. PROCEEDING AND REPORT.

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to Rocco A. Trecosta of Fort Lauderdale, Florida.

RECOGNIZING THE LATE BERNT BALCHEN FOR HIS MANY CONTRIBUTIONS TO THE UNITED STATES ON THE CENTENARY OF HIS BIRTH

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S.J. Res. 36, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 36) recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 36) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 36

Whereas Bernt Balchen, as co-pilot and navigator with Floyd Bennett and under the sponsorship of Joseph Wanamaker, flew the Ford trimotor monoplane ''Josephine Ford'' on a flying tour to more than 50 American cities in 1926, thereby promoting commercial aviation as a safe, reliable, and practical means of transport;

Whereas in 1927 Bernt Balchen, piloting the first flight to carry United States mail over the Atlantic Ocean, flew the aircraft ''America'' to France under weather conditions so adverse that he was forced to set the aircraft down in the surf off Normandy at night, a maneuver that he executed so skillfully that he saved all on board the aircraft;

Whereas on November 29, 1929, Bernt Balchen, while participating in the first expedition of Admiral Richard Evelyn Byrd to Antarctica, became the first pilot to fly a plane over the South Pole;

Whereas Bernt Balchen was indispensable to the success of various American expeditions in Antarctica under the leadership of Admiral Byrd and Lincoln Ellsworth;

Whereas Bernt Balchen, under secret conditions and in record time, was responsible for building in Greenland in the autumn of 1941 the air base Sondre Stromfjord, then known as ''Bluie West Eight'', that was used for ferrying warplanes to Europe;

Whereas Bernt Balchen, as commander of ''Bluie West Eight'' between September 1941 and November 1943, provided his personnel with training in cold weather survival skills and rescue techniques which enabled them to carry out many spectacular rescues of downed airmen on the Greenland icecap;

Whereas Bernt Balchen, on May 7, 1943, successfully led a bombing raid that destroyed the sole German post in Greenland, a weather station and antiaircraft battery on the east coast of Greenland, thereby hindering the ability of the German armed forces to predict weather patterns in the North Atlantic and Europe;

Whereas Bernt Balchen, between March and December 1944, commanded an air transport operation that safely evacuated from Sweden at least 2,000 Norwegians, 900 American internees, and 150 internees of other nationalities and transported strategic freight and numerous important diplomats and Armed Forces officers;

Whereas Bernt Balchen, between July and October 1944, commanded a clandestine air transport operation that transported 64 tons of operational supplies from Scotland to occupied Norway in defiance of severe enemy opposition;

Whereas Bernt Balchen, between November 1944 and April 1945, commanded a clandestine air transport operation that, again in defiance of severe enemy opposition, transported from England to Sweden 200 tons of arctic equipment and operational supplies that were used to make clandestine overland transport from Sweden to Norway possible;

Whereas Bernt Balchen, during the winter of 1945, made C–47 aircraft under his command available to transport into northern Norway the communications facilities that thereafter transmitted from Norway intelligence of inestimable value to the Allied Expeditionary Force;

Whereas Bernt Balchen, as one of the founders of the Scandinavian Airlines System, pioneered commercial airline flight over the North Pole, which increased business development in Alaska and shortened the flying time necessary for international flights between the United States and points in Europe and Asia;

Whereas Bernt Balchen, from November 1948 to January 1951, commanded the 10th Rescue Squadron of the United States Air Force, which was headquartered in Alaska but ranged across the entire northern tier of North America rescuing downed airmen, and led the squadron in the development of the techniques that are now universally used in cold weather search and rescue operations;

Whereas Bernt Balchen was the individual primarily responsible for the pioneering and development of the strategic air base at Thule, Greenland, which was built secretly in 1951 under severe weather conditions and which, by extending the range of the Strategic Air Command, increased the capabilities that made the Strategic Air Command a significant deterrent to Soviet aggression during the Cold War;

Whereas Bernt Balchen, as Assistant for Arctic Activities in the Directorate of Operations of the United States Air Force, rendered expert advice on the development of concepts, procedures, and programs pertaining to the Arctic that have been consistently utilized by other agencies in planning Arctic projects and operations of national and international interest;

Whereas Bernt Balchen served brilliantly as an officer in the United States Air Force and contributed immeasurably to the mission of the Air Force and the security of the United States;

Whereas the International Aviation Snow Symposium, of which Bernt Balchen was a founder and honorary chairman, established in 1976 the Balchen Award that is presented annually to recognize excellence in the performance of airport snow and ice removal, is sought avidly by the managers of airports of all categories in the United States and Canada, and has successfully encouraged progressive improvement in cold weather airport safety and air travel;

Whereas the United States Government has awarded Bernt Balchen the Byrd Antarctic Expedition Congressional Medal, the Distinguished Service Medal, the Distinguished Flying Cross, the Legion of Merit, the Soldier's Medal, and the Air Medal, and other governments and societies have awarded Bernt Balchen various other medals and awards in recognition of his patriotism and remarkable achievement in aviation;

Whereas Bernt Balchen, a native of Norway who became a citizen of the United States on November 5, 1931, before a Federal judge in Hackensack, New Jersey, and entered the military service of the United States in the United States Army Air Corps on September 5, 1941, at all times furthered the cordial relationship between the United States of America and the Kingdom of Norway, one of America's most-cherished allies;

Whereas Bernt Balchen was buried with full military honors at Arlington National Cemetery on October 23, 1973; and

Whereas October 23, 1999, is the 100th anniversary of the birth of Bernt Balchen and is being observed as such in many commemorative events taking place in the United States and Norway: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the late Bernt Balchen is hereby recognized for his extraordinary service to the United States, including the national security.

NATIONAL SURVIVORS OF SUICIDE DAY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 339, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 339) designating November 18, 2000, as ''National Survivors of Suicide Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 339) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 339

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, hundreds of thousands of people become suicide survivors (people that have lost a loved one to suicide), and there are approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop suicide prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

Resolved, That the Senate—

(1)(A) designates November 18, 2000, as ''National Survivors of Suicide Day''; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

EXPRESSING THE SENSE OF CONGRESS SUPPORTING THE ASPIRATIONS OF THE DEMOCRATIC POLITICAL FORCES IN PERU

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 155, submitted earlier today by Senator CHAFEE.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 155) expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political forces in Peru toward an immediate and full restoration of democracy in that country.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SMITH of New Hampshire. 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 this resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 155) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 155

Whereas democracy in Peru suffered a severe setback when the Government of Peru, headed by President Alberto Fujimori, manipulated democratic electoral processes and failed to establish the conditions for free and fair elections—both for the April 9, 2000, election and the May 28, 2000, run off—by not taking effective steps to correct the ''insufficiencies, irregularities, inconsistencies, and inequities'' documented by the Organization of American States (OAS) and other independent election observers;

Whereas the absence of free and fair elections in Peru has further undermined democracy in that country and constitutes a major setback for the Peruvian people and for democracy in the Hemisphere; and

Whereas the fate of Peruvian democracy is a matter that should be decided upon by the people of Peru: Now, therefore, be it

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

(1) supports efforts toward restoring democracy in Peru, including the shortening of the term of Alberto Fujimori, the recent call for new elections, and the decision to deactivate the National Intelligence Service (SIN);

(2) is concerned that the same elements which have systematically undermined democratic institutions in Peru and which manipulated the electoral process in April and May 2000 remain in power and are in a position to manipulate the upcoming electoral process; and

(3) supports the efforts of Peruvian democratic civil society to create the necessary conditions for free and fair elections, including improving respect for human rights, the rule of law, the independence and constitutional role of the judiciary and the national congress, and freedom of expression and of the independent media.

(b) It is the sense of Congress that—

(1) it should be the policy of the United States to actively support the aspirations of the democratic political forces in Peru for a credible transition toward the full restoration of democracy and the rule of law in Peru, headed by leaders who are committed to democracy and who enjoy the trust of the Peruvian people;

(2) it should be the policy of the United States to work with the international community, including the OAS, to assist democratic forces in Peru in restoring democracy to their country;

(3) the Government of Peru should establish a fully independent and credible election authority and should end all interference with freedom of speech and the media;

(4) the Government of Peru should fully implement the recently enacted law deactivating the SIN and the United States Government should oppose all elements of the Government of Peru that continue to subvert Peruvian democracy; and

(5) the United States Government should cooperate fully with any credible investigation of narcotics or arms trafficking by officials of the Government of Peru.

RECOGNIZING AND COMMENDING THE PERSONNEL OF THE 49TH ARMORED DIVISION OF THE TEXAS ARMY NATIONAL GUARD

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 382, submitted earlier today by Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 382) recognizing and commending the personnel of the 49th Armored Division of the Texas Army National Guard for their participation and efforts in providing leadership and command and control of the United States sector of the Multinational Stabilization Force in Tuzla, Bosnia-Herzegovina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 382) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 382

Whereas the personnel of the 49th Armored Division, Texas Army National Guard, provided command and control of Regular Army forces and an 11-nation multinational force in the American sector of Bosnia-Herzegovina from March 7, 2000, through October 4, 2000;

Whereas the presence of the soldiers of the 49th Armored Division prolonged nearly five years of peace among ethnic Serbs, Croats, and Muslims in Bosnia-Herzegovina;

Whereas the historic deployment of elements of the 49th Armored Division marked the first time that the commander of an Army National Guard unit commanded Regular Army troops and multinational troops in Bosnia-Herzegovina;

Whereas the deployment marked the first time since the Korean War that an Army National Guard division provided command and control of Regular Army forces participating in operations overseas;

Whereas a majority of the members of the 49th Armored Division who served in Bosnia-Herzegovina volunteered for the deployment that necessitated leaving their families and their civilian jobs for eight months in order to maintain peace and stability in Bosnia-Herzegovina;

Whereas the soldiers of the 49th Armored Division were able to combine unique civilian occupational backgrounds and experience with their military skills to bring about unprecedented levels of reconstruction of destroyed homes and the resettlement of refugees;

Whereas the soldiers of the 49th Armored Division in the troubled Balkans achieved the highest level of safety demonstrated thus far in the performance of that mission, with division personnel compiling an impressive record of driving over 600,000 miles, conducting over 17,000 patrols and clearing 85 square miles of mine fields without serious injury or accident;

Whereas the 49th Armored Division's tour of duty in Bosnia-Herzegovina serves as a model for the integration of Army, Army Reserve, and Army National Guard forces in the performance of Army missions; and

Whereas the members of the 49th Armored Division involved in the mission in Bosnia-Herzegovina brought great credit upon themselves, the Army National Guard, the State of Texas, and the United States of America: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of the 49th Armored Division of the Texas Army National Guard for their contributions to the unqualified success of the Multinational Stabilization Force in Bosnia-Herzegovina during the period of their deployment;

(2) recognizes that the efforts of the men and women of the 49th Armored Division contributed immeasurably to the success of the peacekeeping in Bosnia-Herzegovina mission; and

(3) expresses deep gratitude for the sacrifices made by those men and women, their families, and their civilian employers in support of United States peacekeeping efforts in Bosnia-Herzegovina.

HONORING SCULPTOR KORCZAK ZIOLKOWSKI

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 371, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 371) expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, Senator DASCHLE has three amendments at the desk to the resolution, the preamble, and the title, and I ask unanimous consent that they be considered and agreed to in the proper sequence.

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

The amendments (Nos. 4335, 4336, and 4337) were agreed to, as follows:

AMENDMENT NO. 4335

Strike paragraphs (1) and (2) of the resolving clause and insert the following:

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private sources and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski and the Crazy Horse Memorial for the 20th anniversary of his death, October 20, 2002.

AMENDMENT NO. 4336

Strike the preamble and insert the following:

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux leader Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korczak Ziolkowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas in his invitation letter to Korczak Ziolkowski, Chief Henry Standing Bear wrote: ''My fellow chiefs and I would like the white man to know that the red man has great heroes, too.'';

Whereas in 1939, Korczak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas in 1941, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave Sioux leader Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculpting career aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, to honor the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the largest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth, the Ziolkowski family, and the Crazy Horse Memorial Foundation have continued to work on the Memorial and to continue the dream of Korczak Ziolkowski and Chief Henry Standing Bear; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

AMENDMENT NO. 4337

Amend the title so as to read: ''Resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski and the Crazy Horse Memorial.''.

Mr. DASCHLE. Mr. President, I am delighted that the Senate passed my resolution to urge the creation of a postage stamp honoring Korczak Ziolkowski, the visionary sculptor who began work on the Crazy Horse Memorial in the Black Hills of South Dakota over 52 years ago. I would like to take a moment to describe the man and the dream that led him to carve a mountain.

Korczak Ziolkowski was born on September 6, 1908 in Boston, Massachusetts. Orphaned at age one, he grew up in a series of foster homes and often was mistreated. Korczak later would say that his collective experiences during this difficult part of his life prepared him for sculpting the Crazy Horse memorial and enabled him to prevail over the decades of financial hardship he encountered trying to create an Indian memorial in the Black Hills.

Before coming west, Korczak was a noted studio sculptor and member of the National Sculpture Society. Although he never took a lesson in art or sculpture, his marble portrait of Polish composer and political leader Ignace Jan Paderewski won first prize by unanimous vote at the 1939 New York World's Fair. This award drew the attention of Lakota Sioux Chief Henry Standing Bear, who invited Korczak to carve a memorial to the Sioux warrior Crazy Horse in the sacred Black Hills. In his invitation letter, Chief Standing Bear wrote: ''My fellow chiefs and I would like the white man to know the red man has great heroes, too.''

