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No. 123

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 21, 1999.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2084) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. INOUE, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of Janu-

ary 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 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

ELIMINATION OF MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, I have the privilege of representing a very diverse district. I represent the south side of Chicago, south suburbs, and Cook and Will counties, industrial communities like Joliet, a lot of corn fields and farm towns too.

When one represents such a diverse constituency, cities, suburbs, and country, one learns to listen and listen for those common concerns and common questions that are brought forward, whether by suburbanites or city dwellers or our farm folk.

I find that in the district that I have the privilege of representing in Illinois that the common concerns are pretty simple, that folks want us to work together, they want us to solve our challenges, they want us to find solutions, and they want us to change how Washington works.

As I look back over the last 5 years, I am pleased that we have worked to find those solutions, solutions to the challenges today of balancing the budget, of cutting taxes, and reforming our welfare system and we did change how Washington works.

As I look back over the last 5 years, I am proud to say that we balanced the budget for the first time in 28 years, 3 years ago. We are now working on our third balanced budget in a row. We did

such a great job that now we have all this extra money of three trillion surplus dollars projected over the next 10 years.

We cut taxes for the middle class for the first time in 16 years, and three million Illinois children are going to benefit from the \$500 per child tax credit. We reformed welfare for the first time in a generation.

I am proud to say that in Illinois the welfare roles have been cut in half. In my home county of Grundy, our welfare roles have dropped by 84 percent. We also tamed the tax collector, shifting the burden of proof off the backs of the taxpayer and onto the IRS. Those are fundamental changes, balancing the budget, cutting taxes, reforming our welfare system, and taming the tax collector.

People often say, well, what is next? What other solutions is Congress going to find to the challenges that we face? Our agenda is simple. We want to strengthen our local schools. We want to lower the tax burden and make it fair for working families. We want to strengthen Social Security and Medicare. And we also want to pay down the national debt that was run up over 30 years of deficit spending.

I often hear common questions in the district I represent, whether at a union hall or the VFW or the Chamber of Commerce or a coffee shop or a grain elevator. People often say, when are you folks in Washington going to stop raiding the Social Security Trust Fund?

I am proud to say this Republican Congress is putting a stop to that. In fact, this year we are walling off the Social Security Trust Fund, setting aside a hundred percent of Social Security for the first time in 30 years for Social Security only.

The President says he wants to set aside 62 percent. We believe in a hundred percent of Social Security for Social Security. That means \$200 billion

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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more to strengthen Social Security and Medicare.

I am often asked, people never also talk about that huge national debt that was built up over the 30 years of deficit spending beginning in the 1960s. I am proud to say that, under the Republican balanced budget, we pay down \$2.2 trillion of the national debt, the public debt, over the next few years; and that is about \$200 billion more than the President would under his proposal.

The question that I am also often asked is when are we going to do something about the tax code. People of course are fed up that 40 percent of the average family's income goes to Washington and the State capital and the county courthouse and the local government, and that tax burden is the highest in peacetime history. But they are also frustrated about the complexity of our tax code and the unfairness of our tax code.

Over the last couple of years I have often asked this question in the well of the House, and that is, is it right, is it fair that under our tax code married working couples pay more in taxes? A husband and wife who are both in the workforce pay more in taxes than an identical couple that live outside of the marriage. Is it right, is it fair that under our tax code that 21 million married, working couples pay on average \$1,400 more in higher taxes just because they are married? Of course not. It is wrong that under our tax code that 21 million married, working couples pay \$1,400 more just because they are married.

I have a photo here of a young couple in Joliet, Illinois, one of the communities that I represent, Michelle and Shad Hallihan. They are public school teachers in the Joliet public school system. They just had a baby. They are celebrating the birth of a child. They suffer the marriage tax penalty because they are both in the workforce. And under our tax code this young couple who just had a baby, who is just starting their life together as a family, pays higher taxes just because they chose to get married.

Now, had they chose to live together outside of marriage they would not pay those higher taxes. I am proud to say the House and Senate passed legislation which will eliminate the marriage tax penalty for the majority of those who suffer it. It is a key part; it is an essential part of the Financial Freedom Act, legislation that will lower the tax burden as well as simplify the tax code and bring fairness to the tax code.

The question of the day is, Mr. President, are you going to join with us in eliminating the marriage tax penalty to help hard-working, young Americans, actually Americans of every age, because seniors suffer the marriage tax penalty, but people like Michelle and Shad Hallihan who suffer the marriage tax penalty?

Our legislation eliminates the marriage tax penalty for a majority of

those who suffer it. It should be a bipartisan effort. We ask the President to join with us, sign the tax cut, sign the Financial Freedom Act, and eliminate the marriage tax penalty.

INS REIMBURSEMENT TO GUAM AND COMPACT-IMPACT AID FUNDING

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

Mr. UNDERWOOD. Mr. Speaker, today I want to talk about a couple of issues that are vitally important to the people of Guam and as we face the prospect of trying to deal with the remaining appropriations measures and face the possibility of some protracted negotiations between the leaders of both the House and Senate and the Administration, and these two issues pertain to the reimbursement for costs that have been incurred in Guam as a result of unrestricted immigration as well as recent experience, in particular this year with the onset of the arrival of many illegal immigrants coming from the People's Republic of China.

Since the beginning of this year, Guam has been marked by some of the smugglers inside the People's Republic of China as the newest target for Chinese criminal organizations smuggling human cargo from the PRC.

In the past 4 months alone, Guam has been the recipient of more than 700 illegal aliens seeking political asylum in the United States. These figures have already surpassed the total of 1998 of over 600. It is further suspected that many more undocumented arrivals have hit Guam that have not been counted.

As the U.S.'s westernmost border, Guam is perhaps the most attractive destination to enter the United States from the PRC. Guam is the closest American jurisdiction to China. The full application of the INA, the Immigration and Nationality Act, applies to Guam. Because of this, what has happened is that these people come to Guam and apply for some form of political asylum and then they are allowed to move on.

Through very protracted negotiations involving the White House and particularly the National Security Council, as well as INS officials, we have been able to slow down this process by using the Northern Marianas as the place where they could also be taken. Interestingly, in the Northern Marianas, the full weight of the INS does not apply so, as a consequence, they were more easily repatriated back to the PRC.

Guam is a very small place, only 212 small miles and a small population of 150,000. The real problem here for the people of Guam is that despite all of the guarantees of the Federal Government, the cost of housing these people

has fallen on the Government of Guam. As a matter of fact, leading up until last month, the total cost is well over \$7 million this year alone. And there continues to be over 500 of these individuals remaining in Guam facilities, in Guam Department of Correction facilities; and the prospect is that they may be there another year or 2 years at the rate of approximately \$50,000 a day.

Now, we had hoped that this reimbursement would come through in the process of the appropriations as the administration has asked for that, but it has not come to pass.

Last week, however, our neighbors to the north, who have a much smaller bill presented to the Federal Government, the INS surprisingly announced that they were satisfying that bill from the Northern Marianas to the amount of \$750,000.

So today, certainly I call upon the INS to get moving on this issue to try to find the resources to reimburse the people of Guam and to reimburse the local coffers for this cost, which is not our doing and which was entered into as a result of good-faith negotiations between the Government of Guam and federal officials.

Secondarily, there is also the issue of compact-impact assistance. This is as a result of the unrestricted migration of citizens from the newly independent states, the so-called freely associated states, primarily the federated states of Micronesia.

This has been a continuing source of debate. There is a federal law which says that any social and educational costs as a result of this unrestricted migration, they are the only independent countries in the world that have no quotas, no visa requirements; they can freely migrate into any part of the United States, that as a result of any social or educational costs, the Federal Government will reimburse the territories.

Well, because Guam is near these areas, these people have gone to Guam and continue to utilize social and educational resources, which we estimate amount to anywhere between \$15 million and \$20 million a year.

As I speak today, in 1996, we were able to get an amendment to the Interior Appropriations Act to get a stream of roughly \$4.5 million to Guam every year since then. But we certainly look forward to balancing those books a little bit more.

The President's request put in \$10 million for the upcoming year. And certainly it is my hope that as we continue the process of vetting the appropriations measures that these two important items, obligations of the Federal Government will be met.

WHY WE NEED TO MAKE AED'S MORE AVAILABLE

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

Mr. STEARNS. Mr. Speaker, today I want to share with my colleagues why I believe passage of the cardiac arrest survival act is so important to this country.

If this bill becomes law, it would have the potential of saving thousands and thousands of lives each year. Passage of this act would go a long way towards making the goal of saving the lives of people who suffer sudden cardiac arrest possible. It would ensure that what the American Heart Association refers to as a "cardiac chain of survival" could go into effect.

While defibrillation, which is number three on the list, is the most effective mechanism to revive a heart that has stopped, it is also the least accessed tool we have available to treat victims suffering from heart failure.

Let me tell my colleagues about an experience about a Navy commander, John Hearing's experience. He is a cardiac arrest survivor. On October 9, 1997, stationed in Fallon, Nevada, Navy Commander John Hearing was swimming as part of a semi-annual physical readiness test when he suddenly felt ill. He went to the base clinic and collapsed inside, where Corpsmen immediately started CPR.

Although there was a hospital defibrillator available in the clinic, the emergency medical technicians were not trained to use it. So, of course, they called for help. A doctor arrived and defibrillated him.

After 8 months of limited duty, he was cleared to return to active duty and is currently assigned to the Office of Secretary of Defense.

Commander Hearing's outcome could have been tragic if the doctor had not been available. If the doctor had not been available, the EMTs, who were not equipped with an automated external defibrillator, AED, would have likely watched Commander Hearing die.

Commander Hearing knows how lucky he is today. His experience stands in contrast to another incident at the Pentagon in March of 1998.

□ 1245

Army Colonel Mike Moake was exercising in the Pentagon Athletic Club early one morning when he experienced a sudden cardiac arrest. Paramedics were called, and bystanders performed CPR on Colonel Moake. Medics arrived more than 20 minutes after his collapse and defibrillated him. They started his heart, but by that time Colonel Moake had suffered irreversible brain damage. Unfortunately, he died 2 weeks later.

If an automated external defibrillator had been available in this case, Colonel Moake's chances of survival would have improved immeasurably. Partly as a result of Colonel Moake's tragic death, the Pentagon is procuring and installing several AEDs. After Commander Hearing's experience in Fallon, Nevada, the Navy procured AEDs for the clinic and ambulances at several other military bases.

The American Heart Association and American Red Cross objective is to advance legislation like the Cardiac Arrest Survival Act so others do not have to die or barely escape death before AEDs are made accessible to them.

Bob Adams also had a dramatic experience that I also would like to share, Mr. Speaker, with my colleagues. This occurred on July 3, 1997. Bob Adams was walking through Grand Central Station in New York City when his heart suddenly stopped and he collapsed. He was 42 years old, a lawyer in a firm of 450 people, a husband, and a father of three young children. He was in perfect health and always had been. From the time he played collegiate basketball at Colgate College up to his current avocation as a NCAA basketball referee, health was a nonissue to him.

Nevertheless, without warning, without any history of heart disease, he went into cardiac arrest the day before a holiday weekend, in a location through which half a million people pass every day.

For Bob, timing was everything. On July 2, the day before he collapsed, the automated external defibrillator that the Metro North Commuter Railroad had ordered for use in Grand Central Station had arrived and the staff had been trained in its use.

Bob's heart was stopped for approximately 5 minutes while the AED was put in place. It was unpacked from its shipping box and everyone hoped it had come with charged batteries. Thanks to the trained staff at the station and an EMT who happened to be present, his life was saved.

Doctors have never discovered what happened to his heart. It simply stopped. Whatever it was, he and his wife Sue, along with their three children, Kimberly, Ryan and Kyle, are very glad there was an AED at Grand Central Station.

Please join with me in cosponsoring H.R. 2498, the Cardiac Arrest Survival Act, and help save lives.

TWO FLOODS AND YOU ARE OUT

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

Mr. BLUMENAUER. Mr. Speaker, the goal of livable communities is to make our families safe, healthy, and economically secure. Witnessing the devastation that has occurred this last week in the southeastern United States is painful to watch. Thirty-five known dead; others still unaccounted for. Imagine the suffering and disruption of lives and business. It has shown us once again how vulnerable millions of Americans are to natural disaster. The worst floods in years, unforgettable images of disaster, entire families wiped out. We need to help those who are suffering now, but we also need to take steps to

prevent suffering like this in the future because it will happen again.

Hurricane experts suggest we are emerging from a relatively calm weather period to a more active destructive one. Increasing development pressures are resulting in building homes in flood plains around rivers, lakes, and on our coasts. One does not have to believe in global warming to know we have a problem, and it is getting worse.

We have to begin to deal with this in a sensible fashion. We need to look at where we build on coasts and developments in wetlands. We need to look at how we build. Even now there is a battle raging in North Carolina, ironically, about their building codes, arguing over, for instance, whether there should be protections for windows—like storm shutters.

When we have already built, we need to look at how we can best protect property and lives from the devastating impact of natural disaster. Government, in fact, bears some responsibility for allowing and indeed facilitating homes in harm's way by subsidizing repeated flood losses through the National Flood Insurance Program.

Along with the gentleman from Nebraska (Mr. BEREUTER), I have proposed legislation to provide significant new assistance for those who are most at risk to provide \$400 million additional from the years 2001 to 2004 to help flood-proof or relocate people who are facing the greatest risk from repetitive flood loss, the people most in harm's way.

If an offer of mitigation or relocation would be refused under our proposal, then at least the residents who decide to stay in harm's way would be at least required to pay the full cost of their flood insurance, as those who already live in homes that were built or substantially improved starting in 1975 already do. The intent here is not to punish but is to take away the incentive that people are given by the Federal Government to continue to live in hazardous circumstances.