In 1939, Korczak also traveled to South Dakota to assist Gutzon Borglum, the famed sculptor of Mount Rushmore. Korczak finally met Chief Standing Bear in 1941 and he learned more about Crazy Horse. He then returned to his sculpting career in New

England, but he never stopped studying the life of Crazy Horse and the Native American tribes of North America. However, a sense of duty to his country delayed his return to South Dakota. At age 34, he volunteered for service in World War II, landed on Omaha Beach and later was wounded. After the war, Korczak turned down a government commission to create war memorials in Europe to accept Chief Standing Bear's invitation. He returned to South Dakota in 1947 and dedicated the rest of his life to sculpting the Crazy Horse Memorial.

Korczak's first year in the Black Hills was spent pioneering, building a log cabin, and constructing a massive wooden staircase to the top of the mountain he would carve. Then, on June 3, 1948, the Crazy Horse Memorial was dedicated. From its inception, Korczak said that the memorial would be a nonprofit educational and cultural project for all Native Americans. The memorial would be financed solely by the interested public, not from government funds. In fact, Korczak twice turned down $10 million in federal funds because he believed the government would never complete the memorial as he envisioned it—a sprawling campus including the Indian Museum of North America and the University and Medical Training Center for the North American Indian with the massive mountain carving at its center. Carved in three dimensions, the memorial is 563 high and 641 feet long, and upon completion will be the largest sculpture in the world.

In 1950, Korczak married Ruth Ross, a volunteer at the memorial, and had 10 children, one of whom he delivered himself. Korczak soon realized that finishing the memorial would exceed one man's lifetime, so he and Ruth prepared detailed plans for the memorial's completion. Since Korczak's death on October 20, 1982, Ruth has carried out his vision. Under her leadership, the memorial continues to grow. In 1998, 50 years after the first blast on the mountain, the completed face of Crazy Horse was dedicated, and more recently, a state of the art visitors center was opened to educate visitors about the memorial. Ruth's next task is to complete work on the head of the Sioux leader's horse, which is a staggering 20 stories tall. Completing the memorial may take decades, even generations, to complete, but I am certain that under the leadership of the Ziolkowski family and the Crazy Horse Memorial Foundation it will be completed.

Korczak Ziolkowski was a humble man. From his first days on the memorial to his death, he never took salary. He always believed that, first and foremost, the Crazy Horse Memorial was for the Native Americans. I would like to close with a quote Korczak was fond of: ''When the legends die, the dreams end; when the dreams end, there is no more greatness.'' Korczak's legend did not die with him. His and Chief Henry Standing Bear's dream continues to inspire greatness today. Now, eighteen years after his death, it is my hope we can share his dream with all Americans by issuing a postage stamp in his honor.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that the resolution, as amended, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 371), as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 371

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux warrior Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korzcak Ziolowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas later that year, Korzcak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas while in South Dakota, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave warrior Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculptures aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, for the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the tallest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth and the Ziolkowski family have continued to work on the Memorial and to expand upon the dream of Korczak Ziolkowski; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private donations and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski for his upcoming 100th birthday.

PROTECTING SENIORS FROM FRAUD ACT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3164, 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 assistant legislative clerk read as follows:

A bill (S. 3164) to protect seniors from fraud.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3164) was read the third time and passed, as follows:

S. 3164

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 ''Protecting Seniors From Fraud Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Older Americans are among the most rapidly growing segments of our society.

(2) Our Nation's elderly are too frequently the victims of violent crime, property crime, and consumer and telemarketing fraud.

(3) The elderly are often targeted and retargeted in a range of fraudulent schemes.

(4) The TRIAD program, originally sponsored by the National Sheriffs' Association, International Association of Chiefs of Police, and the American Association of Retired Persons unites sheriffs, police chiefs, senior volunteers, elder care providers, families, and seniors to reduce the criminal victimization of the elderly.

(5) Congress should continue to support TRIAD and similar community partnerships that improve the safety and quality of life for millions of senior citizens.

(6) There are few other community-based efforts that forge partnerships to coordinate criminal justice and social service resources to improve the safety and security of the elderly.

(7) According to the National Consumers League, telemarketing fraud costs consumers nearly $40,000,000,000 each year.

(8) Senior citizens are often the target of telemarketing fraud.

(9) Fraudulent telemarketers compile the names of consumers who are potentially vulnerable to telemarketing fraud into the so-called ''mooch lists''.

(10) It is estimated that 56 percent of the names on such ''mooch lists'' are individuals age 50 or older.

(11) The Federal Bureau of Investigation and the Federal Trade Commission have provided resources to assist private-sector organizations to operate outreach programs to warn senior citizens whose names appear on confiscated ''mooch lists''.

(12) The Administration on Aging was formed, in part, to provide senior citizens with the resources, information, and assistance their special circumstances require.

(13) The Administration on Aging has a system in place to inform senior citizens of the dangers of telemarketing fraud.

(14) Senior citizens need to be warned of the dangers of telemarketing fraud before they become victims of such fraud.

SEC. 3. SENIOR FRAUD PREVENTION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General $1,000,000 for each of the fiscal years 2001 through 2005 for programs for the National Association of TRIAD.

(b) COMPTROLLER GENERAL.—The Comptroller General of the United States shall submit to Congress a report on the effectiveness of the TRIAD program 180 days prior to the expiration of the authorization under this Act, including an analysis of TRIAD programs and activities; identification of impediments to the establishment of TRIADS across the Nation; and recommendations to improve the effectiveness of the TRIAD program.

SEC. 4. DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary of Health and Human Services for Aging, shall provide to the Attorney General of each State and publicly disseminate in each State, including dissemination to area agencies on aging, information designed to educate senior citizens and raise awareness about the dangers of fraud, including telemarketing and sweepstakes fraud.

(b) INFORMATION.—In carrying out subsection (a), the Secretary shall—

(1) inform senior citizens of the prevalence of telemarketing and sweepstakes fraud targeted against them;

(2) inform senior citizens how telemarketing and sweepstakes fraud work;

(3) inform senior citizens how to identify telemarketing and sweepstakes fraud;

(4) inform senior citizens how to protect themselves against telemarketing and sweepstakes fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

(5) inform senior citizens how to report suspected attempts at or acts of fraud;

(6) inform senior citizens of their consumer protection rights under Federal law; and

(7) provide such other information as the Secretary considers necessary to protect senior citizens against fraudulent telemarketing and sweepstakes promotions.

(c) MEANS OF DISSEMINATION.—The Secretary shall determine the means to disseminate information under this section. In making such determination, the Secretary shall consider—

(1) public service announcements;

(2) a printed manual or pamphlet;

(3) an Internet website;

(4) direct mailings; and

(5) telephone outreach to individuals whose names appear on so-called ''mooch lists'' confiscated from fraudulent marketers.

(d) PRIORITY.—In disseminating information under this section, the Secretary shall give priority to areas with high incidents of fraud against senior citizens.

SEC. 5. STUDY OF CRIMES AGAINST SENIORS.

(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

(1) the nature and type of crimes perpetrated against seniors, with special focus on—

(A) the most common types of crimes that affect seniors;

(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; and

(C) the nature and extent of financial and material fraud targeted at seniors;

(2) the risk factors associated with seniors who have been victimized;

(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

(6) other effective ways to prevent or reduce the occurrence of crimes against seniors.

SEC. 6. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors;

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

SEC. 7. STATE AND LOCAL GOVERNMENT OUTREACH.

It is the sense of Congress that State and local governments should fully incorporate fraud avoidance information and programs into programs that provide assistance to the aging.

ADOPTION OF RETIRED MILITARY DOGS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5314, 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. 5314) to amend title 10, United States Code, to facilitate the adoption of retired military dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4338

Mr. SMITH of New Hampshire. Mr. President, I understand Senator ROBB has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. ROBB, proposes an amendment numbered 4338.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2582. Military working dogs: transfer and adoption at end of useful working life

''(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense may make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

''(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

''(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

''(d) CONSIDERATION.—The transfer of a military working dog under this section may be without charge to the recipient.

''(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

''(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated with a military working dog transferred under this section for a condition of the military working dog before transfer under this section, whether or not such condition is known at the time of transfer under this section.

''(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2582. Military working dogs: transfer and adoption at end of useful working life.''.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4338) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill, as amended, 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. 5314), as amended, was read the third time and passed.

CHANGING DATE FOR COUNTING ELECTORAL VOTES IN 2001

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S.J. Res. 55 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 55) to change the date for counting electoral votes in 2001.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, 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 joint resolution (S.J. Res. 55) was read the third time and passed, as follows:

S.J. RES. 55

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on the 5th day of January, 2001, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 150, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 150) relating to the reestablishment of representative government in Afghanistan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Con. Res. 150) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 150

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 the democratic efforts that respect the human and political rights of all ethnic and religious groups in Afghanistan, including the effort to establish a ''Loya Jirgah'' process that would lead to the people of Afghanistan determining their own destiny through a democratic process and 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 a Loya Jirgah—

(A) to reestablish a representative government in Afghanistan that respects the rights of all ethnic groups, including the right 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, illicit drug production, and human rights abuses in Afghanistan.

SMALL WATERSHED REHABILITATION ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 798, S. 1762.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1762) to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4339

Mr. SMITH of New Hampshire. Senator HARKIN has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. HARKIN, proposes an amendment numbered 4339.

The amendment is as follows:

On page 2, line 5, strike ''1999'' and insert ''2000''.

On page 8, lines 6 and 7, strike ''no benefit-cost'' and all that follows through ''be required'' and insert ''a benefit-cost ratio greater than 1 shall not be required''.

On page 8, line 20, after the period, insert the following: ''In establishing a system of approving rehabilitation requests, the Secretary shall give requests made by eligible local organizations for decommissioning as the form of rehabilitation the same priority as requests made by eligible local organizations for other forms of rehabilitation.''.

On page 8, strike lines 21 through 25 and insert the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

''(1) $10,000,000 for fiscal year 2001;

''(2) $10,000,000 for fiscal year 2002;

''(3) $15,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $35,000,000 for fiscal year 2005.

On page 9, line 3, strike ''2000 and 2001'' and insert ''2001 and 2002''.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4339) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the

bill, as amended, 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. 1762), as amended, was read the third time and passed as follows:

S. 1762

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 ''Small Watershed Rehabilitation Act of 2000''.

SEC. 2. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

''SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

''(a) DEFINITIONS.—For purposes of this section:

''(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include (A) protecting the integrity of the structural measure, or prolonging the useful life of the structural measure, beyond the original evaluated life expectancy, (B) correcting damage to the structural measure from a catastrophic event, (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate, (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure, or (E) decommissioning the structural measure, including removal or breaching.

''(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

''(A) This Act.

''(B) Section 13 of the Act of December 22, 1944 (Public Law 78–534; 58 Stat. 905).

''(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

''(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

''(3) ELIGIBLE LOCAL ORGANIZATION.—The term 'eligible local organization' means a local organization or appropriate State agency responsible for the operation and maintenance of structural measures constructed as part of a covered water resource project.

''(4) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project.

''(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

''(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to an eligible local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

''(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

''(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the eligible local organization, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

''(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

''(B) society can realize the full benefits of the rehabilitation investment.

''(c) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should an eligible local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

''(d) PROHIBITED USE.—

''(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the eligible local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

''(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the eligible local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

''(e) APPLICATION FOR REHABILITATION ASSISTANCE.—An eligible local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the eligible local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

''(f) JUSTIFICATION FOR REHABILITATION ASSISTANCE.—In order to qualify for technical or financial assistance under this authority, the Secretary shall require the rehabilitation project to be performed in the most cost-effective manner that accomplishes the rehabilitation objective. Since the requirements for accomplishing the rehabilitation are generally for public health and safety reasons, in many instances being mandated by other State or Federal laws, a benefit-cost ratio greater than 1 shall not be required. The benefits of and the requirements for the rehabilitation project shall be documented to ensure the wise and responsible use of Federal funds.

''(g) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all eligible local organizations. The approval process shall be in writing, and made known to all eligible local organizations and appropriate State agencies. In establishing a system of approving rehabilitation requests, the Secretary shall give requests made by eligible local organizations for decommissioning as the form of rehabilitation the same priority as requests made by eligible local organizations for other forms of rehabilitation.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

''(1) $10,000,000 for fiscal year 2001;

''(2) $10,000,000 for fiscal year 2002;

''(3) $15,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $35,000,000 for fiscal year 2005.

''(i) ASSESSMENT OF REHABILITATION NEEDS.—Of the amount appropriated pursuant to subsection (h) for fiscal years 2001 and 2002, $5,000,000 shall be used by the Secretary, in concert with the responsible State agencies, to conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

''(j) RECORDKEEPING AND REPORTS.—

''(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

''(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the eligible local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.''.

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Chair lay before the Senate a

message from the House to accompany H.R. 4788.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4788) entitled ''An Act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes'', with the following House amendment to Senate amendment:

At the end of the matter proposed to be inserted by the Senate amendment, add the following new sections:

SEC. 311. COTTON FUTURES.

Subsection (d)(2) of the United States Cotton Futures Act (7 U.S.C. 15b(d)(2)) is amended by adding at the end the following: ''A person complying with the preceding sentence shall not be liable for any loss or damage arising or resulting from such compliance.''.

SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT ACTIVITIES UNDER THE PACKERS AND STOCKYARDS ACT, 1921.

(a) IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall implement the recommendations contained in the report issued by the General Accounting Office entitled ''Packers and Stockyards Programs: Actions Needed to Improve Investigations of Competitive Practices'', GAO/RCED–00–242, dated September 21, 2000.

(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation of the recommendations contained in the report referred to in such subsection, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—

(1) implement the recommendations in the report regarding investigation management, operations, and case methods development processes; and

(2) effectively identify and investigate complaints of unfair and anti-competitive practices in violation of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), and enforce the Act.

(c) TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in the investigation of complaints of unfair and anti-competitive activity in violation of the Packers and Stockyards Act, 1921. In developing the training program, the Secretary of Agriculture shall draw on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.

(d) IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the actions taken to comply with this section.

(e) ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.—Title IV of the Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 415 (7 U.S.C. 229) as section 416; and

(2) by inserting after section 414 the following:

''SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.

''Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

''(1) assesses the general economic state of the cattle and hog industries;

''(2) describes changing business practices in those industries; and

''(3) identifies market operations or activities in those industries that appear to raise concerns under this Act.''.

SEC. 313. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

''SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

''(a) DEFINITIONS.—For purposes of this section:

''(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate; (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or (E) decommissioning the structure, if requested by the local organization.

''(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

''(A) This Act.

''(B) Section 13 of the Act of December 22, 1944 (Public Law 78–534; 58 Stat. 905).

''(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

''(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

''(3) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

''(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

''(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

''(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

''(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

''(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

''(B) society can realize the full benefits of the rehabilitation investment.

''(c) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

''(d) PROHIBITED USE.—

''(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

''(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

''(e) APPLICATION FOR REHABILITATION ASSISTANCE.—A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

''(f) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

''(g) PROHIBITION ON CERTAIN REHABILITATION ASSISTANCE.—The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

''(1) $5,000,000 for fiscal year 2001;

''(2) $10,000,000 for fiscal year 2002;

''(3) $15,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $35,000,000 for fiscal year 2005.

''(i) ASSESSMENT OF REHABILITATION NEEDS.—The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

''(j) RECORDKEEPING AND REPORTS.—

''(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

''(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.''.

SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CONVEYANCE OF MINERAL RIGHTS IN FORMER FEDERAL LAND IN SUMTER COUNTY, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The hiking trail known as the Palmetto Trail traverses the Manchester State Forest in Sumter County, South Carolina, which is owned by the South Carolina State Commission of Forestry on behalf of the State of South Carolina.

(2) The Commission seeks to widen the Palmetto Trail by acquiring a corridor of land along the northeastern border of the trail from the Anne Marie Carton Boardman Trust in exchange for a tract of former Federal land now owned by the Commission.

(3) At the time of the conveyance of the former Federal land to the Commission in 1955, the United States retained a reversionary interest in the land, which now prevents the land exchange from being completed.

(b) RELEASE OF REVERSIONARY INTEREST.—

(1) RELEASE REQUIRED.—In the case of the tract of land identified as Tract 3 on the map numbered 161–DI and further described in paragraph (2), the Secretary of Agriculture shall release the reversionary interest of the United States in the land that—

(A) requires that the land be used for public purposes; and

(B) is contained in the deed conveying the land from the United States to the South Carolina State Commission of Forestry, dated June 28, 1955, and recorded in Deed Drawer No. 6 of the Clerk of Court for Sumter County, South Carolina.

(2) MAP OF TRACT 3.—Tract 3 is generally depicted on the map numbered 161–DI, entitled ''Boundary Survey for South Carolina Forestry Commission'', dated August 1998, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(3) CONSIDERATION.—As consideration for the release of the revisionary interest under paragraph (1), the State of South Carolina shall transfer to the United States a vested future interest, similar to the restriction described in paragraph (1)(A), in the tract of land identified as Parcel G on the map numbered 225–HI, entitled ''South Carolina Forestry Commission Boardman Land Exchange'', dated June 9, 1999, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(c) EXCHANGE OF MINERAL RIGHTS.—

(1) EXCHANGE REQUIRED.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the South Carolina State Commission of Forestry on behalf of the State of South Carolina all of the undivided mineral rights of the United States in the Tract 3 identified in subsection (b)(1) in exchange for mineral rights of equal value held by the State of South Carolina in the Parcel G identified in subsection (b)(3) as well as in Parcels E and F owned by the State and also depicted on the map referred to in subsection (b)(3).

(2) DETERMINATION OF MINERAL CHARACTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of Tract 3 and Parcels E, F, and G; and

(B) the fair market value of the mineral interests.

SEC. 315. TECHNICAL CORRECTION REGARDING RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.

Section 259 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 114 Stat. 426; 7 U.S.C. 1421 note) is amended by adding at the end the following:

''(c) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.''.

SEC. 316. PORK CHECKOFF REFERENDUM.

Notwithstanding section 1620(c)(3)(B)(iv) of the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary shall use funds of the Commodity Credit Corporation to pay for all expenses associated with the pork checkoff referendum ordered by the Secretary on February 25, 2000.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

REAUTHORIZING AUTHORITY FOR THE SECRETARY OF AGRICULTURE TO PAY COSTS OF REMOVING COMMODITIES POSING HEALTH AND SAFETY RISKS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 3230, introduced earlier today by Senators LUGAR and HARKIN.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3230) to reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs.

There being no objection, the Senate proceeded to consider the bill.

GRAIN STANDARDS REAUTHORIZATION

Mr. HARKIN. The Grain Standards Act contains the Small Watershed Rehabilitation Amendments of 2000, legislation that enables the Natural Resources Conservation Service (NRCS) to provide cost-share money for local sponsors to rehabilitate dams that were built with funding from the U.S. Department of Agriculture. Before approving a project, NRCS will examine all options, including correcting damage or deterioration of the structure, upgrading the structural measure to meet changed land use conditions or safety needs within the watershed, and decommissioning the structure. Let me ask you, Mr. Chairman, is it your understanding that even though NRCS must fully evaluate every reasonable option, if a local sponsor does not wish to choose decommissioning the local sponsor can reject that option if NRCS presents it?

Mr. LUGAR. Yes. As with any of options for rehabilitation, the local sponsor can reject NRCS' offer to provide cost-share for a particular project. also, NRCS is never required to fund a project that it believes is not justified.

Mr. HARKIN. Mr. President, I recognize that this Act is silent on the requirements of a formal cost-benefit analysis. I would like to ask you, Mr. Chairman, if it is your understanding that each project should be completed using the most-effective option possible that also has the fewest environmental costs, including the options of voluntary buy-outs of at-risk structures, wetland restoration, dam decommissioning, and dam removal?

Mr. LUGAR. Yes. Although the bill is silent on cost-benefit analysis, it is expected that NRCS will follow its normal procedures including following the ''Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies.'' As part of being fiscally and environmentally responsible, NRCS should look for the most cost-effective solution with the best feasible environmental results. Further, NRCS should not fund a project if the local sponsor insists on a form of rehabilitation that does not meet these standards.

Mr. HARKIN. Under this Act, the Secretary will establish a system of approving rehabilitation requests. As part of this process, Mr. Chairman, is it correct that NRCS should give equal priority to local sponsors projects regardless of the form of rehabilitation requested?

Mr. LUGAR. Yes. The system NRCS establishes for approving a rehabilitation project should not rank projects based on the local sponsor's choice of rehabilitation, as defined in the bill.

Mr. HARKIN. The Senate has passed a substantially similar version of the Act. When the bill was reported by the Senate Agriculture Committee our report embodied the Committee's understanding of how the provisions of the bill should be carried out. Mr. Chairman, does that report still embody our understanding of the interpretation of the Small Watershed Rehabilitation Amendments of 2000?

Mr. LUGAR. Yes. Our report language should be used as legislative history of interpreting and applying this important piece of legislation.

Mr. SMITH of New Hampshire. 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 that any statements related to this bill be printed in the RECORD.

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

The bill (S. 3230) was read the third time and passed, as follows:

S. 3230

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

SECTION 1. PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY RISK.

Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking ''2000'' and inserting ''2003''.

SEC. 2. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) COST-OF-LIVING ALLOWANCES FOR MEMBERS OF UNIFORMED SERVICES.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking ''continental'' and inserting ''contiguous States of the''.

(b) DEMONSTRATION PROJECT.—Effective October 1, 2000, section 17(r)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)(1)) is amended by striking ''at least 20 local agencies'' and inserting ''not more than 20 local agencies''.

SEC. 3. CHILD AND ADULT CARE FOOD PROGRAM.

(a) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) by striking the section heading and all that follows through ''SEC. 17.'' and inserting the following:

''SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.'';

and

(2) in subsection (a)(6)(C)(ii), by striking ''and'' at the end.

(b) EXCEPTIONS TO HEARING REQUIREMENTS.—Section 17(d)(5)(D) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is amended—

(1) by striking ''(D) HEARING.—An institution'' and inserting the following:

''(D) HEARING.—

''(i) IN GENERAL.—Except as provided in clause (ii), an institution''; and

(2) by adding at the end the following:

''(ii) EXCEPTION FOR FALSE OR FRAUDULENT CLAIMS.—

''(I) IN GENERAL.—If a State agency determines that an institution has knowingly submitted a false or fraudulent claim for reimbursement, the State agency may suspend the participation of the institution in the program in accordance with this clause.

''(II) REQUIREMENT FOR REVIEW.—Prior to any determination to suspend participation of an institution under subclause (I), the State agency shall provide for an independent review of the proposed suspension in accordance with subclause (III).

''(III) REVIEW PROCEDURE.—The review shall—

''(aa) be conducted by an independent and impartial official other than, and not accountable to, any person involved in the determination to suspend the institution;

''(bb) provide the State agency and the institution the right to submit written documentation relating to the suspension, including State agency documentation of the alleged false or fraudulent claim for reimbursement and the response of the institution to the documentation;

''(cc) require the reviewing official to determine, based on the review, whether the State agency has established, based on a preponderance of the evidence, that the institution has knowingly submitted a false or fraudulent claim for reimbursement;

''(dd) require the suspension to be in effect for not more than 120 calendar days after the institution has received notification of a determination of suspension in accordance with this clause; and

''(ee) require the State agency during the suspension to ensure that payments continue to be made to sponsored centers and family and group day care homes meeting the requirements of the program.

''(IV) HEARING.—A State agency shall provide an institution that has been suspended from participation in the program under this clause an opportunity for a fair hearing on the suspension conducted in accordance with subsection (e)(1).''.

(c) STATEWIDE DEMONSTRATION PROJECTS INVOLVING PRIVATE FOR-PROFIT ORGANIZATIONS PROVIDING NONRESIDENTIAL DAY CARE SERVICES.—Section 17(p)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(p)(3)(C)) is amended—

(1) in clause (iii), by striking ''all families'' and inserting ''all low-income families''; and

(2) in clause (iv), by striking ''made'' and inserting ''reported for fiscal year 1998''.

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT AMENDMENTS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 819, S. 2811.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2811) to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. 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 that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2811) was read the third time and passed, as follows:

S. 2811

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

SECTION 1. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

''(20) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

''(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

''(i) that is represented by—

''(I) any political subdivision of a State;

''(II) an Indian tribe on a Federal or State reservation; or

''(III) other federally recognized Indian tribal group;

''(ii) that is located in a rural area (as defined in section 381A);

''(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

''(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

''(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.''.

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking ''section 306(a)(19)'' and inserting ''paragraph (19) or (20) of section 306(a)''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH of New Hampshire. Mr. President, in executive session, I ask unanimous consent that the following nominations be discharged from the Finance Committee and, further, the Senate proceed to their consideration en bloc: Joel Gerber and Stephen Swift to be Judges of the U.S. Tax Court; Thomas Saving and John Palmer to be Members of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, to be Members of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, and to be Members of the Board of Trustees of the Federal Hospital Insurance Trust Fund; Gerald Shea and Mark Weinberger to be members of the Social Security Advisory Board, and Troy Cribb to be Assistant Secretary of Commerce.

I further ask consent that the Senate proceed to the consideration of the following nominations on the calendar: Nos. 693, 694, 756, 757, 758, and all nominations on the Secretary's desk in the Army and Coast Guard.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the

table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed en bloc, as follows:

Joel Gerber, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Stephen J. Swift, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Gerald M. Shea, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2004.

Mark A. Weinberger, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2006.

Troy Hamilton Cribb, of the District of Columbia, to be an Assistant Secretary of Commerce, vice Robert S. LaRussa.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Robert C. Olsen, Jr., 0000.
Rear Adm. (lh) Robert D. Sirois, 0000.
Rear Adm. (lh) Patrick M. Stillman, 0000.

ARMY

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

To be major general

Brig. Gen. Alexander H. Burgin, 0000.

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. Joseph K. Kellogg, Jr., 0000.

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. Jeffrey J. Schloesser, 0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN 1348 Army nominations (5) beginning Kirk M. Krist, and ending Robert H. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1349 Army nominations (7) beginning James W. Lenoir, and ending Charles L. Yriarte, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1350 Army nominations (9) beginning Timothy L. Bartholomew, and ending Robert E. Welch, Jr., which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1351 Army nomination of Angelo Riddick, which was received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1352 Army nomination of James White, which was received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1359 Army nominations (2) beginning Joseph C. Carter, and ending Raymond M. Murphy, which nominations were received by the Senate and appeared in the Congressional Record of October 17, 2000

COAST GUARD

PN 1219 Coast Guard nominations (2) beginning Michael J. Corl, and ending Gregory J. Hall, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000

PN 1241 Coast Guard nominations (2) beginning Mark B. Case, and ending Robert C. Ayer, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000

PN 1242 Coast Guard nominations (64) beginning Kevin G. Ross, and ending Charles W. Ray, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000

PN 1368 Coast Guard nominations (41) beginning LT. CDR. Janet B. Gammon, and ending LT. CDR. Thomas C. Thomas, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2000

PN 1369 Coast Guard nominations (20) beginning CDR. Mark S. Telich, and ending CDR. Deborah A. Dombeck, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2000

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR TOMORROW

Mr. SMITH of New Hampshire. Mr. President, in closing, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 11 a.m. on Wednesday, October 25. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 12:30 p.m., with Senators speaking for up to 5 minutes, with the following exceptions: Senator DURBIN, or his designee, from 11 a.m. to 11:45 a.m.; Senator THOMAS, or his designee, from 11:45 to 12:30 p.m.