The bill's name, Two Floods and You Are Out—of the Taxpayers' Pocket, might be a bit provocative but the issue goes far beyond money. The goal of the two floods bill is not to eliminate the flood insurance but, rather, the goal is to protect the lives of Americans who live in the path of frequent flooding, to protect the flood insurance program for the 4 million current policyholders, and to protect the American taxpayer.

The flood insurance program cannot continue as it is now. There is a deficit right at this moment of almost three-quarters of a billion dollars and it is climbing. Two percent of the policyholders have claimed 40 percent of all flood insurance payments since 1978. Many of them have chosen to live, sadly, in these areas of greatest conflict.

There is a home in Texas that has received over \$806,000 of flood insurance

in 16 different events in less than 20 years, and the home is worth only \$114,000.

The question then becomes, should the Federal Government be in the business of providing an incentive for a small number of people to stop and continuously risk not just their property but their lives and those of their families and their neighbors.

Nicholas Sparks in this Sunday's New York Times Magazine suggests that, well, maybe the answer is yes. He plans to rebuild in a hurricane devastated sand dune on the Carolina coast.

I think that the majority of Americans would disagree. If there is a compassionate way to provide an incentive for people to move out of harm's way, that is what we should consider. If there is a way to provide that incentive while also protecting the flood insurance program and the American taxpayer, then that approach should be implemented as soon as possible.

There are ways to protect lives: The flood insurance program and the taxpayer. The Two Floods bill would provide assistance to those who are most in danger to help them move to higher ground or to flood-proof their home. The money spent to move them from harm's way protects the lives of families that live by them and protects the health of the flood insurance program by ending the danger of repeated damage claims.

Putting people, their families, and their neighbors who try to save them at risk does them no favor. Encouraging people we know to suffer repeated loss and threat is a waste of more than taxpayers' money. The loss of property, business, and human life is a tragedy we can help prevent. I urge my colleagues to support reform of the national flood insurance program.

TRIBUTE TO FELIX TRINIDAD, A NATIVE SON OF PUERTO RICO

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I would like to take this opportunity to congratulate Felix "Tito" Trinidad, a native son of Puerto Rico, on his tremendous victory in the world welterweight title fight this past Saturday, September 18. Tito's victory over his talented and worthy opponent, Oscar De La Hoya, has touched off one of the largest and most passionate celebrations in the long and storied history of sports in Puerto Rico.

Both fighters brought impressive credentials to this bout. Each one was undefeated, with Trinidad having won 35 straight matches and De La Hoya 31 straight victories. Public interest for a bout between these two ran high and once the match was set, anticipation reached a fevered pitch; and the fans

who watched this clash on Saturday night were treated to a tremendous spectacle.

De La Hoya fought confidently and appeared to have a lead midway through the fight, but Tito showed the heart of a champion by coming back to win the later rounds and, with them, the bout. His perseverance against a great opponent and the tenacity he showed in overcoming the deficit he faced was an inspiration for all of us.

Nowhere is Tito's victory appreciated more than in Puerto Rico. We are intensely proud of our native son who has brought us great honor. Even before his victory on Saturday, Tito was recognized as one of the heroes of the long and storied history of sports in Puerto Rico.

Of course, Puerto Rico's sports history focuses heavily on America's national pastime, baseball, a game that Puerto Ricans have embraced with an unrivaled passion. Our heroes include the legendary Roberto Clemente, known as much for his acts of humanitarian compassion as for his baseball skills, and such current stars as Juan Gonzalez, Ivan Rodriguez, Roberto and Sandy Alomar, Edgar Martinez, and Bernie Williams, to name a few.

Tito's victory on Saturday night adds another significant chapter to the great history of Puerto Ricans distinguishing themselves in the world of sports.

I hope other Members of this body will join me in congratulating Felix Trinidad on his great victory over his outstanding opponent, Oscar De La Hoya, on Saturday night. All of Puerto Rico is proud of you, Tito, and so are your fellow American citizens who saw your outstanding display of courage and tenacity. You show the true mettle of a champion, the stuff heroes are made of. You are an example to our youth in Puerto Rico and to all the youth across the Nation.

RECESS

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

Accordingly (at 12 o'clock and 56 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Reverend David N. Morrell, St. Martin's Lutheran Church, Houston, Texas, offered the following prayer:

Let us pray. Gracious and eternal God, as these men and women who have been elected by the people of this Nation to represent them gather today, we ask Your blessing upon them. Grant that they be open to Your divine will

and the guidance of Your Holy Spirit as they discuss, debate, and decide the issues before them.

On this new day, guide the leadership, the Members, and their staff that their efforts for equality, justice, mercy, and compassion will bear fruit in this Nation and in Your world.

In faith and hope we pray, in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

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

Mr. CALVERT 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,

U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, September 20, 1999.

Hon. J. DENNIS HASTERT,

The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 16, 1999 at 3:10 p.m. and said to contain a message from the President whereby he transmits to the Congress proposed legislation entitled, the "Cyberspace Electronic Security Act of 1999."

With best wishes, I am

Sincerely,

JEFF TRANDAHLL.

CYBERSPACE ELECTRONIC SECURITY ACT OF 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-123)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary and the Committee on Government Reform and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your early consideration and speedy enactment a legislative proposal entitled the "Cyberspace Electronic Security Act of 1999" (CESA). Also transmitted herewith is a section-by-section analysis.

There is little question that continuing advances in technology are changing forever the way in which people live, the way they communicate with each other, and the manner in which they work and conduct commerce. In just a few years, the Internet has shown the world a glimpse of what is attainable in the information age. As a result, the demand for more and better access to information and electronic commerce continues to grow—among not just individuals and consumers, but also among financial, medical, and educational institutions, manufacturers and merchants, and State and local governments. This increased reliance on information and communications raises important privacy issues because Americans want assurance that their sensitive personal and business information is protected from unauthorized access as it resides on and traverses national and international communications networks. For Americans to trust this new electronic environment, and for the promise of electronic commerce and the global information infrastructure to be fully realized, information systems must provide methods to protect the data and communications of legitimate users. Encryption can address this need because encryption can be used to protect the confidentiality of both stored data and communications. Therefore, my Administration continues to support the development, adoption, and use of robust encryption by legitimate users.

At the same time, however, the same encryption products that help facilitate confidential communications between law-abiding citizens also pose a significant and undeniable public safety risk when used to facilitate and mask illegal and criminal activity. Although cryptography has many legitimate and important uses, it is also increasingly used as a means to promote criminal activity, such as drug trafficking, terrorism, white collar crime, and the distribution of child pornography.

The advent and eventual widespread use of encryption poses significant and heretofore unseen challenges to law enforcement and public safety. Under existing statutory and constitutional law, law enforcement is provided with different means to collect evidence of illegal activity in such forms as communications or stored data on computers. These means are rendered wholly insufficient when encryption is utilized to scramble the information in such a manner that law enforcement, acting pursuant to lawful authority, cannot decipher the evidence in a timely manner, if at all. In the context of law enforcement operations, time is of the essence and may mean the difference between success and catastrophic failure.

A sound and effective public policy must support the development and use of encryption for legitimate purposes but allow access to plain text by law

enforcement when encryption is utilized by criminals. This requires an approach that properly balances critical privacy interests with the need to preserve public safety. As is explained more fully in the sectional analysis that accompanies this proposed legislation, the CESA provides such a balance by simultaneously creating significant new privacy protections for lawful users of encryption, while assisting law enforcement's efforts to preserve existing and constitutionally supported means of responding to criminal activity.

The CESA establishes limitations on government use and disclosure of decryption keys obtained by court process and provides special protections for decryption keys stored with third party "recovery agents." CESA authorizes a recovery agent to disclose stored recovery information to the government, or to use stored recovery information on behalf of the government, in a narrow range of circumstances (e.g., pursuant to a search warrant or in accordance with a court order under the Act). In addition, CESA would authorize appropriations for the Technical Support Center in the Federal Bureau of Investigation, which will serve as a centralized technical resource for Federal, State, and local law enforcement in responding to the increasing use of encryption by criminals.

I look forward to working with the Congress on this important national issue.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 16, 1999.

SALUTE TO GERARD GAUTHIER, EDWIN KUHLMANN, AND ROBERT STUMPF UPON RECEIPT OF POW MEDALS AT NELLIS AIR FORCE BASE

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

Mr. GIBBONS. Mr. Speaker, today I rise in honor of three POWs, and I recall the words of President John F. Kennedy who once said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility. I welcome it."

Mr. Speaker, I can think of no better words to describe three former World War II POWs from Nevada who were honored with POW Medals at Nellis Air Force Base last Friday.

Gerard Gauthier, Edwin Kuhlmann, and Robert Stumpf did not shrink from their responsibilities, indeed they welcomed them, ultimately enduring the greatest test of fighting men and women, as captives of our enemies.

Just as the Soldiers' Code of Conduct now says, these men never forgot that they were American fighting men, responsible for their actions and dedicated to the principles which made our country free.

I stand here to honor these men, men of one of the greatest generations for providing the fighting men and women that followed in their footsteps the bedrock for returning with honor. As a veteran of two of our Nation's wars, I salute their sacrifices and services. They are our heroes. They are our Nation's heroes. I thank them for their patriotism, their courage, and their inspiration.

SPIES FROM RUSSIA

(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, first it was China, and now it is Russia. The FBI said Russia is spying on America. If that is not enough to tax one's vodka.

The FBI says that 50 percent of all Russian diplomats in America are likely to be spies. Unbelievable. The White House gives billions of dollars to Boris. Boris uses our money to spy on us.

Now, Mr. Speaker, I thought we always gave billions of dollars to Russia because they were so poor they could not even afford toilet paper. I say it is time to put Boris on a cash diet. Maybe when he runs out of toilet paper, he will stop spying on us.

Mr. Speaker, I yield back the Charmin.

REPUBLICAN TAX CUT IS FAIR, PRUDENT AND BALANCED

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

Mr. STEARNS. Mr. Speaker, let us set the record straight this afternoon about the Democrat accusations that the Republican tax relief package is huge, massive, gigantic, irresponsible.

It starts very slowly, as a matter of fact, and it only goes forward if we have surpluses.

Here are some figures that my colleagues will not hear from the Democrats: The tax cut for the first year, the fiscal year 2000, it is \$5.3 billion. Now, out of an \$8 trillion economy, that is not massive.

The next year, 2001, it is \$1.1 billion. Now, that is not huge. In the year 2002, it is \$34.7 billion. In the year 2003, it is \$53.1 billion. In the year 2004, it is \$61.7 billion.

So, Mr. Speaker, over the next 5 years, the tax cuts will total about \$156 billion. That is not risky. That is not irresponsible. These are the numbers, and these are the facts.

This approach by the Republicans is balanced, fair, prudent, and a great tax cut for the American people.

CALL FOR LIBERALS TO EXPLAIN WHY TAX RELIEF PROPOSAL IS SO OFFENSIVE

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

Mr. HEFLEY. Mr. Speaker, liberal Democrats do an awful lot of railing against the Republican tax proposal that the President has promised to veto. The funny thing is they never tell us exactly what parts of the tax proposal they find so offensive.

Are they against the part that would make it easier for parents to save for their children's education? Are they against the part that would make it easier for workers to obtain health insurance? Are they against reducing the marriage penalty? Are they against doing away with the death tax? Or are they against the part which reduces the tax on capital gains, the part of the tax code which has perhaps the greatest impact on whether the American economy is a job-producing machine.

Who will come forth and explain what part of the Republican tax proposal offends liberal sensibilities? Let me tell my colleagues I think all of it offends them because they want every penny they can get for more government and bigger government.

I am not surprised that a liberal President wants to veto this true tax relief package.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

VETERANS' MILLENNIUM HEALTH CARE ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 2116

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Millennium Health Care Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references to title 38, United States Code.

TITLE I—ACCESS TO CARE

Sec. 101. Extended care services.

Sec. 102. Reimbursement for emergency treatment.

Sec. 103. Eligibility for care of combat-injured veterans.

Sec. 104. Access to care for military retirees.

Sec. 105. Benefits for persons disabled by participation in compensated work therapy program.

Sec. 106. Pilot program of medical care for certain dependents of enrolled veterans.

Sec. 107. Enhanced services program at designated medical centers.

Sec. 108. Counseling and treatment for veterans who have experienced sexual trauma.

TITLE II—PROGRAM ADMINISTRATION

Sec. 201. Medical care collections.

Sec. 202. Health Services Improvement Fund.

Sec. 203. Veterans Tobacco Trust Fund.

Sec. 204. Authority to accept funds for education and training.

Sec. 205. Extension and revision of certain authorities.

Sec. 206. State Home grant program.

Sec. 207. Expansion of enhanced-use lease authority.

Sec. 208. Ineligibility for employment by Veterans Health Administration of health care professionals who have lost license to practice in one jurisdiction while still licensed in another jurisdiction.

TITLE III—MISCELLANEOUS

Sec. 301. Review of proposed changes to operation of medical facilities.

Sec. 302. Patient services at Department facilities.

Sec. 303. Report on assisted living services.

Sec. 304. Chiropractic treatment.

Sec. 305. Designation of hospital bed replacement building at Ioannis A. Lougaris Department of Veterans Affairs Medical Center, Reno, Nevada.

TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

Sec. 401. Authorization of major medical facility projects.

Sec. 402. Authorization of major medical facility leases.

Sec. 403. Authorization of appropriations.

(c) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ACCESS TO CARE

SEC. 101. EXTENDED CARE SERVICES.