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

Mr. SMITH of New Hampshire. I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

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

PROGRAM

Mr. SMITH of New Hampshire. Mr. President, for the information of all Senators, the Senate will be in a period of morning business on Wednesday until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. for the weekly party conferences.

The House is expected to consider the foreign operations conference report during tomorrow morning's session, and it is hoped that the Senate can begin consideration of that conference report upon reconvening at 2:15 p.m.

The Senate is also expected to have the final votes on S. 2508, the Colorado Ute Settlement Act Amendments of 2000, as well as a vote on the continuing resolution.

Therefore, Senators can expect votes during tomorrow afternoon's session.

RECESS UNTIL 11 A.M. TOMORROW

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:06 p.m., recessed until Wednesday, October 25, 2000, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 24, 2000:

DEPARTMENT OF COMMERCE

TROY HAMILTON CRIBB, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

SOCIAL SECURITY ADMINISTRATION

GERALD M. SHEA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2004.

SOCIAL SECURITY ADVISORY BOARD

MARK A. WEINBERGER, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2006.

THE JUDICIARY

JOEL GERBER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

STEPHEN J. SWIFT, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) ROBERT C. OLSEN, JR., 0000
REAR ADM. (LH) ROBERT D. SIROIS, 0000
REAR ADM. (LH) PATRICK M. STILLMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. CHARLES D. WURSTER, 0000
CAPT. THOMAS H. GILMOUR, 0000
CAPT. ROBERT F. DUNCAN, 0000
CAPT. RICHARD E. BENNIS, 0000
CAPT. JEFFREY J. HATHAWAY, 0000
CAPT. KEVIN J. ELDRIDGE, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

GRIG. GEN. ALEXANDER H. BURGIN, 0000

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. JOSEPH K. KELLOGG, JR., 0000

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. JEFFREY J. SCHLOESSER, 0000

IN THE ARMY

ARMY NOMINATIONS BEGINNING KIRK M. KRIST, AND ENDING ROBERT H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2000.

ARMY NOMINATIONS BEGINNING JAMES W. LENOIR, AND ENDING CHARLES L. YRIARTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2000.

ARMY NOMINATIONS BEGINNING TIMOTHY L. BARTHOLOMEW, AND ENDING ROBERT E. WELCH JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531, AND 624:

To be major

ANGELO RIDDICK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be Major

JAMES WHITE, 0000 CH

ARMY NOMINATIONS BEGINNING JOSEPH C. CARTER, AND ENDING RAYMOND M. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2000.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING MICHAEL J. CORL, AND ENDING GREGORY J. HALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

COAST GUARD NOMINATIONS BEGINNING MARK B. CASE, AND ENDING ROBERT C. AYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

COAST GUARD NOMINATIONS BEGINNING KEVIN G. ROSS, AND ENDING CHARLES W. RAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

COAST GUARD NOMINATIONS BEGINNING JANET B. GAMMON, AND ENDING THOMAS C. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2000.

COAST GUARD NOMINATIONS BEGINNING MARK S. TELICH, AND ENDING DEBORAH A. DOMBECK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2000.

EXTENSIONS OF REMARKS

HONORING STEVEN LOPEZ

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. DELAY. Mr. Speaker, I'm proud to join others in saying ''Hat's off to Steven Lopez for his great victory in Sydney.'' Steven's determination and tenacity has made his family, Texas, and our country very proud. And since his victory, he has carried himself like a champion. Steven, keep up the good work.

Although Steven won the gold medal, a lot of the credit for his gritty victory in Sydney belongs to his parents. Julio and Ondina Lopez set high standards for the son and the rest of their family. Not only did Steven set records on the mat, but he was also an honor student at Kempner High. We're proud of Steven for hanging tough and overcoming adversity at the Olympics. First, he had to fight through an injury. Then, he had to battle an Australian on his home turf. And, finally, he had to best another opponent in front of a large crowd of the opponent's supporters to win. Steven pulled it off. He was behind, but he kept fighting and, eventually, he was able to land the blow that brought gold back to Sugar Land. He typifies our can-do Texas spirit. We can see the American dream paralleled in Steven's preparations for this contest.

Steven started Tae Kwon Do at the early age of five. He trained six hours a day, six days a week to be ready for the 2000 Sydney Olympic Games. Then he traveled to Australia a month early to gain an edge. Fortunately, that determination paid off. Some people have suggested that Steven Lopez is a good role model for our area, and I think they're on to something. Because the most impressive aspect of Steven's victory is that he shares the credit with others. He credits both his family and his faith as the sources of his accomplishments. In fact, Steven's siblings train together in their home. You know, I'll bet some of the scrimmages at the Lopez house made Sydney seem like a tea party. But I want to reiterate how especially proud I am of the way Steven has handled himself. Steven's quote after his victory caught my eye when he said: ''I have so much faith, and that faith took me through all my matches today.'' That's a message that more people need to hear.

I think the Lopez family is going to start a new tradition. Before this is over, the ''first family'' of Tae Kwon Do is going to make Sugar Land the Capitol City of this new Olympic sport. Congratulations and God Bless You, Steven.

IN MEMORY OF MR. VINCE ZANCA

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. MCCRERY. Mr. Speaker, I rise today to memorialize the life and work of the late Vince Zanca. Mr. Zanca was a nationally recognized expert on the unemployment insurance program, the safety net for workers who lose their jobs.

Mr. Zanca was a tireless advocate for maintaining a strong unemployment insurance system in Louisiana and across the nation. He was active in national and state business organizations involved in unemployment insurance issues, including the Louisiana Association of Business and Industry (LABI), the U.S. Chamber of Commerce, and UWC—Strategic Services on Unemployment and Workers' Compensation.

For many years, Mr. Zanca served on the U.S. Chamber's UI Task Force. He was a member of the Council of State Chambers' UI Task Force, where he coauthored its employer unemployment compensation handbook, Issues and Answers. Mr. Zanca also chaired LABI's UI Task Force, where he coauthored LABI's employer unemployment compensation handbook, In Plain Dollars and Sense. In addition, he served on the Louisiana Unemployment Insurance Advisory Council under three governors.

In recognition of his many achievements and for his leadership on behalf of a sound unemployment insurance program, Mr. Zanca received UWC's Quarterback award in 1998.

In addition to his deep involvement in UI issues, Mr. Zanca served our country during World War II in the U.S. Army Transport Service, and was a 55-year veteran of the Boy Scouts of America.

Mr. Speaker, as someone involved in efforts to reform our current unemployment insurance system for our nation's workers and businesses, I would like to recognize the contributions of Mr. Zanca. His devoted efforts on this issue are greatly appreciated and will be sorely missed by our state and the nation.

Mr. Zanca is survived by his loving wife, Noni; his three children, Roy, Rhonda, and Regina; his two grandchildren, Robin and Ryan; and, his three siblings, Gloria Chaplain, Virginia Burke, and John Zanca.

TRIBUTE TO RETIRING DOCTOR A.J. CAMPBELL, JR. OF SEDALIA, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in the field of medicine is coming to an end. Dr. A.J. Campbell, Jr., of Sedalia, MO, will retire from his medical practice on December 20, 2000.

Dr. Campbell has been a popular and highly respected physician in Central Missouri for over 40 years. A graduate of Missouri University and the University of Pennsylvania, A.J. specialized in family practice, a field of medicine championed by his father, who treated ailing Missourians for over 50 years and often checked on his patients at home. A.J. learned well from his father's example and has worked closely to establish a wonderful rapport with his patients and with the community of Sedalia.

Dr. Campbell has cared for his own patients on a personal level, but he has tirelessly worked on behalf of all American people regarding the importance of thoughtful patients' rights legislation. From 1997 to 1998, A.J. served as the president of the Missouri Medical Association, just as the current political discussions regarding managed health care and health maintenance organizations intensified. During his tenure as president of the Association, Dr. Campbell worked hard to ensure the Missouri General Assembly approved a Patients Protection Plan that is now considered a model for the United States.

On December 20, A.J. will retire from his medical practice, but he has indicated that he will continue caring for Sedalians by volunteering his time at the local free clinic. He also plans to undertake missionary trips that benefit those who are most in need and participate in a physician exchange program, filling in when needed for doctors throughout the nation.

Mr. Speaker, Dr. A.J. Campbell, Jr., is a civic leader who cherishes the people of Sedalia and the United States of America. His work in medicine and his community involvement make him a role model for young people everywhere. As A.J. prepares for a new life with his lovely wife, Janet, I am certain that all Members of Congress will join me in commending his selfless dedication to Sedalia and to the overall field of medicine.

INTRODUCTION OF THE GLOBAL ACTIONS AND INVESTMENTS FOR NEW SUCCESS FOR WOMEN AND GIRLS ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mrs. MORELLA. Mr. Speaker, Economic globalization is leaving the world's poorest women, girls, and communities behind. Women and their children make up more than 70 percent of the 1.3 billion poorest people today. U.S. international economic policies, particularly in the areas of trade liberalization and debt relief for developing countries, should help create a positive environment for women's economic empowerment and gender equality.

As the complexity of the global economy increases, so too does the important role of women. They make up to 75 percent of workers in the ''shadow'' or informal economy and constitute an ever-greater share of the workforce in developing countries. Many studies have proven that women's earnings are directly invested in the education, health, and welfare of their children.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The United States has not taken adequate steps to implement its commitments made at the United Nations Fourth World Conference on Women in its foreign policy and international assistance programs. For example, the U.S. has not implemented strategic objective A1 of the Platform for Action, ''Review, adopt, and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty'' or strategic objective K2, ''Integrate gender concerns and perspectives in policies and programmes for sustainable development.''

No one sectoral intervention is sufficient to create the environment in which women and girls can thrive economically and socially. Investments are necessary in multiple areas including: education and training; health care including access to safe and effective family planning and reproductive health services, maternal health care, and children's health; HIV/AIDS prevention and treatment; tuberculosis treatment; microcredit; and human rights, violence prevention and anti-trafficking.

With this in mind, I am pleased to be joined by ten original cosponsors today in introducing the Global Actions and Investments for New Success for Women and Girls Act, or the GAINS Act. It is our hope that the next administration will view this legislation as a blueprint for action, and I look forward to working with my colleagues and the next president to improve further the status of the world's women.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on Wednesday, October 18, 2000, when rollcall vote numbers 531, 532, and 533 were cast. Had I been present in this Chamber at the time these votes were cast, I would have voted ''yea'' on each of these rollcall votes.

THE MISSOURI RIVER RESTORATION ACT OF 2000

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. THUNE. Mr. Speaker, today I am introducing a bill of great significance to the State of South Dakota as well as the entire Nation. The Missouri River Restoration Act of 2000 is an effort to provide solutions and action to a serious problem facing the Missouri River and all things near the river in South Dakota. That problem is the incredible build-up of sediment in the river and the effect that these accumulations have on water quality and all things that depend upon the river. Sedimentation and its effects are very real. According to studies conducted through the Corps of Engineers, tributaries of the Missouri River and erosion along its own shorelines result in millions of tons of sediment being dumped into the river each year. This action forms deltas in the riverbed that can push the boundaries of the river beyond its banks.

The river's action is a reaction to a number of factors. It is responding to its relatively new course as directed by a series of dams built in the 1950s and 1960s. The construction of the various dams on the Missouri has created a series of reservoirs, which has modified the flows and continually changed the river from within, reshaping its banks and shores. Years ago, resulting sediment would have flowed down the river, some of it settling along the way and much of it making its way all the way to the Gulf of Mexico. With the dams and the modified flows, sedimentation problems surfaced. That is the case today, and the impact of these changes is becoming more dramatic by the day. Does that mean the Fort Peck, Garrison, Oahe, Big Bend, Ft. Randall, and Gavins Point Dams never should have been built? To suggest so would deny the many benefits these six structures have reaped. It is through these dams that clean, low-cost hydroelectric power is generated for rural and urban areas across the Northern Plains. The reservoirs created through the dams have also provided tremendous opportunities for recreation, which itself has turned into an $80 million industry; municipal, industrial and rural water supply; irrigation for agricultural production; navigation; and, of course, flood control.

But the rapid accumulation of silt in the bed of the reservoirs in South Dakota threatens each of those functions. In fact, Congress already has responded in part to some of the immediate impacts. As a result of flooding caused by a combination of factors, including a rise in the pool levels, Congress authorized a flood mitigation program for property owners in the Pierre and Fort Pierre, South Dakota area. As a result, the property owners in Pierre and Fort Pierre can take some comfort in knowing a project is underway. Yet that project provides little comfort to other communities and landowners that wonder when the waters of the river will reach them. It also does not address the future impacts to the other purposes of the system, such as hydropower generation and recreation. In sum, that mitigation effort addresses an acute situation in what is a larger, chronic problem.

I have maintained in my time in Congress that we must push the U.S. Army Corps of Engineers (Corps) and all other involved parties to look beyond the immediate problems toward long-term solutions. In an attempt to break the cycle of studies, a provision was included at my request in the Water Resources Development Act of 1999. The new law directs the Corps to finalize studies and analysis of the problem of sedimentation in Lake Sharpe near Pierre and Fort Pierce and recommend how to stem the flow of sediment in order to prevent encroachment by the river and destruction of the river.

The preliminary findings are quite compelling. The report indicates the following. Sediment will continue to build in the river in the Pierre/Ft. Pierre area if no action is taken. Sedimentation will result in increased water surface level of over 2 feet in the next 50 years, which could lead to additional groundwater flooding. No one approach will solve the problem and each approach appears to have significant, though not unreconcilable environmental hurdles. Action will require direction from Congress. In other words, the problem is real, there is no silver bullet answer, and Congress must decide how to proceed.

I have said before it is time for us to move beyond the study phase to the action phase. And with the preliminary findings from this report, the time is ripe to move toward a solution. The legislation I am introducing today, the Missouri River Restoration Act of 2000 would move us down the path toward action. The bill would give state, tribal, and local leaders the power to play an active rule in the development of a long term solution to the sedimentation and related problems in South Dakota's stretch of the Missouri. The bill gives maximum control to the leaders closest to the people they serve; holds the Corps and other Federal agencies ultimately responsible for its river management decisions; provides the funds to make necessary improvements; and joins stakeholders together for the common good of the Missouri River's future.

Specifically, the bill would create a governing board, known as the Trust. That board would be comprised of 14 members appointed by the Governor of South Dakota and nine members representing the American Indian tribes in South Dakota. From that board would be selected an Executive Committee that would consider more routine business of the Trust. The Trust and the Executive Committee would produce a plan to carry out projects directed at reducing sediment and at addressing the impacts of sedimentation. To fund these activities, the bill establishes a $300 million trust fund that would collect interest off investments made in interest-bearing obligations of the United States or U.S. guaranteed obligations. After 11 years, the interest earned off these investments then would be available to the Trust for projects included in the plan.

Another important component of the bill continues current obligations of the Corps. In April of 2000, I held a town meeting in Pierre, SD, for the public to hear from the Corps some of their preliminary findings to the causes and impacts of sedimentation. At that meeting, residents questioned the Corps as to why it was not taking action to reduce sedimentation. The answer from Corps officials was that congressional direction would be needed. Even though the Corps could take on dredging or other projects aimed at reducing the impacts of sediment accumulation, it would not do so without Congress specifically authorizing Corps involvement. As a result, this bill gives specific authority to the Corps to use operations and maintenance funding it receives for projects located along the Missouri in South Dakota to address the impacts of sedimentation.

Finally, the bill authorizes $10 million to be appropriated for fiscal years 2001 through 2010. Should Congress agree with this need, then funds would be available for the Trust as the Trust Fund earns interest.

To some here in Congress, this may seem like an ambitious proposal. And perhaps it is. But I can tell you that it is a goal that must be pursued. The Corps has clearly identified the cause and effects of sedimentation. The Corps also is shedding light on the costs associated with the clean-up effort. One solution, dredging, is estimated to cost nearly $20 million a year. That's just for the Pierre-Fort Pierre area. That figure does not include projects that must be undertaken in other parts of the system, such as in the Springfield or Yankton areas. The people who live, work, and recreate in those areas along the river and its tributaries will tell you this would be money well spent. The Missouri River is one of the most important features of South Dakota and of our

entire nation. But the river has been altered. Left unchecked it will continue to cause destructive erosion, flood lands, impede recreation, and affect water quality. The resource must be tended to in order for it to continue to be the lifeline it has been.

The challenge is before us. In order to get there, we must all work together. The Missouri River Restoration Act of 2000 will facilitate the cooperation needed to tackle this problem. Together I am confident that we can make sure the Missouri River continues to be the Mighty Mo.

IN MEMORY OF THE HONORABLE C. FORREST ''RED'' WHALEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of Representatives of the passing of The Honorable C. Forrest ''Red'' Whaley of Jefferson City, Missouri. He was the former mayor of our state's capital.

Red Whaley was born August 19, 1909, in Callaway County, Missouri. He was a life long resident of Central Missouri and a graduate of Fulton High School and Westminster College. A registered pharmacist for over 66 years, Mr. Whaley moved to Jefferson City in 1933 where he worked at Tanner Drug Store for ten years. In 1943, he purchased East End Drug Store, an he later opened Whaley's Medical Center Pharmacy in 1974.

Mr. Whaley served as mayor of Jefferson City, Missouri, from 1959 until 1963. He was a member of the Jefferson City Park Board, and he was very active on several civic committees, including efforts to ensure passage of important school bond and industrial bond issues.

Mr. Whaley knew the importance of a strong infrastructure in Jefferson City and worked tirelessly in that regard. He worked on the committee to dedicate the new bridge over the Missouri River, and he served as the chairman of the committee that passed a much needed sewer bond issue in our state's capital. In 1990, the Missouri Highway Department honored Mr. Whaley for his community service and commitment to improve Jefferson City's infrastructure by naming the portion of U.S. Highway 54 that runs through our state's capital the C.F. ''Red'' Whaley Expressway.

Mr. Whaley was a member of the First Presbyterian Church, where he served as an elder and a deacon. He was a past president of the Jefferson City Lions Club and the 1995 president of the Jefferson City Area Chamber of Commerce. He was a member of the original board of directors at Jefferson Bank. Mr. Whaley was also honored by the Jefferson City Rotary Club as the first non-Rotarian Paul Harris Fellow and received the William Quigg Distinguished Service Award from the Jefferson City Chamber of Commerce.

Mr. Speaker, I am certain that the Members of the House of Representatives will join me in paying tribute to the outstanding public service of Mayor Red Whaley. His dedication to the people of Jefferson City truly make him a role model for young Americans.

TRIBUTE TO JUDGE SEYBOURN HARRIS LYNNE OF DECATUR, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a man respected for his fairness and his dignity all over the country, U.S. District Judge Seybourn Lynne. On September 10th, 2000, Judge Lynne, this nation's longest-serving federal judge, passed on after living 93 full and productive years. Since first trying on judges' robes on September 1st, 1934, in a Morgan County courtroom, Lynne brought respectability and honor to the profession.

Lynne saw this country and the Northern District of Alabama through some rocky years. When this country entered World War II, Lynne resigned as a circuit judge to serve in the armed services. He presided over some 50 court-martial cases before serving in the Pacific as Staff Judge Advocate in the Air Force. It was there in Hawaii where he received a call from President Harry Truman asking him to accept the nomination for a federal judgeship.

In his home state of Alabama, Lynne served through the conflicted civil rights era. In 1963, Lynne issued an order halting Alabama Governor George Wallace from blocking black students, Vivian Malone Jones and James Hood, from attending the University of Alabama. After threatening Wallace with contempt of court and possible jail time, Lynne presided over the negotiations between Wallace and President Kennedy's administration that led to the students' entrance into the university. Hard working until the day he died, Judge Lynne, even in his 90's, traveled weekly from his home to the Hugo Black Courthouse in downtown Birmingham.

Judge Lynne was a son of Decatur growing up a few blocks away from where a federal courthouse is now named in his honor. Lynne was a religious man serving as a trustee and Life Deacon of Southside Baptist Church in Birmingham. He stayed involved in his community as a trustee for the Crippled Childrens Clinic and the Eye Foundation Hospital. There is a Seybourn H. Lynne scholarship fund set up at the University of Alabama School of Law and his alma mater recently honored him by presenting him the Pipes Award by Farrah Law Society in February of this year.

Justice in Alabama has lost a true friend. Judge Lynne has set the standard for lawyers and judges across this country. He loved the law and he loved our court system. I send my condolences to his family, his colleagues and his friends.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. EVERETT. Mr. Speaker, on October 19, due to sickness in my family and thus the need to return home to my district, I was unable to vote during rollcall vote No. 540. Had I been present, I would have voted ''yes'' on H.R. 4541, the Commodity Futures Modernization Act of 2000.

HONORING DETECTIVE CHRISTOPHER DEVANEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. TOWNS. Mr. Speaker, today I honor Detective Christopher Devaney, who will be named the ''Cop of the Year'' tomorrow, October 25, 2000. Let it be known that he shares this honor with his wife, Miriam, and their three beautiful children: Chris, Ryan and Donavan.

Born on March 16, 1963, Christopher Devaney could never have imagined how he would one day impact the lives of the people of New York City. Christopher grew up on Long Island, where he attended St. Anthony's High School in Smith Town. He went on to attend Manhattan College where he graduated with a Bachelor of Science degree in finance. To pursue his desire to help people, Christopher became a police officer, receiving his appointment to the New York City Police Department on June 30, 1992.

Police Officer Devaney has been assigned to the 67th and 9th Precincts, as well as the Street Crime Unit during his tenure as a member of the police force. Christopher's hard work and extra effort that he brought to the job were recognized and rewarded with a promotion to the position of detective on June 9, 1999. Having been assigned to the Robbery Apprehension Module Squad at the 63rd Precinct, Detective Devaney was responsible for many arrests. These included arrests for possession of guns, robbery and rape, as well as three arrests for bribery. Detective Devaney was also responsible for an attempted murder arrest in which seven guns were recovered and removed from the street within the confines of the 63rd Precinct.

Detective Christopher Devaney has received forty Excellent Police Duty acknowledgements, ten Meritorious Police Duty recognitions, and three Police Duty commendations, which is the highest honor a police officer can receive. As a result of his outstanding service, Detective Christopher Devaney was inducted as a member of the Police Department's Honor Legion.

Mr. Speaker, Detective Christopher Devaney is more than worthy of receiving this honor and our praises, and I hope that all of my colleagues will join me in recognizing this truly remarkable man.

REMARKS ON THE AGRICULTURE APPROPRIATIONS CONFERENCE REPORT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CRANE. Mr. Speaker, the Agriculture Appropriations Conference Report contains provisions that change existing provisions of the Federal Food, Drug, and Cosmetic Act as they relate to the ability of persons, other than a pharmaceutical manufacturer, to reimport medicines into the United States. These amendments to the nation's pharmaceutical laws relate to certain existing safety laws that

have, in their application, prevented the re-importation of medicines. Further, these amendments mandate the study of ''the effect on importations . . . on trade and patent rights under federal law.''

I welcome this study and look forward to its completion. However, let's be clear that the Congress has not, through the enactment of this amendment, changed our long-standing, bipartisan U.S. trade policy and negotiating objectives, including strong and effective protection of intellectual property. The negotiating objectives of the United States have been explicitly established in law and remain to obtain the strong and effective protection of intellectual property rights in full accord with our rights under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) at a minimum and whenever possible, to obtain enhanced protection of intellectual property, on an accelerated basis. As section 31 5(2) of the Uruguay Round Agreements Act explicitly provides, ''it is the objective of the United States . . . to seek enactment and effective implementation by foreign countries of laws to protect and enforce intellectual property rights that supplement and strengthen the standards of the Agreement on Trade-Related Aspects of Intellectual Property Rights.''

In summary, the enactment of this Agricultural Appropriations bill does not affect or change U.S. trade law and policy, including our strong commitment established in law to the adequate and effective protection of intellectual property rights abroad.

IN HONOR OF LUIS P. VILLARREAL

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. SANCHEZ. Mr. Speaker, today, I congratulate Luis P. Villarreal, who received the 2000 Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring for his work in developing science education and research programs to assist minority students at the high school and university level. Mr. Villarreal is a professor of molecular biology and biochemistry at the University of California, Irvine (UCI). He was selected as one of ten individual recipients to receive this prestigious award.

Mr. Villarreal began his academic career when he enrolled in a community college to become a medical technologist. Encouraged to continue his education, he went to complete a 4-year degree in chemistry and then entered graduate school. As a researcher in biology, Mr. Villarreal is currently doing research on the connection between cervical cancer and viruses. He also manages a million-dollar annual budget for the minority science program at UCI.

His greatest reward is to help struggling students achieve success in college, and to encourage them to become scientists. One of his students remarked that he is relaxed, but brilliant and very funny. Through his mentoring program, Mr. Villarreal has guided many under-represented students into the sciences. These students participate in a rigorous academic and research training program that is mentored by faculty members. The program includes paid internships, tutoring, academic advising, faculty seminars and participation at national conferences.

Colleagues, please join with me as we honor Mr. Luis P. Villarreal for his outstanding academic and educational achievements.

TRIBUTE TO SELMA LOCK

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the notable accomplishments and extraordinary life of a woman in the First Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Selma Lock.

Selma Lock was a remarkable woman who lived a remarkable life. She touched the lives of many people and made a tremendous impact on our community. Her indomitable spirit sustained her through many travails and enormous hardship. Born in Vienna, Austria, her young life was spent as a refugee fleeing Nazi oppression. She and one sister were separated from the family and hid in Budapest. After the war, she was reunited with her mother and siblings and learned that her father was killed at Auschwitz. The family then tried to enter Palestine, but was ordered to spend a year in a war camp in Cyprus by British forces. After the British occupation, the family was allowed into Palestine and Selma joined the Hagannah, fighting on the front lines. Soon after, she became ill with tuberculosis and left Israel. In 1953, she came to Denver to treat her condition at the National Jewish Hospital. Although she lost one lung to this disease, she persevered and enrolled at the University of Colorado Extension Center in Denver. After completing her education, she became a pioneer in radiology at Rose Memorial Hospital and founded the mammography department. She served as head of the department for many years and became a clinical instructor for interns and radiology students at the college.