(a) REQUIREMENT TO PROVIDE EXTENDED CARE SERVICES.—(1) Chapter 17 is amended by inserting after section 1710 the following new section:

"§ 1710A. Extended care services

"(a) The Secretary (subject to section 1710(a)(4) of this title and subsection (c) of this section) shall operate and maintain a program to provide extended care services to eligible veterans in accordance with this section. Such services shall include the following:

"(1) Geriatric evaluation.

"(2) Nursing home care (A) in facilities operated by the Secretary, and (B) in community-based facilities through contracts under section 1720 of this title.

"(3) Domiciliary services under section 1710(b) of this title.

"(4) Adult day health care under section 1720(f) of this title.

"(5) Such other noninstitutional alternatives to nursing home care, including

those described in section 1720C of this title, as the Secretary considers reasonable and appropriate.

"(6) Respite care under section 1720B of this title.

"(b)(1) In carrying out subsection (a), the Secretary shall provide extended care services which the Secretary determines are needed (A) to any veteran in need of such care for a service-connected disability, and (B) to any veteran who is in need of such care and who has a service-connected disability rated at 50 percent or more.

"(2) The Secretary, in making placements for nursing home care in Department facilities, shall give highest priority to veterans (A) who are in need of such care for a service-connected disability, or (B) who have a service-connected disability rated at 50 percent or more. The Secretary shall ensure that a veteran described in this subsection who continues to need nursing home care shall not after placement in a Department nursing home be transferred from the facility without the consent of the veteran, or, in the event the veteran cannot provide informed consent, the representative of the veteran.

"(c)(1) The Secretary, in carrying out subsection (a), shall prescribe regulations governing the priorities for the provision of nursing home care in Department facilities so as to ensure that priority for such care is given (A) for patient rehabilitation, (B) for clinically complex patient populations, and (C) for patients for whom there are not other suitable placement options.

"(2) The Secretary may not furnish extended care services for a non-service-connected disability other than in the case of a veteran who has a service-connected disability rated at 50 percent or more unless the veteran agrees to pay to the United States a copayment for extended care services of more than 21 days in any year.

"(d)(1) A veteran who is furnished extended care services under this chapter and who is required under subsection (c)(2) to pay an amount to the United States in order to be furnished such services shall be liable to the United States for that amount.

"(2) In implementing subsection (c)(2), the Secretary shall develop a methodology for establishing the amount of the copayment for which a veteran described in subsection (c) is liable. That methodology shall provide for—

"(A) establishing a maximum monthly copayment (based on all income and assets of the veteran and the spouse of such veteran);

"(B) protecting the spouse of a veteran from financial hardship by not counting all of the income and assets of the veteran and spouse (in the case of a spouse who resides in the community) as available for determining the copayment obligation; and

"(C) allowing the veteran to retain a monthly personal allowance.

"(e)(1) There is established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Extended Care Fund (hereinafter in this section referred to as the "fund"). Amounts in the fund shall be available, without fiscal year limitation and without further appropriation, exclusively for the purpose of providing extended care services under subsection (a).

"(2) All amounts received by the Department under this section shall be deposited in or credited to the fund."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1710 the following new item:

"1710A. Requirement to provide extended care."

(b) REQUIREMENT TO INCREASE EXTENDED CARE SERVICES.—(1) Not later than January

1, 2000, the Secretary of Veterans Affairs shall develop and begin to implement a plan for carrying out the recommendation of the Federal Advisory Committee on the Future of Long-Term Care to increase, above the level of extended care services which were provided as of September 30, 1998—

(A) the options and services for home and community-based care for eligible veterans; and

(B) the percentage of the Department of Veterans Affairs medical care budget dedicated to such care.

(2) The Secretary shall ensure that the staffing and level of extended care services provided by the Secretary nationally in facilities operated by the Secretary during any fiscal year is not less than the level of such services provided nationally in facilities operated by the Secretary during fiscal year 1998.

(c) ADULT DAY HEALTH CARE.—Section 1720(f)(1)(A) is amended to read as follows:

“(f)(1)(A) The Secretary may furnish adult day health care services to a veteran enrolled under section 1705(a) of this title who would otherwise require nursing home care.”

(d) RESPITE CARE PROGRAM.—Section 1720B is amended—

(1) in subsection (a), by striking “eligible” and inserting “enrolled”;

(2) in subsection (b)—

(A) by striking “the term ‘respite care’ means hospital or nursing home care” and inserting “the term ‘respite care services’ means care and services”;

(B) by striking “is” at the beginning of each of paragraphs (1), (2), and (3) and inserting “are”; and

(C) by striking “in a Department facility” in paragraph (2); and

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

“(c) In furnishing respite care services, the Secretary may enter into contract arrangements.”

(e) CONFORMING AMENDMENTS.—Section 1710 is amended—

(1) in subsection (a)(1), by striking “may furnish nursing home care,”; and

(2) in subsection (a)(4), by inserting “, and the requirement in section 1710A of this title that the Secretary provide a program of extended care services,” after “medical services”.

(f) STATE HOMES.—Section 1741(a)(2) is amended by striking “adult day health care in a State home” and inserting “extended care services described in any of paragraphs (4) through (6) of section 1710A(a) of this title under a program administered by a State home”.

(g) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Subsection (c)(2) of section 1710A(a) of title 38, United States Code (as added by subsection (a)), shall take effect on the effective date of regulations prescribed by the Secretary of Veterans Affairs under subsections (c)(2) and (d) of such section. The Secretary shall publish the effective date of such regulations in the Federal Register.

(3) The provisions of section 1710(f) of title 38, United States Code, shall not apply to any day of nursing home care on or after the effective date of regulations under paragraph (2).

SEC. 102. REIMBURSEMENT FOR EMERGENCY TREATMENT.

(a) AUTHORITY TO PROVIDE REIMBURSEMENT.—Chapter 17 is amended by inserting after section 1724 the following new section: “§1725. Reimbursement for emergency treatment

“(a) GENERAL AUTHORITY.—(1) Subject to subsections (c) and (d), the Secretary may

reimburse a veteran described in subsection (b) for the reasonable value of emergency treatment furnished the veteran in a non-Department facility.

“(2) In any case in which reimbursement is authorized under subsection (a)(1), the Secretary, in the Secretary’s discretion, may, in lieu of reimbursing the veteran, make payment of the reasonable value of the furnished emergency treatment directly—

“(A) to a hospital or other health care provider that furnished the treatment; or

“(B) to the person or organization that paid for such treatment on behalf of such veteran.

“(b) ELIGIBILITY.—(1) A veteran referred to in subsection (a)(1) is an individual who is an active Department health-care participant who is personally liable for emergency treatment furnished the veteran in a non-Department facility.

“(2) A veteran is an active Department health-care participant if the veteran—

“(A) is described in any of paragraphs (1) through (6) of section 1705(a) of this title;

“(B) is enrolled in the health care system established under such section; and

“(C) received care under this chapter within the 12-month period preceding the furnishing of such emergency treatment.

“(3) A veteran is personally liable for emergency treatment furnished the veteran in a non-Department facility if the veteran—

“(A) is financially liable to the provider of emergency treatment for that treatment;

“(B) has no entitlement to care or services under a health-plan contract;

“(C) has no other contractual or legal recourse against a third party that would, in whole or in part, extinguish such liability to the provider; and

“(D) is not eligible for reimbursement for medical care or services under section 1728 of this title.

“(c) LIMITATIONS ON REIMBURSEMENT.—(1) The Secretary, in accordance with regulations prescribed by the Secretary, shall—

“(A) establish the maximum amount payable under subsection (a);

“(B) delineate the circumstances under which such payments may be made, to include such requirements on requesting reimbursement as the Secretary shall establish; and

“(C) provide that in no event may a payment under that subsection include any amount for which the veteran is not personally liable.

“(2) Subject to paragraph (1), the Secretary may provide reimbursement under this section only after the veteran or the provider of emergency treatment has exhausted without success all claims and remedies reasonably available to the veteran or provider against a third party for payment of such treatment.

“(3) Payment by the Secretary under this section, on behalf of a veteran described in subsection (b), to a provider of emergency treatment, shall, unless rejected and refunded by the provider within 30 days of receipt, extinguish any liability on the part of the veteran for that treatment. Neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirement in the preceding sentence.

“(d) INDEPENDENT RIGHT OF RECOVERY.—(1) In accordance with regulations prescribed by the Secretary, the United States shall have the independent right to recover any amount paid under this section when, and to the extent that, a third party subsequently makes a payment for the same emergency treatment.

“(2) Any amount paid by the United States to the veteran (or the veteran’s personal rep-

resentative, successor, dependents, or survivors) or to any other person or organization paying for such treatment shall constitute a lien in favor of the United States against any recovery the payee subsequently receives from a third party for the same treatment.

“(3) Any amount paid by the United States to the provider that furnished the veteran’s emergency treatment shall constitute a lien against any subsequent amount the provider receives from a third party for the same emergency treatment for which the United States made payment.

“(4) The veteran (or the veteran’s personal representative, successor, dependents, or survivors) shall ensure that the Secretary is promptly notified of any payment received from any third party for emergency treatment furnished to the veteran. The veteran (or the veteran’s personal representative, successor, dependents, or survivors) shall immediately forward all documents relating to such payment, cooperate with the Secretary in the investigation of such payment, and assist the Secretary in enforcing the United States right to recover any payment made under subsection (c)(3).

“(e) WAIVER.—The Secretary, in the Secretary’s discretion, may waive recovery of a payment made to a veteran under this section that is otherwise required by subsection (d)(1) when the Secretary determines that such waiver would be in the best interest of the United States, as defined by regulations prescribed by the Secretary.

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

“(1) The term ‘emergency treatment’ means medical care or services furnished, in the judgment of the Secretary—

“(A) when Department or other Federal facilities are not feasibly available and an attempt to use them beforehand would not be reasonable;

“(B) when such care or services are rendered in a medical emergency of such nature that delay would be hazardous to life or health; and

“(C) until such time as the veteran can be transferred safely to a Department facility or other Federal facility.

“(2) The term ‘health-plan contract’ includes any of the following:

“(A) An insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement under which health services for individuals are provided or the expenses of such services are paid.

“(B) An insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of such Act (42 U.S.C. 1395j).

“(C) A State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.).

“(D) A workers’ compensation law or plan described in section 1729(a)(2)(A) of this title.

“(E) A law of a State or political subdivision described in section 1729(a)(2)(B) of this title.

“(3) The term ‘third party’ means any of the following:

“(A) A Federal entity.

“(B) A State or political subdivision of a State.

“(C) An employer or an employer’s insurance carrier.

“(D) An automobile accident reparations insurance carrier.

“(E) A person or entity obligated to provide, or to pay the expenses of, health services under a health-plan contract.”

(b) CONFORMING AMENDMENTS.—(1) Section 1729A(b) is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

“(6) Section 1725 of this title.”

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1724 the following new item:

“1725. Reimbursement for emergency treatment.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION REPORTS.—The Secretary of Veterans Affairs shall include with the budget justification materials submitted to Congress in support of the Department of Veterans Affairs budget for fiscal year 2002 and for fiscal year 2003 a report on the implementation of section 1725 of title 38, United States Code, as added by subsection (a). Each such report shall include information on the experience of the Department under that section and the costs incurred, and expected to be incurred, under that section.

SEC. 103. ELIGIBILITY FOR CARE OF COMBAT-INJURED VETERANS.

(a) PRIORITY OF CARE.—Chapter 17 is amended—

(1) in section 1710(a)(2)(D), by inserting “or who was injured in combat” after “former prisoner of war”; and

(2) in section 1705(a)(3), by inserting “or who were injured in combat” after “former prisoners of war”.

(b) DEFINITION OF INJURED IN COMBAT.—Section 1701 is amended by adding at the end the following new paragraph:

“(10) The term ‘injured in combat’ means wounded in action as the result of an act of an enemy of the United States or otherwise wounded in action by weapon fire while directly engaged in armed conflict (other than as the result of willful misconduct by the wounded individual).”

SEC. 104. ACCESS TO CARE FOR MILITARY RETIREES.

(a) IMPROVED ACCESS.—(1) Section 1710(a)(2) is amended—

(A) by striking “or” at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting “; or”; and

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

“(H) who has retired from active military, naval, or air service in the Army, Navy, Air Force, or Marine Corps, is eligible for care under the TRICARE program established by the Secretary of Defense, and is not otherwise described in paragraph (1) or in this paragraph.”

(2) Section 1705(a) is amended—

(A) by redesignating paragraph (7) as paragraph (8);

(B) by inserting after paragraph (6) the following new paragraph (7):

“(7) Veterans who are eligible for hospital care, medical services, and nursing home care under section 1710(a)(2)(H) of this title.”; and

(C) in paragraph (6), by inserting “(other than subparagraph (H) of such section)” before the period at the end.

(b) INTERAGENCY AGREEMENT.—(1) The Secretary of Defense shall enter into an agreement (characterized as a memorandum of understanding or otherwise) with the Secretary of Veterans Affairs with respect to the provision of medical care by the Secretary of Veterans Affairs to eligible military retirees in accordance with the amendments made by subsection (a). That agreement shall include provisions for reimbursement of the Secretary of Veterans Affairs by the Secretary of Defense for medical care provided by the Secretary of Veterans Af-

fairs to an eligible military retiree and may include such other provisions with respect to the terms and conditions of such care as may be agreed upon by the two Secretaries.

(2) Reimbursement under that agreement shall be in accordance with rates agreed upon by the Secretary of Defense and the Secretary of Veterans Affairs. Such reimbursement may be made by the Secretary of Defense or by the appropriate TRICARE Managed Care Support contractor, as determined in accordance with that agreement.

(3) In entering into the agreement under paragraph (1), particularly with respect to determination of the rates of reimbursement under paragraph (2), the Secretary of Defense shall consult with TRICARE Managed Care Support contractors.

(4) The Secretary of Veterans Affairs may not enter into an agreement under paragraph (1) for the provision of care in accordance with the amendments made by subsection (a) with respect to any geographic service area, or a part of any such area, of the Veterans Health Administration unless—

(A) in the judgment of that Secretary, the Department of Veterans Affairs will recover the costs of providing such care to eligible military retirees; and

(B) that Secretary has certified and documented, with respect to any geographic service area in which the Secretary proposes to provide care in accordance with the amendments made by subsection (a), that such geographic service area, or designated part of any such area, has adequate capacity (consistent with the requirements in section 1705(b)(1) of title 38, United States Code, that care to enrollees shall be timely and acceptable in quality) to provide such care.

(5) The agreement under paragraph (1) shall be entered into by the Secretaries not later than nine months after the date of the enactment of this Act. If the Secretaries are unable to reach agreement, they shall jointly report, by that date or within 30 days thereafter, to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and House of Representatives on the reasons for their inability to reach an agreement and their mutually agreed plan for removing any impediments to final agreement.

(c) DEPOSITING OF REIMBURSEMENTS.—Amounts received by the Secretary of Veterans Affairs under the agreement under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38, United States Code, as added by section 202.

(d) PHASED IMPLEMENTATION.—(1) The Secretary of Defense shall include in each TRICARE contract entered into after the date of the enactment of this Act provisions to implement the agreement under subsection (b).

(2) The amendments made by subsection (a) and the provisions of the agreement under subsection (b)(2) shall apply to the furnishing of medical care by the Secretary of Veterans Affairs in any area of the United States only if that area is covered by a TRICARE contract that was entered into after the date of the enactment of this Act.

(e) ELIGIBLE MILITARY RETIREES.—For purposes of subsection (b), an eligible military retiree is a member of the Army, Navy, Air Force, or Marine Corps who—

(1) has retired from active military, naval, or air service;

(2) is eligible for care under the TRICARE program established by the Secretary of Defense;

(3) has enrolled for care under section 1705 of title 38, United States Code; and

(4) is not described in paragraph (1) or (2) of section 1710(a) of such title (other than sub-

paragraph (H) of such paragraph (2)), as amended by subsection (a).

SEC. 105. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.

Section 1151(a)(2) is amended—

(1) by inserting “(A)” after “proximately caused”; and

(2) by inserting before the period at the end the following: “, or (B) by participation in a program (known as a ‘compensated work therapy program’) under section 1718 of this title”.

SEC. 106. PILOT PROGRAM OF MEDICAL CARE FOR CERTAIN DEPENDENTS OF ENROLLED VETERANS.

(a) IN GENERAL.—(1) Chapter 17 is amended by inserting after section 1713 the following new section:

“§ 1713A. Medical care for certain dependents of enrolled veterans: pilot program

“(a) The Secretary may, during the program period, carry out a pilot program to provide primary health care services for eligible dependents of veterans in accordance with this section.

“(b) For purposes of this section:

“(1) The term ‘program period’ means the period beginning on the first day of the first month beginning more than 180 days after the date of the enactment of this section and ending three years after that day.

“(2) The term ‘eligible dependent’ means an individual who—

“(A) is the spouse or child of a veteran who is enrolled in the system of patient enrollment established by the Secretary under section 1705 of this title; and

“(B) is determined by the Secretary to have the ability to pay for such care or services either directly or through reimbursement or indemnification from a third party.

“(c) The Secretary may furnish health care services to an eligible dependent under this section only if the dependent (or, in the case of a minor, the parent or guardian of the dependent) agrees—

“(1) to pay to the United States an amount representing the reasonable charges for the care or services furnished (as determined by the Secretary); and

“(2) to cooperate with and provide the Secretary an appropriate assignment of benefits, authorization to release medical records, and any other executed documents, information, or evidence reasonably needed by the Secretary to recover the Department's charges for the care or services furnished by the Secretary.

“(d)(1) The health care services provided under the pilot program under this section may consist of such primary hospital care services and such primary medical services as may be authorized by the Secretary. The Secretary may furnish those services directly through a Department medical facility or, subject to paragraphs (2) and (3), pursuant to a contract or other agreement with a non-Department facility (including a health-care provider, as defined in section 8152(2) of this title).

“(2) The Secretary may enter into a contract or agreement to furnish primary health care services under this section in a non-Department facility on the same basis as provided under subsections (a) and (b) of section 1703 of this title or may include such care in an existing or new agreement under section 8153 of this title when the Secretary determines it to be in the best interest of the prevailing standards of the Department medical care program.

“(3) Primary health care services may not be authorized to be furnished under this section at any medical facility if the furnishing of those services would result in the denial of, or a delay in providing, access to care for any enrolled veteran at that facility.

“(e)(1) In the case of an eligible dependent who is furnished primary health care services under this section and who has coverage under a health-plan contract, as defined in section 1729(i)(1) of this title, the United States shall have the right to recover or collect the reasonable charges for such care or services from such health-plan contract to the extent that the individual or the provider of the care or services would be eligible to receive payment for such care or services from such health-plan contract if the care or services had not been furnished by a department or agency of the United States.

“(2) The right of the United States to recover under paragraph (1) shall be enforceable with respect to an eligible dependent in the same manner as applies under subsections (a)(3), (b), (c)(1), (c)(2), (d), (f), (h), and (i) of section 1729 of this title with respect to a veteran.

“(f)(1) Subject to paragraphs (2) and (3), the pilot program under this section shall be carried out during the program period in not more than four veterans integrated service networks, as designated by the Secretary. In designating networks under the preceding sentence, the Secretary shall favor designation of networks that are suited to serve dependents of veterans because of—

“(A) the capability of one or more medical facilities within the network to furnish primary health care services to eligible dependents while assuring that veterans continue to receive priority for care and services;

“(B) the demonstrated success of such medical facilities in billings and collections;

“(C) support for initiating such a pilot program among veterans in the network; and

“(D) such other criteria as the Secretary considers appropriate.

“(2) In implementing the pilot program, the Secretary may not provide health care services for dependents who are children—

“(A) in more than one of the participating networks during the first year of the program period; and

“(B) in more than two of the participating networks during the second year of the program period.

“(3) In implementing the pilot program, the Secretary shall give priority to facilities which operate women veterans' clinics.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1713 the following new item:

“1713A. Medical care for certain dependents and enrolled veterans: pilot program.”

(b) GAO REVIEW AND RECOMMENDATIONS.—(1) Beginning six months after the commencement of the pilot program, the Comptroller General, in consultation with the Under Secretary for Health of the Department of Veterans Affairs, shall monitor the conduct of the pilot program.

(2) Not later than 14 months after the commencement of the pilot program, the Comptroller General shall submit to the Secretary of Veterans Affairs a report setting forth the Comptroller General's findings and recommendations with respect to the first 12 months of operation of the pilot program.

(3)(A) The report under paragraph (2) shall include the findings of the Comptroller General regarding—

(i) whether the collection of reasonable charges for the care or services provided reasonably covers the costs of providing such care and services; and

(ii) whether the Secretary, in carrying out the program, is in compliance with the limitation in subsection (d)(3) of section 1713A of title 38, United States Code, as added by subsection (a).

(B) The report shall include the recommendations of the Comptroller General

regarding any remedial steps that the Secretary should take in the conduct of the program or in the billing and collection of charges under the program.

(4) The Secretary, in consultation with, and following receipt of the report of, the Comptroller General, shall take such steps as may be needed to ensure that any recommendations of the Comptroller General in the report under paragraph (2) with respect to billings and collections, and with respect to compliance with the limitation in subsection (d)(3) of such section, are carried out.

(5) For purposes of this subsection, the term “commencement of the pilot program” means the date on which the Secretary of Veterans Affairs begins to furnish services to eligible dependents under the pilot program under section 1713A of title 38, United States Code, as added by subsection (a).

SEC. 107. ENHANCED SERVICES PROGRAM AT DESIGNATED MEDICAL CENTERS.

(a) FINDINGS.—Congress makes the following findings:

(1) Historically, health care facilities under the jurisdiction of the Department of Veterans Affairs have not consistently been located in proximity to veteran population concentrations.

(2) Hospital occupancy rates at numbers of Department medical centers are at levels substantially below a level needed for efficient operation and optimal quality of care.

(3) The costs of maintaining highly inefficient medical centers, which were designed and constructed decades ago to standards no longer considered acceptable, substantially diminish the availability of resources which could be devoted to the provision of needed direct care services.

(4) Freeing resources currently devoted to highly inefficient provision of hospital care could, through contracting for acute hospital care and establishing new facilities for provision of outpatient care, yield improved access and service to veterans.

(b) ENHANCED SERVICES PROGRAM AT DESIGNATED MEDICAL CENTERS.—The Secretary of Veterans Affairs, in carrying out the responsibilities of the Secretary to furnish hospital care and medical services through network-based planning, shall establish an enhanced service program at Department medical centers (hereinafter in this section referred to as “designated centers”) that are designated by the Secretary for the purposes of this section. Medical centers shall be designated to improve access, and quality of service provided, to veterans served by those medical centers. The Secretary may designate a medical center for the program only if the Secretary determines, on the basis of a market and data analysis (which shall include a study of the cost-effectiveness of the care provided at such center), that the medical center—

(1) can, in whole or in part, no longer be operated in a manner that provides hospital or other care efficiently and at optimal quality because of such factors as—

(A) the current and projected need for hospital or other care capacity at such center;

(B) the extent to which the facility is functionally obsolete; and

(C) the cost of operation and maintenance of the physical plant; and

(2) is located in proximity (A) to one or more community hospitals which have the capacity to provide primary and secondary hospital care of appropriate quality to veterans under contract arrangements with the Secretary which the Secretary determines are advantageous to the Department, or (B) to another Department medical center which is capable of absorbing some or all of the patient workload of such medical center.

(c) MEDICAL CENTER PLAN.—The Secretary shall, with respect to each designated center,

develop a plan aimed at improving the accessibility and quality of service provided to veterans. Each plan shall be developed in accordance with the requirements for strategic network-based planning described in section 8107 of title 38, United States Code. In the plan for a designated center, the Secretary shall describe a program which, if implemented, would allow the Secretary to do any of the following:

(1) Provide for a Department facility described in subsection (b)(2)(B) to absorb some or all of the patient workload of the designated center.

(2) Contract, under such arrangements as the Secretary determines appropriate, for needed primary and secondary hospital care for veterans—

(A) who reside in the catchment area of each designated center;

(B) who are described in paragraphs (1) through (6) of section 1705(a) of title 38, United States Code; and

(C) whom the Secretary has enrolled for care pursuant to section 1705 of title 38, United States Code.

(3) Cease to provide hospital care, or hospital care and other medical services, at such center.

(4) If practicable, lease, under subchapter V of chapter 81 of title 38, United States Code, land and improvements which had been dedicated to providing care described in paragraph (3).

(5) Establish, through reallocation of operational funds and through appropriate lease arrangements or renovations, facilities for—

(A) delivery of outpatient care; and

(B) services which would obviate a need for nursing home care or other long-term institutional care.

(d) EMPLOYEE PROTECTIONS.—(1) In entering into any contract or lease under subsection (c), the Secretary shall attempt to ensure that employees of the Secretary who would be displaced under this section be given priority in hiring by such contractor, lessee, or other entity.

(2) In carrying out subsection (c)(5), the Secretary shall give preference to providing services through employee-based delivery models.

(e) REQUIRED CONSULTATION.—In developing a plan under subsection (c), the Secretary shall obtain the views of veterans organizations, exclusive employee representatives, and other interested parties and provide for such organizations and parties to participate in the development of the plan.

(f) SUBMISSION OF PLAN TO CONGRESS.—The Secretary may not implement a plan described in subsection (c) with respect to a medical center unless the Secretary has first submitted a report containing a detailed plan and justification to the appropriate committees of Congress. No action to carry out such plan may be taken after the submission of such report until the end of a 45-day period following the date of the submission of the report, not less than 30 days of which shall be days during which Congress shall have been in continuous session. For purposes of the preceding sentence, continuity of a session of Congress is broken only by adjournment sine die, and there shall be excluded from the computation of any period of continuity of session any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

(g) IMPLEMENTATION OF PLAN.—In carrying out the plan described in subsection (c), or a modification to that plan following the submission of such plan to the appropriate committees of Congress, the Secretary—

(1) may, without regard to any limitation under section 1703 of title 38, United States Code, contract for hospital care for veterans who are—

(A) described in paragraphs (1) through (6) of section 1705(a) of title 38, United States Code; and

(B) enrolled under subsection (a) of such section 1705;

(2) may enter into any contract under section 8153 of title 38, United States Code;

(3) shall, in exercising the authority of the Secretary under this section to contract for hospital care, provide for ongoing oversight and management, by employees of the Department, of the hospital care furnished such veterans; and

(4) shall, in the case of a designated center which ceases to provide services under the program—

(A) ensure a reallocation of funds as provided in subsection (h); and

(B) provide reemployment assistance to employees.

(h) FUNDS ALLOCATION.—In carrying out subsection (g)(4), the Secretary shall ensure that not less than 90 percent of the funds that would have been made available to a designated center to support the provision of services, but for such mission change, shall be made available to the appropriate health care region of the Veterans Health Administration to ensure that the implementation of the plan under subsection (g) will result in demonstrable improvement in the accessibility, and quality of service provided, to veterans in the catchment area of such center.

(i) SPECIALIZED SERVICES.—The provisions of this section do not diminish the obligations of the Secretary under section 1706(b) of title 38, United States Code.

(j) REPORT.—Not later than 12 months after implementation of any plan under subsection (b), the Secretary shall submit to Congress a report on the implementation of the enhanced service program.