I had the privilege of working with Selma in a political organizing capacity. Those who knew her understood that Selma's true passion was politics. But it was never politics for the sake of politics. For Selma, politics had a high purpose and there was always a fundamental fairness that motivated her endeavors. She was well known in democratic circles for her outspoken commentary and years of service to the Democratic Party. As a precinct committee person, a House district captain, a member of the Denver Executive and State Central Committees, Selma made an immeasurable contribution to the Democratic Party. She played an instrumental role in winning many local, State, and national elections including those of Mayor Federico Pena, Congresswoman Pat Schroeder, and President Clinton. I was also honored to have Selma's support and friendship.

In 1982, then Governor Richard Lamm appointed Selma to fill a vacancy in the Colorado House of Representatives where she served for a short time. She was a delegate to four Democratic National Conventions, served on the national rules committee and served as a Presidential elector from Colorado as well. In 1994, Selma was given the much deserved ''Democrat of the Year'' award by the Colorado Democratic Party.

To borrow a term from Yiddish, Selma was a mensch—a real human being who is an upright, honorable, and decent person. Selma lived a life of meaning and one that was rich in consequence. It is the character and deeds of Selma Lock and all Americans like her, which distinguishes us as a nation and ennobles us as a people. Truly, we are all diminished by the passing of this remarkable woman. Please join me in paying tribute to the life of Selma Lock. It is the values, leadership, and commitment she exhibited during her life that has served to build a better future for all Americans. Her life serves as an example to which we should all aspire.

COLORADO RIVER BASIN SALINITY CONTROL ACT AMENDMENTS

SPEECH OF

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. HANSEN. Mr. Speaker, I rise in support of S. 1211, the Colorado River Basin Salinity Control Act. This act is a tremendous step forward in addressing water quality issues of the Colorado River. Through the passage of S. 1211 we are making practical the control of salinity upstream from the Imperial Dam in a cost-effective manner.

In 1995, we created a pilot program authorizing the award of up to $75 million in grants, on a competitive-bid basis, for salinity control projects in the Colorado River Basin. The result of this pilot program has been a substantial drop in the cost per ton of salt removal. This legislation increases the program to $175 million in grants in order to continue to provide assistance to further reduce the salt content of the Colorado River.

This bill is part of a long-term strategy to keep salt from running off into the Colorado River which flows 1,450 miles through Utah, California and five other Western States. The Bureau of Reclamation is authorized to rehabilitate miles of irrigation canals by lining them with clay, cement and other materials or with pipes to keep the water from seeping into the soil. Reducing the nine million tons of salt picked up by the Colorado River on its trip downstream helps farmers and all water users from Utah through Nevada and Arizona to California.

By addressing the salinity issue, we not only protect the water supply of approximately 25 million people who depend on the drinking water delivered by the Colorado River, we also encourage landowners to control erosion and runoff of soils and salts into it. Mr. Speaker, this bill is an extremely important measure to ensure the lifeline of the American West remains as such.

CONFERENCE REPORT ON H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. SENSENBRENNER. Mr. Speaker, as the House proceeds to consider the Conference Report accompanying H.R. 4635, the Veterans Administration and Housing and Urban Development Appropriations Act of Fiscal Year 2001, I wish to highlight several provisions of this legislation that are important to our nation's science enterprise.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

By providing a total of $14.3 billion for NASA in FY01, this bill increases NASA's budget above the President's request by some $250 million and represents an increase of $683 million over the previous fiscal year. This is a significant increase for NASA and represents continued strong Congressional support for the agency's mission, following on the heels of passage of H.R. 1654, the NASA reauthorization bill, which is now awaiting the President's signature.

The bill fully funds the Space Shuttle, the International Space Station, Mars exploration, and the Space Launch Initiative. Equally significant, this bill provides the resources necessary to permit NASA to fund a broad range of space science programs, life and microgravity research activities, earth science, and aeronautics research. It is vitally important that NASA continue to maintain an array of ongoing, basic research and development programs.

There are some areas of concern NASA must continue to deal with, including serious programmatic slips in the X–33, X–34, and the X–37 programs. NASA must also endeavor to improve its management under the ''faster, better, cheaper'' paradigm, insuring that missions are designed without taking on unreasonable levels of risk.

I am also greatly concerned about NASA's apparent efforts to sole-source a $600 million research contract under the ''Living With a Star'' program. NASA appears to be bending acquisition rules to preclude our national community of research and development laboratories from competing for this very important initiative. I am disturbed by NASA's actions and will continue to monitor this contract to insure that their justification for sole-source meets the spirit and letter of the law.

That being said, I support increased funding for NASA as provided in H.R. 4635 and compliment Veterans Administration and Housing and Urban Development Subcommittee Chairman WALSH for his efforts to strengthen NASA's programs. The funding levels and initiatives contained in this bill bode well for NASA's future.

NATIONAL SCIENCE FOUNDATION

Concerning the National Science Foundation, I support the provisions in the conference report providing a Fiscal Year 2001 funding level of $4.4 billion, the largest NSF budget ever and an increase of $529 million over the previous fiscal year.

I think it is important that the role of NSF in providing the intellectual capital needed both for economic growth and biomedical research be more widely recognized. We are in the midst of one of the Nation's longest economic expansions that owes much to the technological changes driven by basic scientific research conducted 10 to 15 years ago. Many of today's new industries, which provide good, high paying jobs, can be linked directly to research supported by NSF in the 1980s and 1990s. Moreover, many of the breakthroughs in biomedical research have their underpinnings in research and technologies developed by investigators under NSF grants.

I wish to emphasize, too, the critical research in information technology carried out under the National Science Foundation's auspices. Future developments in computational research will help scientists in the U.S. advance the boundaries of all fields of science, and is vitally important that the U.S. maintain a leadership role in information technology. Reflecting this commitment, the Science Committee successfully passed H.R. 2086 through the House, legislation calling for new government emphasis in this important field. H.R. 4635 significantly increases funding for information technology research, and again I commend Mr. WALSH for his support of NSF and IT research spending.

Mr. Speaker, while I support the funding levels provided for National Aeronautics and Space Administration and the National Science Foundation, there are also provisions in this bill that I oppose. Unfortunately H.R. 4733, the Energy and Water Appropriations bill, has been added to the Veterans Administration and Housing and Urban Development Appropriations bill. Of particular concern is the National Ignition Facility. The Department of Energy has badly mismanaged this program, potentially wasting over $900 million of taxpayers' money without any clear indication that NIF will actually work. NIF is over budget, behind schedule, and may not work. In the face of these difficulties, I think it is wrong to reward DOE's incompetence by providing—as this conference report does—$199 million for the project.

I voted against overturning the President's veto on the Energy and Water Conference Report just last week and I will vote against this measure today. I regret that H.R. 4733 has been made part of the Veterans Administration and Housing and Urban Development Appropriations bill.

AIR FORCE RESEARCH LABORATORY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. THOMAS. Mr. Speaker, on November 14th the American Institute of Aeronautics and Astronautics (AIAA) will award Air Force Research Laboratory Rocket Site facilities at Edwards Air Force Base a historic aerospace site designation. The AIAA is absolutely right: the Research Lab truly is one of the nation's most important aerospace facilities and it does have a rich history of service to the nation.

The significance of the role the Air Force Research Laboratory has played in our defense and conquest of space is illustrated by the other places the AIAA will name historic sites this year. The AIAA is naming Tranquility Base on the Moon, where Americans first touched down, as an historic site. Similarly, they are honoring Dutch Flats Airport, where Lindbergh tested the Spirit of St. Louis, the original Aerojet Engineering Company plant in Pasadena and the Massachusetts farm where Dr. Robert Goddard tested the first liquid propellant rocket in 1926, as historic sites. Including the Research Laboratory in this group shows the value knowledgeable people place on the Air Force Research Laboratory's over 50 years of research, testing and development.

A brief review of the work that has been done and is being done at the Research Laboratory makes it easy to understand why the AIAA regards the Research Laboratory as important. Nearly every U.S. rocket system used today uses technology based on the Air Force Research Laboratory's work. The laboratory has tested and developed rocket propulsion technologies for defense and space systems. The Saturn rockets that powered America's Apollo flights were tested there. There are unique facilities for continuously testing space satellite propulsion thrusters for up to 7 hours and immense rocket stands that are still valuable research and testing tools. In fact, Research Laboratory personnel are now working on new technologies in coordination with industry and other government agencies through the Integrated High Payoff Rocket Propulsion Technology program.

For over half a century, a quiet, dedicated group of people have joined together on a remote part of Edwards Air Force Base to pioneer the concepts that have made modern space flight and defense technologies possible. AIAA's recognition is one we should all agree with and one in which Air Force Research Laboratory personnel past and present can take just pride.

REGAS RESTAURANT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. DUNCAN. Mr. Speaker, one of America's finest dining eateries, Regas Restaurant, in Knoxville, closed its doors after 81 years of service to East Tennessee.

The Regas family has had a tremendous impact on the lives of just about everyone in the community. I can assure you that I am a true example of that as I met my wife, Lynn, there. Many families have made dozens of memories that will be cherished for a long time.

Regas Restaurant was always the place to go for a special event, anniversary, or birthday.

Frank and George Regas began the Restaurant in July of 1919 as a coffee shop named the Astor Cafe. It later became known as the Regas Brothers Cafe. The restaurant was renamed once again in 1938 as Regas Restaurant. From then until now, the family business has changed, but their attentiveness to every person that walked through their doors will always be remembered.

Bill Regas, son of Frank Regas, began helping out in the restaurant in the 1950's up until

Regas closed its doors in July, and he served as President and CEO of the restaurant for many years. Mr. Regas has had quite a number of accomplishments, not just locally, but nationally:

He was a charter member of the Knox County Industrial Development Board;

He earned the Knoxville ''Young Man of the Year'' in 1955;

He was President of the National Restaurant Association from 1980 to 1981;

He was inducted into the Junior Achievement Business Hall of Fame in 1992; and

He was recognized by the International Food Manufacture Association with the Silver Platter Award for ''1992 Nation's Independent Operator of the Year.''

I want to say thank you to Mr. Bill Regas and the Regas family and bring to the attention of my colleagues and other readers of the RECORD several articles from the Knoxville News-Sentinel praising their service to the citizens of East Tennessee.

[From the Knoxville News-Sentinel, June 23, 2000]

FOOD, GOOD FRIENDS, MEMORIES MAKE SAYING GOODBYE TO REGAS A DIFFICULT TASK

(By Walter Lambert)

The announcement was simple and straightforward. On July 8 Regas Restaurant on Gay Street would close forever.

That left me in a major dilemma. First, the logical part of my brain keeps telling me that this is just a business. It is just a place where people go to eat and visit. It is just a place.

However, the emotional part of my brain tells me I am about to lose a life-long friend, and I am bereft.

The Regas family has been operating a restaurant at this place for 81 years. Folks, that is more years than even I have been alive.

Now I know that this does not mean that we are losing these good folks to the restaurant business in Knoxville (or around the Southeast for that matter). They will still operate the absolutely wonderful Riverside Tavern and the ever-improving Harry's (now to be known as Regas Brothers Cafe).

Again, the logical side of my brain tells me that we will still have the pleasure of dining with them. My emotional side is not satisfied.

Maybe I should start this at the beginning. The first ''real'' restaurant I can remember going to was the Regas. I went with my grandmother when I was 6 or 7 or 8. It still had a lunch counter then. Of course, it also had a dining room, but there was no door between the lunch counter and the dining room, so you went through the kitchen to get there.

Imagine if you will a 7-year-old boy who is still skinny but already greatly interested in food. Think of him walking through a working kitchen in a real restaurant and, even further, think of him being with his grandmother who knows the people in the kitchen by their first names. I have not forgotten those memories.

Like everyone else in and around Knoxville, Regas was a special-occasion kind of place. It was also where you went on Sundays after church. It was where you went for birthday parties or new jobs or . . . I doubt I need to continue.

In today's world, 81 years is a very long life for a restaurant. This is especially true for a restaurant that remains family-owned and operated. This is an institution. I ate my first broiled steak there. Before this, I thought steaks were pounded within an inch of their life and cooked with a brown gravy.

I must make a small confession—and I am willing to bet that there is a whole generation of Knoxvillians who would make this same confession. I genuinely loved the veal cutlets at Regas, which they served with meat sauce. Again the logical side of my brain tells me that meat—breaded, fried and covered with meat sauce—makes no sense at all. We ate them anyway, didn't we?

We also ate clam chowder that was good enough for a president's inauguration. We had flounder brought fresh from Boston (when that was still a big deal). We also ate bread. I think I first tasted a hard roll at Regas. We also ate muffins.

I always thought that serving those blueberry muffins was a very bad business decision for the Regas family. What a dessert they made.

I have contended in recent years that Regas was the only place left in Knoxville that knew how to cook vegetables. I have made a lunch of vegetables and good bread at Regas on many occasions.

The Regas family for three generations has been there to make us feel special. My wife, Anne, and Frankie Regas Gunnels go back to high school together. We have all gotten to know Kiki Regas Liakonis, and Bill and Frank and Gus Regas, and all the rest. Now we admire the way the new generation has taken the torch. We know how much this family has meant to this community and to all of us.

I know that these good people have made a rational business decision that reflects the changing way people live and eat. I know they will still be part of our lives through their other fine restaurants. I know that they will still be a major asset in this community.