(k) RESIDUAL AUTHORITY.—Nothing in this section may be construed to diminish the authority of the Secretary to—

(1) consolidate, eliminate, abolish, or redistribute the functions or missions of facilities in the Department;

(2) revise the functions or missions of any such facility or activity; or

(3) create new facilities or activities in the Department.

SEC. 108. COUNSELING AND TREATMENT FOR VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) EXTENSION OF PERIOD OF PROGRAM.—Subsection (a) of section 1720D is amended—

(1) in paragraph (1), by striking “December 31, 2001” and inserting “December 31, 2002”; and

(2) in paragraph (3), by striking “December 31, 2001” and inserting “December 31, 2002”.

(b) MANDATORY NATURE OF PROGRAM.—(1) Subsection (a)(1) of such section is further amended by striking “may provide counseling to a veteran who the Secretary determines requires such counseling” and inserting “shall operate a program under which the Secretary provides counseling and appropriate care and services to veterans who the Secretary determines require such counseling and care and services”.

(2) Subsection (a) of such section is further amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as amended by subsection (a)(2) as paragraph (2).

(c) OUTREACH EFFORTS.—Subsection (c) of such section is amended—

(1) by inserting “and treatment” in the first sentence and in paragraph (2) after “counseling”;

(2) by striking “and” at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph (2):

“(2) shall ensure that information about the counseling and treatment available to veterans under this section—

“(A) is revised and updated as appropriate;

“(B) is made available and visibly posted at appropriate facilities of the Department; and

“(C) is made available through appropriate public information services; and”.

(d) REPORT ON IMPLEMENTATION OF OUTREACH ACTIVITIES.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of paragraph (2) of section 1720D(c) of title 38, United States Code, as added by subsection (c). Such report shall include examples of the documents and other means of communication developed for compliance with that paragraph.

(e) STUDY OF EXPANDING ELIGIBILITY FOR COUNSELING AND TREATMENT.—(1) The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall conduct a study to determine—

(A) the extent to which former members of the reserve components of the Armed Forces experienced physical assault of a sexual nature or battery of a sexual nature while serving on active duty for training;

(B) the extent to which such former members have sought counseling from the Department of Veterans Affairs relating to those incidents; and

(C) the additional resources that, in the judgment of the Secretary, would be required to meet the projected need of those former members for such counseling.

(2) Not later than 16 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(f) OVERSIGHT OF OUTREACH ACTIVITIES.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall submit to the appropriate congressional committees a joint report describing in detail the collaborative efforts of the Department of Veterans Affairs and the Department of Defense to ensure that members of the Armed Forces, upon separation from active military, naval, or air service, are provided appropriate and current information about programs of the Department of Veterans Affairs to provide counseling and treatment for sexual trauma that may have been experienced by those members while in the active military, naval, or air service, including information about eligibility requirements for, and procedures for applying for, such counseling and treatment. The report shall include proposed recommendations from both the Secretary of Veterans Affairs and the Secretary of Defense for the improvement of their collaborative efforts to provide such information.

(g) REPORT ON IMPLEMENTATION OF SEXUAL TRAUMA TREATMENT PROGRAM.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use made of the authority provided under section 1720D of title 38, United States Code, as amended by this section. The report shall include the following with respect to activities under that section since the enactment of this Act:

(1) The number of veterans who have received counseling under that section.

(2) The number of veterans who have been referred to non-Department mental health facilities and providers in connection with sexual trauma counseling and treatment.

TITLE II—PROGRAM ADMINISTRATION

SEC. 201. MEDICAL CARE COLLECTIONS.

(a) LIMITED AUTHORITY TO SET COPAYMENTS.—(1) Section 1722A is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(B) by inserting after subsection (a) the following new subsection (b):

“(b) The Secretary, pursuant to regulations which the Secretary shall prescribe, may—

“(1) increase the copayment amount in effect under subsection (a);

“(2) establish a maximum annual pharmaceutical copayment amount under subsection (a) for veterans who have multiple outpatient prescriptions; and

“(3) require a veteran, other than a veteran described in subsection (a)(3), to pay to the United States a reasonable copayment for sensory-neural aids, electronic equipment, and any other costly item or equipment furnished the veteran for a nonservice-connected condition, other than a wheelchair or artificial limb.”; and

(C) in subsection (c), as redesignated by subparagraph (A)—

(i) by striking “this section” and inserting “subsection (a)”;

(ii) by adding at the end the following new sentence: “Amounts collected through use of the authority under subsection (b) shall be deposited in Department of Veterans Affairs Health Services Improvement Fund.”.

(2)(A) The heading of such section is amended to read as follows:

“§1722A. Copayments for medications and certain costly items and equipment”.

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

“1722A. Copayments for medications and certain costly items and equipment.”.

(b) OUTPATIENT TREATMENT OF CATEGORY C VETERANS.—(1) Section 1710(g) is amended—

(A) in paragraph (1), by striking “the amount under paragraph (2) of this subsection” and inserting “in the case of each outpatient visit the applicable amount or amounts established by the Secretary by regulation”; and

(B) in paragraph (2), by striking all after “for an amount” and inserting “which the Secretary shall establish by regulation.”.

SEC. 202. HEALTH SERVICES IMPROVEMENT FUND.

(a) ESTABLISHMENT OF FUND.—Chapter 17 is amended by inserting after section 1729A the following new section:

“§1729B. Health Services Improvement Fund

“(a) There is established in the Treasury of the United States a fund to be known as the ‘Department of Veterans Affairs Health Services Improvement Fund’.

“(b) Amounts received or collected after the date of the enactment of this section under any of the following provisions of law shall be deposited in the fund:

“(1) Section 1713A of this title.

“(2) Section 1722A(b) of this title.

“(3) Section 8165(a) of this title.

“(4) Section 104(c) of the Veterans' Millennium Health Care Act.

“(c) Amounts in the fund are hereby available, without fiscal year limitation, to the Secretary for the purposes stated in subparagraphs (A) and (B) of section 1729A(c)(1) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 1729A the following new item:

"1729B. Health Services Improvement Fund."

SEC. 203. VETERANS TOBACCO TRUST FUND.

(a) FINDINGS.—Congress finds the following:

(1) Smoking related illnesses, including cancer, heart disease, and emphysema, are highly prevalent among the more than 3,000,000 veterans who use the Department of Veterans Affairs health care system annually.

(2) The Department of Veterans Affairs estimates that it spent \$3,600,000,000 in 1997 to treat smoking-related illnesses and that over the next five years it will spend \$20,000,000,000 on such care.

(3) Congress established the Department of Veterans Affairs in furtherance of its constitutional power to provide for the national defense in order to provide benefits and services to veterans of the uniformed services.

(4) There is in the Department of Veterans Affairs a health care system which has as its primary function to provide a complete medical and hospital service for the medical care and treatment of such veterans as can be served through available appropriations.

(5) The Federal Government, including the Department of Veterans Affairs, has lacked the means to prevent the onset of smoking-related illnesses among veterans and has had no authority to deny needed treatment to any veteran on the basis that an illness is or might be smoking-related.

(6) With some 20 percent of its health care budget absorbed in treating smoking-related illnesses, the Department of Veterans Affairs health care system has lacked resources to provide needed nursing home care, home care, community-based ambulatory care, and other services to tens of thousands of other veterans.

(7) The network of academically affiliated medical centers of the Department of Veterans Affairs provides a unique system within which outstanding medical research is conducted and which has the potential to expand significantly ongoing research on tobacco-related illnesses.

(b) ESTABLISHMENT OF TRUST FUND.—(1) Chapter 17 is amended by inserting after section 1729B, as added by section 202(a), the following new section:

"§ 1729C. Veterans Tobacco Trust Fund

"(a) There is established in the Treasury of the United States a trust fund to be known as the 'Veterans Tobacco Trust Fund', consisting of such amounts as may be appropriated, credited, or donated to the trust fund.

"(b) If the United States pursues recovery (other than a recovery authorized under this title) from a party or parties specifically for health care costs incurred or to be incurred by the United States that are attributable to tobacco-related illnesses, there shall be credited to the trust fund from the amount of any such recovery by the United States, without further appropriation, the amount that bears the same ratio to the amount recovered as the amount of the Department's costs for health care attributable to tobacco-related illnesses for which recovery is sought bears to the total amount sought by the United States.

"(c) After September 30, 2004, amounts in the trust fund shall be available, without fiscal year limitation, to the Secretary for the following purposes:

"(1) Furnishing medical care and services under this chapter, to be available during any fiscal year for the same purposes and subject to the same limitations (other than with respect to the period of availability for obligation) as apply to amounts appropriated

from the general fund of the Treasury for that fiscal year for medical care.

"(2) Conducting medical research, rehabilitation research, and health systems research, with particular emphasis on research relating to prevention and treatment of, and rehabilitation from, tobacco addiction and diseases associated with tobacco use."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1729B, as added by section 202(b), the following new item:

"1729C. Veterans Tobacco Trust Fund."

SEC. 204. AUTHORITY TO ACCEPT FUNDS FOR EDUCATION AND TRAINING.

(a) ESTABLISHMENT OF NONPROFIT CORPORATIONS AT MEDICAL CENTERS.—Section 7361(a) is amended—

(1) by inserting "and education" after "research"; and

(2) by adding at the end the following: "Such a corporation may be established to facilitate either research or education or both research and education."

(b) PURPOSE OF CORPORATIONS.—Section 7362 is amended—

(1) in the first sentence, by inserting "and education and training as described in sections 7302, 7471, 8154, and 1701(6)(B) of this title" after "of this title"; and

(2) in the second sentence—

(A) by inserting "or education" after "research"; and

(B) by striking "that purpose" and inserting "these purposes".

(c) BOARD OF DIRECTORS.—Section 7363(a) is amended—

(1) in subsection (a)(1), by striking all after "medical center, and" and inserting "as appropriate, the assistant chief of staff for research for the medical center and the associate chief of staff for education for the medical center, or, in the case of a facility at which such positions do not exist, those officials who are responsible for carrying out the responsibilities of the medical center director, chief of staff, and, as appropriate, the assistant chief of staff for research and the assistant chief of staff for education; and";

(2) in subsection (a)(2), by inserting "or education, as appropriate" after "research"; and

(3) in subsection (c), by inserting "or education" after "research".

(d) APPROVAL OF EXPENDITURES.—Section 7364 is amended by adding at the end the following new subsection:

"(c)(1) A corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

"(2) The Under Secretary for Health shall prescribe policies and procedures to guide the expenditure of funds by corporations under paragraph (1) consistent with the purpose of such corporations as flexible funding mechanisms."

SEC. 205. EXTENSION AND REVISION OF CERTAIN AUTHORITIES.

(a) READJUSTMENT COUNSELING PROGRAM.—Section 1712A(a)(1)(B)(ii) is amended by striking "2000" and inserting "2003".

(b) COMMITTEE ON MENTALLY ILL VETERANS.—Section 7321(d)(2) is amended by striking "three" and inserting "five".

(c) COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.—Section 110 of Public Law 98-528 (38 U.S.C. 1712A note) is amended—

(1) in subsection (e)(1), by striking "March 1, 1985" and inserting "March 1, 2000"; and

(2) in subsection (e)(2), by striking "February 1, 1986" and inserting "February 1, 2001".

(d) EXTENSION OF AUTHORITY TO MAKE GRANTS.—Section 3(a)(2) of the Homeless Veterans Comprehensive Service Programs

Act of 1992 (38 U.S.C. 7721 note) is amended by striking "September 30, 1999" and inserting "September 30, 2002".

(e) AUTHORITY TO MAKE GRANTS FOR HOMELESS VETERANS.—Section 3(b)(2) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking "and no more than 20 programs which incorporate the procurement of vans as described in paragraph (1)".

SEC. 206. STATE HOME GRANT PROGRAM.

(a) GENERAL REGULATIONS.—Section 8134 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking the matter in subsection (a) preceding paragraph (2) and inserting the following:

"(a)(1) The Secretary shall prescribe regulations for the purposes of this subchapter.

"(2) In those regulations, the Secretary shall prescribe for each State the number of nursing home and domiciliary beds for which assistance under this subchapter may be furnished. Such regulations shall be based on projected demand for such care 10 years after the date of the enactment of the Veterans' Millennium Health Care Act by veterans who at such time are 65 years of age or older and who reside in that State. In determining such projected demand, the Secretary shall take into account travel distances for veterans and their families.

"(3)(A) In those regulations, the Secretary shall establish criteria under which the Secretary shall determine, with respect to an application for assistance under this subchapter for a project described in subparagraph (B) which is from a State that has a need for additional beds as determined under subsections (a)(2) and (d)(1), whether the need for such beds is most aptly characterized as great, significant, or limited. Such criteria shall take into account the availability of beds already operated by the Secretary and other providers which appropriately serve the needs which the State proposes to meet with its application.

"(B) This paragraph applies to a project for the construction or acquisition of a new State home facility, to a project to increase the number of beds available at a State home facility, and a project to replace beds at a State home facility.

"(4) The Secretary shall review and, as necessary, revise regulations prescribed under paragraphs (2) and (3) not less often than every four years.

"(b) The Secretary shall prescribe the following by regulation:"

(3) by redesignating paragraphs (2) and (3) of subsection (b), as designated by paragraph (2), as paragraphs (1) and (2);

(4) in subsection (c), as redesignated by paragraph (1), by striking "subsection (a)(3)" and inserting "subsection (b)(2)"; and

(5) by adding at the end the following new subsection:

"(d)(1) In prescribing regulations to carry out this subchapter, the Secretary shall provide that in the case of a State that seeks assistance under this subchapter for a project described in subsection (a)(3)(B), the determination of the unmet need for beds for State homes in that State shall be reduced by the number of beds in all previous applications submitted by that State under this subchapter, including beds which have not been recognized by the Secretary under section 1741 of this title.