However, I also know that I will not go past the corner of Gay and Magnolia without thinking of times and people long gone. I will remember good times and good meals. I will remember many special times in my life. And I will be sad that this place is there no more.

[From the Knoxville News-Sentinel, July 10, 2000]

CLOSING OF REGAS IS BITTERSWEET FOR MANY PEOPLE WITH FOND MEMORIES

EDITOR, THE NEWS-SENTINEL: Since the sad announcement that Regas would close July 8, everyone in Knoxville made a pilgrimage there for one last memory. One week a group of bankers and former bankers gathered once again to make another memory.

Twelve of us sat at the same three tables in the bar that we used to sit at every Friday from the mid '70s to the late '80s. We laughed all night at the stories we told about when we worked for the United American Bank and the World's Fair.

As usual, the always gracious Bill Regas came by to say hello, as well as his son, Grady. We expressed our thanks to Bill for all the wonderful memories we had made over the years at his restaurant. We had hosted many luncheons and dinners there for retirements, promotions, committees and recognition events.

We brought many dignitaries there during the World's Fair. Dinah Shore, Bob Hope, Andy Warhol, Jane Pauley, Bryant Gumbel, Lorne Greene, Peter Maxx, Wayne Rogers, Lloyd Bridges, Dolly Parton, Red Skelton and Ray Stevens all dined there, as well as ambassadors from China, Peru, Japan, Australia, France and Germany. The Lord Mayor of London was impressed with Regas and made this observation: ''In England we eat to live, but in America everyone lives to eat.'' How true.

Many of the founding Christmas in the City committee meetings were held at Regas in the '70s. Bill Regas was one of the first downtown businesses to sign on as a corporate sponsor. Kiki Liakonis organized the first Greek pastry sale, which was always a huge hit. The Regas family never said no to any worthy cause.

Regas will always be a part of Knoxville's heritage as the best restaurant in town for many years where everyone has celebrated birthdays, graduations, anniversaries and weddings. Regas always made everything special because of its gracious owners, the hospitable staff, the excellent food and the commitment to quality.

We will certainly miss the Regas brothers and their family at Regas. Thanks to all for 81 years of wonderful memories.

DOROTHY SMITH,
Knoxville.

REGAS RESTAURANT LAUDED

EDITOR, THE NEWS-SENTINEL: The announced closing of Regas Restaurant saddened all of us. Our family's memories with Regas date back over 50 years. I had even committed the Regas telephone number to memory. It is always the perfect place for a special occasion, birthdays, anniversaries, etc. My wife, Judy, and I enjoyed our first dinner date at Regas. It is truly the gathering place.

What made Regas so great? The obvious answer is their special attentiveness to their guests. Bill and Gus Regas set the tone. Kiki Liakonis was ever so gracious. One shall never forget Hazel Schmid, the most wonderful, friendly hostess. A special mention to the professional, skilled waitresses—Trula Lawson and Phyllis Whitt.

I must tell this story: Back in the '50s when Regas was open for Sunday lunch, our church, First Baptist, had a special relationship. Bill Regas was a member of First Baptist and a good friend of our pastor Dr. Charles A. Trentham. Trentham's sermons were always timed so we would barely beat the other churchgoers to Regas. Needless to say this accounted for some of the good attendance at First Baptist.

My father, Robert L. Johnson, best summed up my impression of Regas. While dining at Regas with only a short period of life left, he mentioned to Bill Regas that, if heaven didn't have a Regas Restaurant, he wasn't sure he wanted to go.

Thanks to the Regas family for so many special memories.

JOSEPH L. JOHNSON
Knoxville

EDITOR, THE NEWS-SENTINEL: Talk about memories. There are not too many old-timers like us left who remember Regas Restaurant years ago.

I go back to when we moved to Oak Ridge in 1943 from Akron, Ohio. My husband and I, being from Georgia and Tennessee, wanted to bring our sons ages 3 and 6 back south.

One of our special treats was going to the University of Tennessee football games and dinner after the games at Regas. My brother and his family also moved back. We were very close. They had two girls 6 and 9. Regas always was a special birthday place for all.

On Dec. 17, 1999, I lost my brother at age 96 on his birthday. Regas was always his favorite place to go on his birthday—the prices reasonable, food great. Our favorite song was ''Happy Days are Here Again.'' Now our sons are in their 60s with grandchildren. I'm sure they would love it.

Take it back, Grady.

VERA ROBERTS
Knoxville

[From the Knoxville News-Sentinel]

REGAS CLOSING GAY STREET LANDMARK

(By Mike Flannagan)

Regas Restaurant, which has epitomized five-star dining in Knoxville for more than eight decades, will close July 8.

In a way, its passing marks the end of an era, but the Regas family will retain a presence in downtown dining even after the restaurant that brought them to prominence closes its doors.

''We're transferring the spirit of Regas to the Riverside Tavern (on the downtown waterfront) and Harry's,'' said Grady Regas, chief executive officer of Regas Brothers Inc.

The first Regas Restaurant opened July 7, 1919, on the north end of Gay Street. It will close 81 years and one day later.

''We will celebrate up until the door closes,'' Grady Regas said.

Harry's by Regas, 6901 Kingston Pike, will be renamed Regas Brothers Cafe, which was an early name of the original restaurant, and some dishes from the Gay Street menu will be added to that of the Cafe eatery.

Restaurant staff members from the original Regas will be relocated to one of the two remaining restaurants, Grady Regas said.

Greek immigrants Frank and George Regas opened their original restaurant as an 18-stool coffee shop at the corner of Gay Street and Magnolia Avenue two blocks from the Southern Railway Station. The descendent of that coffee shop seats 350 in the dining room and 100 in the Gathering Place lounge, part of a 1978 expansion.

The restaurant became the ''gathering place for fine dining'' in Knoxville when the owners introduced tablecloths in the ''early '50s,'' according to Bill Regas, president emeritus of Regas Brothers Inc. Back then, he said, people used to dress up and go out to eat, but that has changed to more casual attire.

''We used to have women lined up in dresses outside of the restaurant before the football games on Saturday,'' Bill Regas said.

The company's board of directors made the ''tough decision'' to close the restaurant during a meeting Monday.

Bill Regas, who has been identified with the restaurant since the 1950s, was clearly emotional over the announcement of the closing and referred most questions to his son, Grady.

Besides cultural changes, Regas Brothers Inc. cited other reasons for closing the restaurant and refocusing attention on the Riverside Tavern and Harry's

The original restaurant's future appeared prosperous when one possible site for the new convention center was on nearby Jackson Avenue. But when the Public Building Authority instead selected World's Fair Park for the convention center and Interstate 40 work changed access to the front of the restaurant, its fate became sealed, Grady Regas said.

''This is not like a car wreck,'' he said. ''We have anticipated this (closing) for a long time.''

Rumors have circulated that Grady Regas would buy the now-defunct Great Southern Brewing Co. on Gay Street across from the newly restored KUB building.

''We looked and still look at every business opportunity,'' he said. ''But until a deal is a deal, there is nothing to talk about.''

Regas Brothers Inc. has talked with several ''interested parties'' about the purchase of the Gay Street building.

[From the Knoxville News-Sentinel, July 5, 2000]

LINGERING AFFECTIONS

(By Louise Durman)

''Remember when'' will be the passwords at Regas Restaurant Saturday, June 8.

With the closing of the down-town landmark, guests will share memories of a first date, an anniversary, birthday or special occasion party.

Regas celebrates its 81st anniversary on Friday, so this will be called ''the anniversary weekend.''

Among the family members hoping to be at Regas Saturday night will be Bill Regas, chairman emeritus of Regas Brothers Inc.; his son, Grady Regas, current CEO; and Gus Regas, vice chairman emeritus.

Reservations for Friday and Saturday have long been filled. In fact, since the announcement in June of the restaurant's closing, reservations for lunch and dinner every day have filled quickly by those who want ''one last chance'' to dine there. Serving time has been extended daily to try to serve those who want to come.

''The outcry, love and affection have been unbelievable,'' says Grady Regas. He is asking customers to write down favorite Regas memories to possibly use in a book someday.

Regas will continue to own and operate Riverside Tavern and the current Harry's by Regas. Harry's is scheduled to be changed in the fall to Regas Brothers Cafe, an early name of the original Regas Restaurant that opened July 7, 1919, on the north end of Gay Street. ''It (Harry's) will be more casual, far friendlier,'' says Grady Regas. Harry's will be remodeled for a better traffic flow, he adds.

Regas will honor its commitments for private parties at the restaurant and its other restaurants. Catering by Regas will continue, and manager Carla Humbard is booking events.

The Regas building on Gay Street is up for sale. After the closing, paintings, sketches, furniture and equipment will be moved to other Regas facilities. Many of the employees will be placed in one of the two other restaurants.

Thirty-five former employees gathered at Regas last week for a final dinner. Trudy Lawson, who worked there as a server and cashier for 38 years, was among those who helped organize the farewell.

Bill Regas and other family members stopped by to say hello. The employees enjoyed sharing reminiscences of their years at the restaurant.

''Our message,'' says Grady Regas, ''is we're still the same family, same team, and we have the same spirit.'' He describes it as a family in transition, moving from one house to another.

''When we have asked people, 'What does Regas mean to you?' no one mentioned the building.''

He says that regular customers who have been accustomed to having a special table and certain servers will be taken care of in the other restaurants.

Many of the menu items from Regas will be integrated into Riverside Tavern and Harry's which is becoming Regas Brothers Cafe.

Going to Riverside will be the Mediterranean chicken salad, strawberry shortcake, smoked salmon and many of the famed ''features of the day.''

The Harry's location will get the scrod, red velvet cake and some featured items. Once it becomes Regas Brothers Cafe, which will be open for lunch and dinner, it will serve the scrod, New Zealand lobster, prime rib, crab cakes, baked potato, red velvet cake and blueberry muffins.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10895–S19049

Measures Introduced: Four bills and four resolutions were introduced, as follows: S. 3228–3231, S.J. Res. 55, S. Res. 381–382, and S. Con. Res. 155.

Page S10926

Measures Passed:

United States Mint Numismatic Coin Clarification Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 5273, to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and the bill was then passed, clearing the measure for the President. **Pages S10934–35**

Robert S. Walker Post Office: Committee on Governmental Affairs was discharged from further consideration of S. 3194, to designate the facility of the United States Postal Service located at 431 George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office", and the bill was then passed. **Page S10935**

Judge Harry Augustus Cole Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 4450, to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S10935**

Frederick L. Dewberry, Jr. Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 4451, to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S10935**

Gertrude A. Barber Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 4625, to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S10935**

Samuel P. Roberts Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 4786, to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S10935**

Larry Small Post Office Building: Senate passed H.R. 4315, to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building", clearing the measure for the President. **Page S10935**

Roberto Clemente Post Office: Senate passed H.R. 4831, to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the "Roberto Clemente Post Office", clearing the measure for the President. **Page S10935**

Arnold C. D'Amico Station: Senate passed H.R. 4853, 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", clearing the measure for the President. **Page S10935**

Ruth Harris Coleman Post Office: Senate passed 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", clearing the measure for the President. **Page S10935**

Guam Omnibus Opportunities Act: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 2462, to amend the Organic Act of Guam, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S10935–37**

Smith of N.H. (for Murkowski) Amendment No. 4334, in the nature of a substitute. **Pages S10935–37**

Archbishop Desmond Tutu Commendation: Committee on the Judiciary was discharged from further consideration of S. Res. 31, commending Archbishop Desmond Tutu for being a recipient of the Immortal Chaplains Prize for Humanity, and the resolution was then agreed to. **Page S10937**

National Teach For America Week: Senate agreed to S. Res. 381, designating October 16, 2000, to October 20, 2000, as "National Teach For America Week". **Page S10937**

National Children's Memorial Day: Committee on the Judiciary was discharged from further consideration of S. Res. 340, designating December 10, 2000, as "National Children's Memorial Day", and the resolution was then agreed to. **Page S10937**

Federal Claims Court Bill Referral: Committee on the Judiciary was discharged from further consideration of S. Res. 231, referring S. 1456 entitled "A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida" to the chief judge of the United States Court of Federal Claims for a report thereon, and the resolution was then agreed to. **Pages S10937–38**

Recognizing Bernt Balchen Contributions: Committee on the Judiciary was discharged from further consideration of S.J. Res. 36, recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999, and the resolution was then passed. **Page S10938**

National Survivors of Suicide Day: Committee on the Judiciary was discharged from further consideration of S. Res. 339, designating November 18, 2000, as "National Survivors of Suicide Day", and the resolution was then agreed to. **Page S10939**

Democracy Restoration in Peru: Senate agreed to S. Con. Res. 155, expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political forces in Peru toward an immediate and full restoration of democracy in that country. **Page S10939**

Texas Army National Guard Recognition: Senate agreed to S. Res. 382, recognizing and commending the personnel of the 49th Armored Division of the Texas Army National Guard for their participation and efforts in providing leadership and command and control of the United States sector of the Multinational Stabilization Force in Tuzla, Bosnia-Herzegovina. **Pages S10939–40**

Korczak Ziolkowski Commemorative Postage Stamp: Committee on Governmental Affairs was discharged from further consideration of S. Res. 371, expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski and the Crazy Horse Memorial, and the resolution was then agreed to, after agreeing to the following amendments proposed thereto: **Pages S10940–41**

Smith of N.H. (for Daschle) Amendment No. 4335, to make certain modifications. **Page S10940**

Smith of N.H. (for Daschle) Amendment No. 4336, to make certain modifications. **Page S10940**

Smith of N.H. (for Daschle) Amendment No. 4337, to amend the title. **Page S10940**

Protecting Seniors From Fraud Act: Committee on the Judiciary was discharged from further consideration of S. 3164, to protect seniors from fraud, and the bill was then passed. **Pages S10941–42**

Retired Military Working Dogs Protection: Senate passed H.R. 5314, to require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs, after agreeing to the following amendment proposed thereto: **Pages S10942–43**

Smith of N.H. (for Robb) Amendment No. 4338, in the nature of a substitute. **Pages S10942–43**

2001 Electoral Vote Count Date Change: Senate passed S.J. Res. 55, to change the date for counting the electoral votes in 2001. **Page S10943**

Afghanistan Representative Government Reestablishment: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 150, relating to the reestablishment of representative government in Afghanistan, and the resolution was then agreed to. **Page S10943**

Small Watershed Rehabilitation Act: Senate passed S. 1762, to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws, after agreeing to the following amendment proposed thereto: **Pages S10943–44**

Smith of N.H. (for Harkin) Amendment No. 4339, to make certain technical corrections. **Page S10943**

Health Risk Commodities Removal: Senate passed S. 3230, to reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety

risk and to make adjustments to certain child nutrition programs. Pages S10946–47

Consolidated Farm and Rural Development Act Amendment: Senate passedS. 2811, to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants. Page S10947

Cheyenne River Sioux Tribe Equitable Compensation Act: Senate concurred in the amendment of the House to S. 964, to provide for equitable compensation for the Cheyenne River Sioux Tribe, clearing the measure for the President.