"(2)(A) Financial assistance under this subchapter for a renovation project may only be provided for a project for which the total cost of construction is in excess of \$400,000 (as adjusted from time to time in such regulations to reflect changes in costs of construction).

“(B) For purposes of this paragraph, a renovation project is a project to remodel or alter existing buildings for which financial assistance under this subchapter may be provided and does not include maintenance and repair work which is the responsibility of the State.”

(b) APPLICATIONS WITH RESPECT TO PROJECTS.—Section 8135 is amended—

(1) in subsection (a)—

(A) by striking “set forth—” in the matter preceding paragraph (1) and inserting “set forth the following:”;

(B) by capitalizing the first letter of the first word in each of paragraphs (1) through (9);

(C) by striking the comma at the end of each of paragraphs (1) through (7) and inserting a period; and

(D) by striking “, and” at the end of paragraph (8) and inserting a period;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Any State seeking to receive assistance under this subchapter for a project that would involve construction or acquisition of either nursing home or domiciliary facilities shall include with its application under subsection (a) the following:

“(A) Documentation (i) that the site for the project is in reasonable proximity to a sufficient concentration and population of veterans who are 65 years of age and older, and (ii) that there is a reasonable basis to conclude that the facilities when complete will be fully occupied.

“(B) A financial plan for the first three years of operation of such facilities.

“(C) A five-year capital plan for the State home program for that State.

“(2) Failure to provide adequate documentation under paragraph (1)(A) or to provide an adequate financial plan under paragraph (1)(B) shall be a basis for disapproving the application.”; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “for a grant under subsection (a) of this section” in the matter preceding subparagraph (A) and inserting “under subsection (a) for financial assistance under this subchapter”;

(B) in paragraph (2)—

(i) by striking “the construction or acquisition of” in subparagraph (A); and

(ii) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) An application from a State for a project at an existing facility to remedy a condition or conditions that have been cited by an accrediting institution, by the Secretary, or by a local licensing or approving body of the State as being threatening to the lives or safety of the patients in the facility.

“(C) An application from a State that has not previously applied for award of a grant under this subchapter for construction or acquisition of a State nursing home.

“(D) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a great need for the beds to be established at such home or facility.

“(E) An application from a State for renovations to a State home facility other than renovations described in subparagraph (B).

“(F) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a significant need for the beds to be established at such home or facility.

“(G) An application that meets other criteria as the Secretary determines appropriate and has established in regulations.

“(H) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a limited need for the beds to be established at such home or facility.”; and

(C) in paragraph (3), by striking subparagraph (A) and inserting the following:

“(A) may not accord any priority to a project for the construction or acquisition of a hospital; and”.

(c) TRANSITION.—The provisions of sections 8134 and 8135 of title 38, United States Code, as in effect on June 1, 1999, shall continue in effect after such date with respect to applications described in section 8135(b)(2)(A) of such title, as in effect on that date, that are identified on the list that (1) is described in section 8135(b)(4) of such title, as in effect on that date, and (2) was established by the Secretary of Veterans Affairs on October 29, 1998.

(d) EFFECTIVE DATE FOR INITIAL REGULATIONS.—The Secretary of Veterans Affairs shall prescribe the initial regulations under subsection (a) of section 8134 of title 38, United States Code, as added by subsection (a), not later than April 30, 2000.

SEC. 207. EXPANSION OF ENHANCED-USE LEASE AUTHORITY.

(a) AUTHORITY.—Section 8162(a)(2) is amended—

(1) by striking “only if the Secretary” and inserting “only if—

“(A) the Secretary”;

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and realigning those clauses so as to be four ems from the left margin;

(3) by striking the period at the end of clause (iii), as so redesignated, and inserting “; or”;

(4) by adding at the end the following:

“(B) the Secretary determines that the implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(b) TERM OF ENHANCED-USE LEASE.—Section 8162(b) is amended—

(1) in paragraph (2), by striking “may not exceed—” and all that follows and inserting “may not exceed 75 years.”; and

(2) by striking paragraph (4) and inserting the following:

“(4) The terms of an enhanced-use lease may provide for the Secretary to—

“(A) obtain facilities, space, or services on the leased property; and

“(B) use minor construction funds for capital contribution payments.”.

(c) DESIGNATION OF PROPERTY PROPOSED TO BE LEASED.—(1) Subsection (b) of section 8163 is amended—

(A) by striking “include—” and inserting “include the following:”;

(B) by capitalizing the first letter of the first word of each of paragraphs (1), (2), (3), (4), and (5);

(C) by striking the semicolon at the end of paragraphs (1), (2), and (3) and inserting a period; and

(D) by striking subparagraphs (A), (B), and (C) of paragraph (4) and inserting the following:

“(A) would—

“(i) contribute in a cost-effective manner to the mission of the Department;

“(ii) not be inconsistent with the mission of the Department;

“(iii) not adversely affect the mission of the Department; and

“(iv) affect services to veterans; or

“(B) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(2) Subparagraph (E) of subsection (c)(1) of that section is amended by striking clauses (i), (ii), and (iii) and inserting the following:

“(i) would—

“(I) contribute in a cost-effective manner to the mission of the Department;

“(II) not be inconsistent with the mission of the Department;

“(III) not adversely affect the mission of the Department; and

“(IV) affect services to veterans; or

“(ii) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(d) USE OF PROCEEDS.—Section 8165(a) is amended—

(1) by striking paragraph (1) and inserting the following:

“(a)(1) Funds received by the Department under an enhanced-use lease and remaining after any deduction from those funds under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title. The Secretary shall make available to the designated health care region of the Veterans Health Administration within which the leased property is located not less than 75 percent of the amount deposited in the fund attributable to that lease.”; and

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

“(3) For the purposes of paragraph (1), the term ‘designated health care region of the Veterans Health Administration’ means a geographic area designated by the Secretary for the purposes of the management of, and allocation of resources for, health care services provided by the Veterans Health Administration.”.

(e) REPEAL OF TERMINATION PROVISION.—(1) Section 8169 is repealed.

(2) The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8169.

(f) REPEAL OF OBSOLETE PROVISIONS.—Section 8162 is amended—

(1) by striking the last sentence of subsection (a)(1); and

(2) by striking subsection (c).

SEC. 208. INELIGIBILITY FOR EMPLOYMENT BY VETERANS HEALTH ADMINISTRATION OF HEALTH CARE PROFESSIONALS WHO HAVE LOST LICENSE TO PRACTICE IN ONE JURISDICTION WHILE STILL LICENSED IN ANOTHER JURISDICTION.

Section 7402 is amended by adding at the end the following new subsection:

“(f) A person may not be employed in a position under subsection (b) (other than under paragraph (4) of that subsection) if—

“(1) the person is or has been licensed, registered, or certified (as applicable to such position) in more than one State; and

“(2) either—

“(A) any of those States has terminated such license, registration, or certification for cause; or

“(B) the person has voluntarily relinquished such license, registration, or certification in any of those States after being notified in writing by that State of potential termination for cause.”.

TITLE III—MISCELLANEOUS

SEC. 301. REVIEW OF PROPOSED CHANGES TO OPERATION OF MEDICAL FACILITIES.

Section 8110 is amended by adding at the end the following new subsections:

“(d) The Secretary may not in any fiscal year close more than 50 percent of the beds within a bed section (of 20 or more beds) of a Department medical center unless the Secretary first submits to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report providing a justification for the closure. No action to carry out such closure may be taken after the submission of such report until the end of the 21-day period beginning on the date of the submission of the report.

“(e) The Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives, not later than January 20 of each year, a report documenting by network for the preceding fiscal year the following:

“(1) The number of medical service and surgical service beds, respectively, that were closed during that fiscal year and, for each such closure, a description of the changes in delivery of services that allowed such closure to occur.

“(2) The number of nursing home beds that were the subject of a mission change during that fiscal year and the nature of each such mission change.

“(f) For purposes of this section:

“(1) The term ‘closure’, with respect to beds in a medical center, means ceasing to provide staffing for, and to operate, those beds. Such term includes converting the provision of such bed care from care in a Department facility to care under contract arrangements.

“(2) The term ‘bed section’, with respect to a medical center, means psychiatric beds (including beds for treatment of substance abuse and post-traumatic stress disorder), intermediate, neurology, and rehabilitation medicine beds, extended care (other than nursing home) beds, and domiciliary beds.

“(3) The term ‘justification’, with respect to closure of beds, means a written report that includes the following:

“(A) An explanation of the reasons for the determination that the closure is appropriate and advisable.

“(B) A description of the changes in the functions to be carried out and the means by which such care and services would continue to be provided to eligible veterans.

“(C) A description of the anticipated effects of the closure on veterans and on their access to care.”.

SEC. 302. PATIENT SERVICES AT DEPARTMENT FACILITIES.

(a) SCOPE OF SERVICES.—Section 7803 is amended—

(1) in subsection (a)—

(A) by striking “(a)” before “The can- teens”; and

(B) by striking “in this subsection;” and all that follows through “the premises” and inserting “in this section”; and

(2) by striking subsection (b).

(b) TECHNICAL AMENDMENTS.—(1) Paragraphs (1) and (11) of section 7802 are each amended by striking “hospitals and homes” and inserting “medical facilities”.

(2) Section 7803, as amended by subsection (a), is amended—

(A) by striking “hospitals and homes” each place it appears and inserting “medical facilities”; and

(B) by striking “hospital or home” and inserting “medical facility”.

SEC. 303. REPORT ON ASSISTED LIVING SERVICES.

Not later than April 1, 2000, the Secretary of Veterans Affairs shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the feasibility of establishing a pilot program to assist veterans in receiving needed assisted living services. The Secretary shall include in such report recommendations on—

(1) the services and staffing that should be provided to a veteran receiving assisted living services under such a pilot program;

(2) the appropriate design of such a pilot program; and

(3) the issues that such a pilot program should be designed to address.

SEC. 304. CHIROPRACTIC TREATMENT.

(a) ESTABLISHMENT OF PROGRAM.—Within 120 days after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs, after consultation with chiropractors, shall establish a policy for the Veterans Health Administration regarding the role of chiropractic treatment in the care of veterans under chapter 17 of title 38, United States Code.

(b) DEFINITIONS.—For purposes of this section:

(1) The term “chiropractic treatment” means the manual manipulation of the spine performed by a chiropractor for the treatment of such musculo-skeletal conditions as the Secretary considers appropriate.

(2) The term “chiropractor” means an individual who—

(A) is licensed to practice chiropractic in the State in which the individual performs chiropractic services; and

(B) holds the degree of doctor of chiropractic from a chiropractic college accredited by the Council on Chiropractic Education.

SEC. 305. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT IOANNIS A. LOUGARIS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the “Jack Streeter Building”. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

SEC. 401. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Renovation to provide a domiciliary at Orlando, Florida, in a total amount not to exceed \$2,400,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation.

(2) Surgical addition at the Kansas City, Missouri, Department of Veterans Affairs medical center, in an amount not to exceed \$13,000,000.

SEC. 402. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an outpatient clinic, Lubbock, Texas, in an amount not to exceed \$1,112,000.

(2) Lease of a research building, San Diego, California, in an amount not to exceed \$1,066,500.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 and for fiscal year 2001—

(1) for the Construction, Major Projects, account \$13,000,000 for the project authorized in section 401(2); and

(2) for the Medical Care account, \$2,178,500 for the leases authorized in section 402.

(b) LIMITATION.—The project authorized in section 401(2) may only be carried out using—

(1) funds appropriated for fiscal year 2000 or fiscal year 2001 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

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

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

GENERAL LEAVE

Mr. STUMP. 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. 2116.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, H.R. 2116, the Veterans’ Millennium Health Care Act, is an important bill that is strongly supported by veterans and their service organizations.

This bill would improve access to long-term health care for our most severely disabled veterans. It would authorize the VA to pay reasonable emergency care costs for service-connected disabled veterans who have no health insurance or other medical coverage. It would impose new requirements that the VA must follow to further consolidate or realign facilities. It also increases the health care priority provided for combat-injured veterans and for military retirees choosing to use the VA health services. It would expand VA’s flexibility to generate new revenue and spend it on health care for veterans.

H.R. 2116 also extends the VA’s authority to make existing grants to homeless veterans.

I urge my colleagues to support the legislation on H.R. 2116, as amended.

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

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

Mr. Speaker, the gentleman from Illinois (Mr. EVANS), the ranking Democratic member of the Committee on Veterans’ Affairs, has been unavoidably detained, so I will be managing the bill on his behalf this afternoon.

Mr. Speaker, I rise today in support of the Veterans Millennium Health Care Act, H.R. 2116. I thank the gentleman from Arizona (Chairman STUMP); the gentleman from Illinois (Mr. EVANS); the ranking member, the

gentleman from Florida (Chairman STEARNS); and the gentleman from Illinois (Mr. GUTIERREZ), the ranking Democratic member of the Subcommittee on Health for their fine work on this measure and their support in incorporating certain provisions.

The gentleman from Illinois (Mr. EVANS) has long supported in this important bill the issues that are very important and vital for our veterans.

This is an ambitious, but realistic bill. It recognizes recent disturbing trends in funding for veterans health care, notwithstanding the committee's support of significant funding increases.

□ 1415

This bill will better assure Congress that the VA is continuing to meet vital needs for long-term care services for our veterans. It gives Congress better assurance that the Veterans' Administration will plan effectively for ways to continue treating veterans, regardless of the health care setting.

It will also allow high-priority veterans, who regularly use the VA system, to receive reimbursement for emergency care services. The millennium plan establishes a good baseline for meeting veterans' needs for long-term health care. It provides that veterans with the highest priority for care, those with health care conditions due to military service, receive all of the long-term care that they actually need.

This measure also contains a report-and-wait requirement. This responds to the concerns that VA is dismantling its inpatient programs without adequately planning to fulfill veterans' needs in outpatient or community settings.

This measure also further allows the Veterans' Administration to reimburse certain enrolled veterans for medical emergency expenditures. Veterans who rely on the Veterans' Administration for their health care have been financially devastated by medical emergencies which require them to seek care from the closest available health care facility. Veterans have been told by the VA staff to go to the closest health care facility for emergency care; but once the bills come, the VA has refused repeatedly to reimburse these veterans. The VA should not abandon these veterans when they have a health care emergency.

This millennium bill will also require the Veterans' Administration to work with chiropractors to develop a policy that will allow veterans better access to chiropractic services within the Veterans' Administration. It is abundantly clear that the VA is not operating in a world of unlimited resources. I believe that this bill has many positive gains for veterans while not imposing unreasonable new costs onto an already fiscally strapped system. I endorse this ambitious bipartisan legislation.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the

gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman of the Committee on Veterans' Affairs, and I rise in support of H.R. 2116, as amended.

Mr. Speaker, I believe we will one day look back and note on September 21, 1999, that the House took two historic actions on behalf of our American veterans. First, it added \$1.7 billion for veterans' medical care; and, second, it adopted the Veterans' Millennium Health Care Act, H.R. 2116.

This important legislation tackles some of the major challenges facing the VA health care system. In doing so, Mr. Speaker, it offers a blueprint to help position the Veterans Administration for the future. Overall, the bill has four central themes: first, to give VA much needed direction for meeting veterans' long-term care needs; second, it expands veterans' access to health care; third, it closes gaps in current eligibility law; and, fourth, it makes needed reforms that will further improve the VA health care system.

Foremost among vast challenges are the long-term care needs of aging veterans. That challenge has gone unanswered, Mr. Speaker, for too long. This legislation would put a halt to the steady erosion we have seen in the VA long-term care program, and it would establish a framework for expanding access to needed long-term care services.

The bill tackles the challenge posed by the General Accounting Office audit which found that VA may spend billions of dollars in the next 5 years to operate unneeded buildings. In testimony before my subcommittee, the GAO stated that one of every four VA medical care dollars is spent in maintaining buildings rather than caring for patients.

It is no secret that the VA is discussing hospital closures and, in some locations, in some locations, that may be appropriate. The point is that the VA has closure authority today and, my colleagues, has already used it. We should not let tight budgets drive such decisions, however. This bill, instead, requires that decisions on hospital missions must be based on comprehensive studies and planning. The process must include veterans' organizations and the employee groups.

In short, the bill puts in place numerous safeguards to help and protect veterans. Most important, it would specifically provide that the VA cannot simply stop operating a hospital and walk away from its responsibility to those veterans. It must "reinvest" savings in a new, improved treatment facility or improved services in the area.

This is a very reasonable approach. The VA health care system has certainly improved significantly in the last 4 years. This comprehensive bill, my colleagues, continues the VA on the course towards improving veterans' access to needed care. I am proud that

this bill breaks new ground. It is a bold step forward for our veterans in the area of long-term care, emergency care coverage, military retirees' care, and placing the VA health care system on a sounder footing.

Now, we have worked closely with veterans' organizations in developing this legislation. It was not done in a vacuum. And they have recognized the important advances this bill would establish. It is important that the two largest veterans' organizations, representing millions of veterans, the American Legion and Veterans of Foreign Wars, have endorsed this bill. Many other organizations also support the bill, including AMVETS, the Vietnam Veterans of America, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Retired Enlisted Association and, Mr. Speaker, the 26 organizations making up the Military Coalition.

So I urge my colleagues to join with me and others here in passing this bill and supporting it on the House floor.

Mr. REYES. Mr. Speaker, I yield 6 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I wish to thank my colleague, the gentleman from Texas (Mr. REYES), for managing the bill, and for the committee and their work on both sides of the aisle on this very important subject matter. I also wish to echo the statements by the gentleman from Florida (Mr. STEARNS) in regards to the fact of the appropriation being \$1.7 billion for veterans' health care.

I wish to address, Mr. Speaker, the Millennium Health Care Act; and I rise in support of the provisions, most of the provisions in the bill, but there is a section of the bill which I would like to be able to address today, and that is section 206 of the bill. I hope to be able to work with the chairman and the ranking member and the committee as they go to conference to further ensure that rural areas and rural health care needs are addressed.

I think that the amendment that was put forward by the gentleman from Vermont (Mr. SANDERS), that was unanimously approved by a voice vote in regards to the VA-HUD appropriations, which states that the House supports improvements in health care services for veterans in rural areas, was very important. I think we all agree this is an important priority, and I think it extends to the long-term residential care and nursing home care as well as other forms of health care.

The needs of veterans in my State cannot be reasonably met by setting up a single facility in one area of the State. The second district of Maine, which I represent, is the largest physical district east of the Mississippi. I represent 32 rural health clinics in my district, a very sparsely populated 22 million acres of land, and with a large population of veterans versus the whole State-wide population of 1.2 million, a veteran population of 154,000 people.

So the rural aspects of my State and the challenges that those represent impact upon the access to health care. The difficulties of veterans and families in traveling long distances to facilities are compounded by varied terrain and, often, inclement weather.

Just this past weekend I was in Lubec, Maine, which is the easternmost point in the United States, where the sunrises in Sunrise County, and it required landing far away and taking a cutter across the bay and taking further transportation to get to Lubec in order to be able to put on a benefit for a restoration in the community. I would hate to think that the requirements that were being forced upon veterans in Downeast Maine would cause them those same kind of requirements.

One of the things that always interests me in every veterans' ceremony I go to in every community in the second district is the length and breadth of the town's honor roll which recognizes the veterans in that community that have not only been part of the military service but usually have been enlisted and have felt the responsibility to serve of their own volition to continue to ensure the freedoms for all Americans. And the length of that list in some very small towns is remarkable.

We always talk about Joshua Chamberlain and the 20th Maine; but there are many other veterans, up until even Gary Gordon, who is from Lincoln, Maine, who is a Congressional Medal of Honor winner who risked and lost his life in trying to save others. But they are all throughout Maine in their willingness to become part of the military service in this country to preserve the freedoms and foundation which we all enjoy.

Mr. Speaker, I hate to think that we put obstacles in their way, in their families' way, in terms of getting the care, and health care, that we really owe them as a country and a Nation.

The issue in terms of section 206, in establishing the new priorities and criteria and how it impacts on rural health care and the availability of that care, I seek to work with Members on both sides of the aisle. Maine currently has preapproval for four projects that will be placed on the priority list by the end of October. These four projects are to add beds to existing homes. The current occupancy rate at our existing homes is 94.5 percent. This is far above the national average and demonstrates the great need for this care in my State.

I hope that we will be able to assure States that have made the commit-

ment to put up the matching funds for these projects, that the promise for those crucial Federal dollars will be met. I am concerned that this legislation does not adequately protect the hard work that States have done to get their projects listed and that many will be forced to start all over again. I am also concerned about the criteria used for new construction and its push toward renovation.

Washington County, Downeast Maine, is looking for a residential care facility. There is no structure there now. Recognizing there are others who wish to speak, Mr. Speaker, I would just like to be able to offer for the RECORD some of the facts that have been presented in terms of occupancy rates and meeting that level and other information that is being presented by the State of Maine.

In closing, I would just like to again thank the chairman and the ranking members of the committee for their dedication that they have exhibited in addressing the long-term care issues, and I look forward to working with them on this as we try to serve our veterans throughout the country.

The information I just alluded to, Mr. Speaker, is as follows:

MAINE VETERANS' HOMES DAILY CENSUS

[Sept. 16, 1999]

Facility	Total beds	Veteran vs. non-veteran status					Payor source						Occupancy (percent)	
		Veteran	Percent	Non-vet	Percent	Total	Private	Percent	Medicaid	Percent	Medicare	Percent		Total
Augusta	120	81	71.7	32	28.3	113	38	33.6	67	59.3	8	7.1	113	94.2
Bangor	120	78	67.8	37	32.2	115	17	14.8	83	72.2	15	13.0	115	95.8
Caribou	40	28	75.7	9	24.3	37	3	8.1	34	91.8	0	0.0	37	92.5
Scarborough	120	91	62.0	20	18.0	111	31	27.9	73	65.8	7	6.3	111	92.5
So. Paris	90	63	72.4	24	27.6	87	19	21.8	66	75.9	2	2.3	87	96.7
NF	62	41	68.3	18	31.7	50	17	28.3	41	68.3	2	3.3	80	95.8
Res. Care	28	22	31.8	5	18.5	27	2	7.4	25	92.5	0	0.0	27	95.4
Totals	490	341	73.7	122	26.3	463	108	23.3	323	69.8	32	6.9	463	94.5

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume to assure the gentleman from Maine, representing a district of 50,000-some square miles, I will be more than happy to work with him on rural health care issues, and especially on the State Veterans Home Program. This is probably one of the most efficient and one of the best programs we have in the VA, and we look forward to working with him on any problems he may have.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), the chairman of our Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the chairman of the committee, the gentleman from Arizona (Mr. STUMP), for yielding me this time, and I applaud him for bringing this bill to the floor. I also want to thank the gentleman from Florida (Mr. STEARNS) for his efforts on this bill.

Today, Mr. Speaker, I rise in support of the Veterans' Millennium Health Care Act of 1999. The gentleman from Florida (Mr. STEARNS) was kind enough to include as a provision of this legislation my bill, H.R. 430, the Combat Veterans Medical Equity Act. Due to a

broad base of support, my bill gained 177 cosponsors and was endorsed by the Military Order of the Purple Heart.

Most people are unaware that under current law combat wounded veterans do not always qualify for medical care at VA facilities.

□ 1430

This bill would change the law to ensure combat wounded veterans receive automatic access to treatment at VA facilities. It sets the enrollment priority for combat-injured veterans for medical service at level three, the same level as former prisoners of war, and veterans with service-connected disabilities rated between 10 and 20 percent.

We, as a Nation, owe a debt of gratitude to all of our veterans who have been awarded the Purple Heart for injuries suffered in service to our country. I would like to thank the gentleman from Florida (Chairman STEARNS) for including my legislation, the Combat Veterans Equity Act in this important legislation.

I also would like to congratulate the Military Order of the Purple Heart for their hard work and advocacy on behalf

of our Nation's combat-wounded veterans.

The Veterans Millennium Health Care Act of 1999 is long overdue. I am proud to support this bill for our Nation's veterans, and I urge a "yes" vote.

Mr. REYES. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Texas (Mr. REYES) has 11 minutes remaining.

Mr. REYES. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank very much the gentleman from Texas (Mr. REYES) and the gentleman from Florida (Mr. STEARNS) and the gentleman from ARIZONA (Mr. STUMP), et al, for allowing me to say just a few words on behalf of the Veterans Millennium Health Care Act, H.R. 2116.

I would anticipate that every Member of this House would be enthusiastically supportive of the Veterans Millennium Health Care Act in that they have veterans in all 50 States of the United States.

I applaud the bipartisan effort that led to the creation and movement of

this innovative legislation. I want to specifically point out the section that deals with sexual harassment and domestic violence that is incorporated in H.R. 2116.

In the wake of several allegations of sexual harassment in the Armed Services, H.R. 2116 would reauthorize until December 31, 2002, a VA program that provides counseling and medical treatment to veterans who were sexually abused or raped while serving in the military. It is estimated that 35 to 50 percent of all female veterans have reported at least one incident of sexual harassment while serving in the military.

I enthusiastically encourage and urge each Member of this august body to vote in favor of the Veterans Millennium Health Care Act.

Mr. Speaker, I rise today in support of the Veterans Millennium Health Care Act, H.R. 2116, and encourage all of my colleagues to add their support for this measure that will take veterans health care into the 21st century.

I applaud the bipartisan effort that led to the creation and movement of this innovative legislation.

This bill tackles some of the most pressing issues facing the VA, including the VA long-term care challenge, and provides a blueprint to help position VA for the future.

This bill opens the door to an expansion of long-term care, to greater access to outpatient care and to improve benefits including emergency care coverage. The measure improves access to care through facility realignment, eligibility enhancement for military retirees and veterans injured in combat, and ensures that the VA offers nursing home care to the highest priority veterans.

One provision of this bill would require the VA to maintain long-term care programs and increase both home and community-based long-term care and respite care. The VA also would be required to provide long-term care for 50-percent service-connected veterans, and veterans needing care for a specific service-related condition. Another provision would require other veterans receiving long-term care to make co-payments, based on ability to pay. The revenues from co-payments would support expanded long-term benefits.

This bill would set conditions under which the VA could close an obsolete, inefficient hospital and reinvest savings in new outpatient clinics and other improved services for the veterans affected. It also extends VA's authority to make grants to assist homeless veterans, and reform the criteria for awarding grants for building and remodeling State veterans' homes.

The measure also would extend the length of time the VA could lease facilities, space or land to private companies from 35 years to 75 years. This extension would raise the incentive to foster private-public relationships between the VA and local hospitals, nursing homes and clinics, allowing VA to contract out under-utilized property.

The eligibility provisions include specific authority for VA care of veterans who were awarded the Purple Heart for injuries sustained in combat, and authority for VA care of TRICARE-eligible military retirees not otherwise eligible for priority VA care. Under this

provision, DOD would reimburse VA for such care at rates to be negotiated by the Departments.

Another measure authorizes VA to establish and make payments for emergency care of service-connected and low-income veterans who have no health insurance or other medical coverage and rely on VA care.