Pages S10896–99

U.S. Grain Standards Authorization: Senate concurred in the amendment of the House to the Senate amendment to H.R. 4788, to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act, clearing the measure for the President.

Pages S10944–46

Appointment:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed Senator Chafee as a member of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Berlin, Germany, November 17–22, 2000. Page S10934

Nominations Confirmed: Senate confirmed the following nominations:

Gerald M. Shea, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2004. (Reappointment)

Troy Hamilton Cribb, of the District of Columbia, to be an Assistant Secretary of Commerce.

Joel Gerber, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office. (Reappointment)

Stephen J. Swift, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office. (Reappointment)

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Mark A. Weinberger, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2006.

3 Army nominations in the rank of general.

9 Coast Guard nominations in the rank of admiral.

Routine lists in the Army, Coast Guard.

Pages S10947–49

Messages From the House: Pages S10924–25

Communications: Pages S10925–26

Executive Reports of Committees: Page S10926

Statements on Introduced Bills: Pages S10926–31

Additional Cosponsors: Page S10931

Amendments Submitted: Pages S10932–34

Additional Statements: Pages S10923–24

Recess: Senate convened at 3:02 p.m., and recessed at 6:06 p.m., until 11 a.m., on Wednesday, October 25, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10948.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 5526–5536; and 11 resolutions, H.J. Res. 115–120, H. Con. Res. 434–435, and H. Res. 644–645, 649, were introduced. Page H10808

Reports Filed: Reports were filed today as follows.

Conference report on S. 835, to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs (H. Rept. 106–995);

H.R. 4857, to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, amended (H. Rept. 106–996, Pt. 1);

Conference report on H.R. 4811, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001 (H. Rept. 106–997);

H. Res. 646, providing for consideration of House Joint Resolutions 115, 116, 117, 118, 119, and 120, each making further continuing appropriations for fiscal year 2001 (H. Rept. 106–998);

H. Res. 647, waiving points of order against the conference report to accompany H.R. 4811, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001 (H. Rept. 106–999); and

H. Res. 648, waiving points of order against the conference report to accompany S. 835, to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs (H. Rept. 106–1000).

Pages H10537–50, H10759–90, H10807–08

Recess: The House recessed at 10:44 a.m. and reconvened at noon. Page H10537

Suspensions: The House agreed to suspend the rules and pass the following measures:

Chimpanzee Health Improvement, Maintenance and Protection: H.R. 3514, amended, to amend the Public Health Service Act 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;

Pages H10550–54

Extension of Energy Conservation Programs: Agreed to the Senate amendment to H.R. 2884, to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003—clearing the measure for the President;

Pages H10554–65

Morgan Station Postal Facility: H.R. 5143, to designate the facility of the United States Postal Service located at 3160 Irvin Cobb Drive, in Paducah, Kentucky, as the 'Morgan Station';

Pages H10565–66

Tim Lee Carter Post Office Building: 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'; Page H10566

Marjory Williams Scrivens Post Office: H.R. 5068, to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the 'Marjory Williams Scrivens Post Office'; Pages H10566–67

Italian-American Heritage Month: H. Res. 347, expressing the sense of the House of Representatives in support of 'Italian-American Heritage Month' and recognizing the contributions of Italian Americans to the United States; Pages H10567–69

Coastal Barrier Resources Reauthorization Act: S. 1752, to reauthorize and amend the Coastal Barrier Resources Act—clearing the measure for the President; Pages H10569–70, H10702

Palmetto Bend Conveyance Act: S. 1474, providing conveyance of the Palmetto Bend project to the State of Texas—clearing the measure for the President; Pages H10570–71, H10702

Liberty Memorial in Kansas City, Missouri: S. Con. Res. 114, recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I;

Pages H10571–72, H10702

Recovering Costs of Rescues at Denali National Park of Alaska: S. 698, to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska—clearing the measure for the President.

Pages H10572–73, H10702

National Law Enforcement Museum: S. 1438, to establish the National Law Enforcement Museum on

Federal land in the District of Columbia—clearing the measure for the President.

Pages H10573–74, H10702

Relocation of Hamilton Grange: H.R. 5478, to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land; Pages H10574, H10702–03

California Trail Interpretive Center in Elko, Nevada: S. 2749, amended, 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. Agreed to amend the title; Pages H10574–77, H10703

Computer Security Enhancement: H.R. 2413, amended, to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security;

Pages H10506–10, H10708

American Museum of Science and Energy: H.R. 4940, amended, to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the 'American Museum of Science and Energy;

Pages H10622–27, H10708

Wartime Violation of Italian American Civil Liberties: Agreed to the Senate amendments to H.R. 2442, to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President—clearing the measure for the President;

Pages H10627–29

Merit Systems Protection Board Administrative Dispute Resolution: H.R. 3312, amended, to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions and disputes in administrative programs. Agreed to amend the title; Pages H10629–32

Tax Equity for Mariners: S. 893, to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels—clearing the measure for the President;

Pages H10632–34

Implementation of the Amber Plan to Recover Abducted Children: H. Res. 605, expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children; Pages H10634–36

Pilot Grant Program for Mentally Ill Offenders: S. 1865, to provide grants to establish demonstration mental health courts—clearing the measure for the President; Pages H10636–40, H10708–09

Sudan Humanitarian Relief and Peace: S. 1453, amended, to facilitate relief efforts and a comprehensive solution to the war in Sudan;

Pages H10640–43, H10709

Condemning the Assassination of Father John Kaiser and others in Kenya: H. Con. Res. 410, condemning the assassination of Father John Kaiser and others who worked to promote human rights and justice in the Republic of Kenya. Subsequently, the House agreed to S. Con. Res. 146, a similar Senate concurrent resolution that calls for a thorough investigation, a progress report on the investigation to be submitted to Congress by December 15, 2000, and a final report to be made public. H. Con. Res. 410 was then laid on the table. Pages H10643–44

Restoration of Human Rights and Representative Government in Afghanistan: H. Con. Res. 414, amended, relating to the reestablishment of representative government in Afghanistan (agreed to by a yea and nay vote of 381 yeas with none voting nay, Roll No. 542); Pages H10644–46, H10701

Manufactured Housing Improvement: S. 1452, amended, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes. Agreed to amend the title; Pages H10655–90

Financial Contract Netting Improvement: H.R. 1161, amended, to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts,

Pages H10690–98

Preservation and Public Use of Sites Associated with Harriet Tubman: 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 clearing the measure for the President; Pages H10717–18

National Marine Sanctuaries Amendments: S. 1482, to amend the National Marine Sanctuaries Act clearing the measure for the President;

Pages H10718–21

Pyramid of Remembrance Foundation Memorial for Armed Service Members Killed in Training Peacekeeping and Humanitarian Efforts: H.R. 1804, to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; **Pages H10721–22**

Reclamation and Reuse of Water and Wastewater in Hawaii; S. 1694, amended, to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii. Agreed to amend the title;

Pages H10722–26

Ala Kahakai National Historic Trail: S. 700, to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail clearing the measure for the President; **Page H10726**

Hawaii Volcanoes National Park: S. 938, to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park clearing the measure for the President;

Pages H10726–27

Miscellaneous Trade and Technical Corrections: H. Res. 644, providing for the concurrence by the House, with an amendment, in the amendment of the Senate to H.R. 4868, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws; **Pages H10727–54**

Suspensions—Proceedings Postponed: The House completed debate on the following motions to suspend the rules. Further proceedings on the motions were postponed.

Erie Canalway National Heritage Corridor: H.R. 5375, amended, to establish the Erie Canalway National Heritage Corridor in the State of New York; **Pages H10577–81, H10703**

Older Americans Act Amendments: H.R. 782, amended, to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003; **Pages H10581–H10606**

Violence in the Middle East: H. Con. Res. 426, concerning the violence in the Middle East; and

Pages H10646–55

Great Sand Dunes National Preserve in the State of Colorado: 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 clearing the measure for the President.

Pages H10709–17

Suspension Failed—National Science Education: The House failed to suspend the rules and pass H.R. 4271, amended, to establish and expand programs relating to science, mathematics, engineering, and technology education (failed to pass by a yea and nay vote of 215 yeas to 156 nays with 4 voting "present", Roll No. 543). **Pages H10610–22, H10701–02**

Conveyance of Land to the Washoe County School District, Nevada: The House passed H.R. 4656, to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site. Earlier agreed to H. Res. 634, the rule that is providing for consideration of the bill by a yea and nay vote of 196 yeas to 181 nays, Roll No. 541. **Pages H10698–H10701, H10705–08**

Bring Them Home Alive Act: The House passed S. 484, to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive clearing the measure for the President. **Pages H10703–04**

Persian Gulf Evacuees Relief: Agreed to the Senate amendment to H.R. 3646, for the relief of certain Persian Gulf evacuees clearing the measure for the President. **Pages H10704–05**

Recognition for Slave Laborers Who Worked on U.S. Capitol Construction: The House agreed to S. Con. Res. 130, establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol. **Page H10705**

United States Capitol Publication: The House agreed to S. Con. Res. 141, to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document. **Page H10705**

Herbert H. Bateman Educational and Administrative Center, Chincoteague, Virginia: The House passed H.R. 5388, to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Educational and Administrative Center." **Page H10709**

Saint Helena Island National Scenic Area, Michigan: The House agreed to the Senate amendment to H.R. 468, to establish the Saint Helena Island National Scenic Area clearing the measure for the President. **Page H10709**

Returning the Bear Protection Act to the Senate: The House agreed to H. Res. 645, returning to the Senate the bill S. 1109, Bear Protection Act.

Pages H10754–55

Senate Messages: Message received from the Senate appears on pages H10535–36.

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today and appear on pages H10700, H10701, and H10701–02. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 11:55 p.m.

Committee Meetings

CONFERENCE REPORT—FOREIGN OPERATIONS APPROPRIATIONS ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 4811, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and against its consideration. The rule provides that the conference report shall be considered as read.

Testimony was heard from Representatives Callahan and Pelosi.

CONFERENCE REPORT—ESTUARIES AND CLEAN WATERS ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany 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 against its consideration. The rule provides that the conference report shall be considered as read.

MAKING FURTHER CONTINUING APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule providing for consideration of each joint resolution H.J. Res. 115, H.J. Res. 116, H.J. Res. 117, H.J. Res. 118, H.J. Res. 119, and H.J. Res. 120, making further continuing appropriations for the fiscal year 2001, under separate closed rules. The rule waives all points of order against consideration of each joint resolution. The rule provides one hour of debate in the House on each joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule provides one motion to recommit each joint resolution.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 25, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to resume hearings on issues related to the attack on the U.S.S. *Cole*; to be followed by a closed hearing (SH–219), 9 a.m., SH–216.

Committee on Foreign Relations: Subcommittee on European Affairs, with the Subcommittee on Near Eastern and South Asian Affairs, to hold joint hearings to examine the Gore and Chernomyrdin diplomacy; to be followed by a closed hearing, 10:30 a.m., SD–419.

House

Committee on Armed Services, hearing on the attack on the U.S.S. *Cole*, 2 p.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing on "Waste, Fraud and Program Implementation at the U.S. Department of Education," 10:30 a.m., 2175 Rayburn.

Next Meeting of the **SENATE**

11 a.m., Wednesday, October 25

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will recess until 2:15 p.m. for their respective party conferences; following which, Senate may consider any cleared legislative and executive business, including conference reports, when available.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, October 25

House Chamber

Program for Wednesday: Consideration of H.J. Res. 115, Making Further Continuing Appropriations (closed rule, one hour of debate);

Conference Report on H.R. 4811, Foreign Operations, Export Financing, and Related Programs Appropriations (rule waving points of order); and

Conference Report on S. 835, Estuary Habitat and Chesapeake Bay Restoration (rule waiving points of order)

Extensions of Remarks, as inserted in this issue

HOUSE

Cramer, Robert E. (Bud), Jr., Ala., E1891
Crane, Philip M., Ill., E1891
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Towns, Edolphus, N.Y., E1891

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