H.R. 2116 also would generate revenues by authorizing VA to increase copayments on prescription drugs and establish copayments on hearing aids and other costly items provided for nonservice-connected conditions. Such new revenues would be earmarked to fund VA medical care.

In the wake of several allegations of sexual harassment in the armed services, H.R. 2116 would reauthorize, until December 31, 2002, a VA program that provides counseling and medical treatment to veterans who were sexually abused or raped while serving in the military. It is estimated that 35 percent to 50 percent of all female veterans have reported at least one incident of sexual harassment while serving in the military.

These initiatives cover the broad spectrum of programs long sought by veterans and would ensure that this Nation is responsive to those who have served in armed conflicts for almost a century. Further it would send a powerful signal to those now serving that their extraordinary sacrifices are appreciated and that the health care they have earned through years of dedicated service will be available when or if they need it.

Caring for America's veterans is an ongoing cost of war. As a nation, if we fail in this obligation, how can we justify sending more and more young service members into harm's way? How might we expect our children and grandchildren to volunteer for military service in the future, if we are not prepared to keep promises to disabled veterans today?

Additionally, our failure to appropriately fund the VA will mean that veterans may not receive the health care they need and the level of service they deserve. Appropriate funding is vital to keeping the promise that was made to our veterans when they joined the Armed Forces and made their promise to serve their country. Only with this funding can we begin to meet the long-term care needs of our aging veterans. We owe more to the men and women who served our Nation in battle.

H.R. 2116 is a good bill with very important provisions that have been endorsed by major veterans groups. It passed by an overwhelmingly majority in the full Committee on Veterans Affairs. I urge all my colleagues to support this legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I want to commend the gentleman from Arizona (Mr. STUMP) on bringing this bill to the floor of the House. This is one of the really serious issues, veterans and retirees' health care both. We are dealing with veterans' health care here, but both are very, very important.

As I go around to these various military bases, and I am sure my colleagues have the same experience, one of the things that the young recruits express concern about is that recruits before them were promised certain health care benefits that they do not feel they are getting today.

I think the bill that my colleague is proposing today goes a long way towards meeting that concern or, at least, takes giant steps in that direction. I think it will help in recruitment, it will help in retention.

It is an extremely important thing that we ask people to go and lay their necks on the line for America and, by golly, we need to take care of their health care needs; and I think my colleague goes a long way towards that. I thank the gentleman for yielding me the time and for bringing this bill to the floor.

Mr. REYES. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, there are many ways that we can express our gratitude to those who answered their Nation's call and have made such great sacrifices for their country, sacrifices that protect our country and our people and ensure that we embody the highest aspirations of human endeavor to allow each individual to conduct a life with freedom and with dignity.

I rise in support of this legislation, which not only extends long-term care services but also attempts to extend an additional degree of dignity to our veterans that comes with home- and community-based health care options that are recommended in this bill.

The legislation recognizes that even though the Veterans Administration operates the largest health care system in the United States, there are still many communities that desperately lack resources for our veterans.

Central Texas, which I represent, is experiencing a rapid growth in the number of veterans that are retiring there; and many of these folks are entitled to medical services that just simply are not available nearby at our local Veterans Outpatient Clinic or at other local health care facilities.

If a woman in Travis County, for example, needs a mammogram, she has to drive 60 to 70 miles to get one. Despite all the orthopedic doctors in Austin, Texas, veterans must make the same long drive past those clinics and to a VA Hospital because none of the services are available locally.

So I am pleased that the committee is exploring new ways for the Veterans Administration to spread its resources. For instance, the bill allows the Veterans Administration to enter into long-term leases to improve services.

The veterans health care system is facing considerable budget pressures as it attempts to deal with an aging veterans population and escalating pharmaceutical costs. But while we must maintain fiscal discipline, it is important that our veterans who defended our freedom do not bear a disproportionate share of the burden.

Mr. Speaker, in August, the New York Times reported on an audit of the Veterans Health Administration by the General Accounting Office, the investigating arm of Congress, under the headings "Audit of VA Health Care

Finds Millions Are Wasted," and says "Money That Could Improve Treatment Goes to Operate Unneeded Buildings." That report noted that the Veterans Administration "Spends more than \$1 million a day to operate unneeded hospital buildings, where a dwindling number of veterans receive care in under-populated wards," and that of the "more than \$17 billion that the Veterans Administration receives each year to provide health care to veterans, it spends about one-fourth of the money caring for 4,700 buildings around the country."

The Austin American-Statesman editorialized similarly "Veterans Hospitals Monuments to Waste." The General Accounting Office itself noted that the Veterans Health Administration "could enhance veterans' health care benefits if it reduced the level of resources spent on underused, inefficient, or obsolete buildings and reinvested these savings, instead, to provide health care more efficiently in future facilities at existing locations or new locations closer to where veterans live."

That is certainly what we need in Central Texas. And the advice seems pretty reasonable. It reminds me of the baseball legend Wee Willie Keeler who, when asked the secret to hitting, replied "hit it where they ain't." Well, I believe the Veterans Administration needs to provide more services where our veterans are rather than simply maintaining under-utilized buildings and making people come to them.

I believe that today's legislation represents a modest step in that direction.

We should pledge ourselves to the fulfillment of our obligations to those who have suffered in the defense of our country. To do less would be to sell short the very principles we profess to value so highly as a nation.

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

As a Nation, Mr. Speaker, we are seeing a growing population of older veterans whose health care needs are increasingly complex and, in some cases, serious. Moreover, these veterans are entering a system which is in transition, moving toward a greater outpatient and community-based treatment.

At the same time, the VA is suffering under straining and insufficient budgets, this bill is vital as it restores security and confidence in veterans' health care in this changing environment. Therefore, as a member of the Committee on Veterans Health Affairs, I am proud that this bill focuses on important priorities, including long-term services and reimbursement for emergency care services to our veterans.

In addition, I am pleased that this bill requires input and planning as the Veterans Administration attempts to restructure and modernize its facilities so that the VA will continue to treat veterans regardless of their health care provider.

In addition, I am proud of the provisions which strengthen long-term care.

We have seen reduced levels of long-term care as veterans are prematurely discharged from long-term care facilities. Inadequate time in long-term care is a short-sighted method of trying to care for larger numbers of aging veterans.

This bill attacks this problem by assuring that veterans with health care conditions due to military service can obtain long-term care for as long as they need it.

Also, I am pleased that that bill makes sure that veterans are reimbursed for emergency care no matter where they get that treatment. Veterans and their families deserve to know that they can obtain emergency care and not later be financially strapped or devastated because the VA refuses to reimburse them.

This bill rectifies this situation, following the request of the VA and the President's Patients' Bill of Rights. It also allows VA to reimburse any high priority enrolled veterans for medical emergencies.

In summary, this millennium bill is the most comprehensive health care bill for veterans in the past 5 years. It provides a framework that better ensures that the views of veterans, employees, and veterans' advocates are taken into account and that the VA finds the best way to care for our Nation's veterans.

Health care for our veterans should not be compromised. With this bill, we are taking important steps to ensure that we meet our needs and our obligations to these proud Americans who have sacrificed so much for our country.

I, therefore, am pleased and proud to support this bill, and I ask all my colleagues to join in passing this important legislation.

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

Mr. STUMP. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), ranking member of the full committee; as well as the chairman of the Health Subcommittee, the gentleman from Florida (Mr. STEARNS); and also the gentleman from Texas (Mr. REYES) for all their hard work in bringing this bill to the floor.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of the Veterans Millennium Health Care Act and I compliment my colleagues Mr. STUMP and Mr. EVANS for bringing this bill to the floor today.

Mr. Speaker, we can all agree that we have not done right by our Veterans. Over and over we have told our young men and women that if they answered their country's call to serve, we would provide for their health for the rest of their lives. But, sadly, this has not been done. We have instead, continued to reduce spending for veterans services and at the same time narrowly classify the eligibility for veterans to receive this limited services.

It is because of this why I am pleased to support the Veterans Millennium Health Care Act because it begins to reverse this unfair treatment towards veterans and responds to some of their pressing needs.

Some of the bills key provisions include the requirement that the VA increase both home and community-based long term care particularly for veterans who are 50% service-connected and veterans needing care for a service-related condition. This provision is particularly important to the veterans in my Congressional District who have to travel, at their own expense, to the neighboring island of Puerto Rico for their care.

I am likewise very pleased that the bill would also authorize the VA to pay reasonable emergency care cost for service-connected, low-income and other high priority veterans who have no health insurance of other medical coverage, authorize an increase in the co-payment on prescription drugs and extend the VA's authority to make grants to assist homeless veterans.

Mr. Speaker, in my previous life as a Family Physician, I counted many of our local veterans as my patients. I got to know many of them very well and came to understand the disappointment that feel about their apparently renegeing on the promises that were made to them when they enlisted. It is time that we begin to do right by our veterans and H.R. 2116 is a good beginning.

I urge my colleagues to support this important bill.

Mr. GILMAN. Mr. Speaker, I reluctantly rise in opposition to H.R. 2116, the Veterans Millennium Health Care Act.

I say reluctantly because the majority of H.R. 2116 contains provisions that expand services to veterans and provide many vitally needed benefits. These include: requiring the VA to provide long term care to veterans with service connected disabilities of 50% or greater, lifting the six month limit on VA adult day health care, providing Purple Heart recipients with the same priority as POWs in regards to health care, expanding services for homeless veterans, grants higher priority access to VA medical services for military retirees, extends authority for the VA to provide counseling for sexual trauma victims, and expands VA's authority to lease unneeded property.

My primary objection to this legislation is with regard to section 107, which sets out conditions under which VA medical facilities can be closed and veterans sent to local hospitals for care.

VA medical facilities represent a unique resource. There are many who would argue that their maintenance costs could be best used in other areas, and for this reason they should be closed if they are being underutilized. I do not agree with that assessment.

If these facilities are being underutilized, as the critics would claim, it is through no fault of the veteran. There has been a concentrated drive underway in recent years in the VA to increase the amount of health care provided on an outpatient basis. This is commendable, and necessary to hold down costs, as everyone knows outpatient care is often more efficient and cheaper to provide than traditional inpatient care.

However, this drive towards efficiency has left far too many of our veterans in its wake. Not all veterans can be best treated in an outpatient setting. The ironic fact is that those who are most in need of traditional inpatient care: the elderly, the immobile, the paralyzed, the mentally ill, the homeless and the substance abuser, are the individuals who could best use the existing "underutilized" facilities that many are eager to close.

My congressional district has a large percentage of elderly veterans, as does most of the northeast. There is an increasing demand for long term care for the elderly in New York, which the VA cannot presently address. Likewise, New York City has a very large population of homeless veterans who continually fall between the cracks in the current system.

Rather than these proposals to close existing VA medical facilities that have seen their traditional inpatient population decrease over time, we need to explore what other needs these facilities could be used for.

As I noted, these facilities are a unique resource. Once they are closed down and sold off, they are gone forever. The Government will never be able to procure a similar piece of real estate for an affordable price should the need arise in the future.

We should not squander the irreplaceable resource found in our VA medical centers while so many veterans are not having their needs fully addressed.

As I stated earlier, there is much in this bill that is sorely needed and worthy of our support. However, as a Member from the VA VISN that has suffered the deepest cuts in its health care budget, I cannot bring myself to vote for a bill that would further reduce their VA medical options.

In the interim, I will continue to work with the distinguished chairman of the House Veterans Committee (Mr. STUMP), to ensure that adequate funds are diverted from the VA emergency reserve to VISN #3 for FY'00. Moreover, both Chairman STUMP and I will request the VA to revisit its VERA formulas used to determine funding levels for northeastern VISNS, particularly those in New York which have been the hardest hit under VERA.

In closing, I want to thank our distinguished Veteran's Committee Chairman for his agreement to designate lower New York as a demonstration site should Medicare subvention legislation pass the Congress, as well as for his working with me to ensure that the VA explores the possibility of turning unused space at VISN #3 medical facilities into long term nursing home care units for veterans through the expanded use of the enhanced lease authority.

Mr. SMITH of New Jersey. Mr. Speaker, the Veterans' Millennium Health Care Act addresses the future of VA health care in the 21st century. The legislative package which we are considering today is an ambitious and very necessary undertaking. It forces the VA to step up to the challenges posed by the aging of our society. It will also ensure that the VA's long term care services reflect the health needs of America's veterans. It puts important checks and balances in place so that critical VA decisions regarding health care delivery are made with the input of veterans, health care staffers, and Congress.

The Veterans' Millennium Health Care Act includes the following key components: it requires the VA to provide long term care to veterans who are either 50% service connected or in need of such care for a service connected condition; it requires the VA to operate and maintain long term care programs including geriatric evaluation, nursing home care, domiciliary care, adult day health care, and respite care; and it restores the ability of Purple Heart recipients to automatically use VA health care facilities.

One component of this package is especially important to me: respite care. Earlier this

year, I introduced H.R. 1762, legislation which expands the definition of respite care within the VA's health care system. For the first time, this legislation allows the VA to contract with home care professionals to provide care for our aging veteran population, as well as provide care services through non-VA facilities when appropriate. Currently, veterans and their care givers who are in need of respite care must travel to the closest VA nursing home—even if it is just for temporary relief—when a bed becomes available. By providing respite care in the home, the VA will relieve a veteran's spouse or adult child of such duties as preparing meals, doing laundry, or changing bed linens.

The current policy places a tremendous burden on the care giver, be it a spouse, an adult child, family member, or friend. The closest VA nursing home or state facility may be hours away. My legislation instead allows the VA to either send someone to the veterans' home to relieve the caregiver or to make arrangements and pay for other short-term options.

H.R. 1762 has been endorsed by the American Legion, the VFW, Eastern Paralyzed Veterans of America, Vietnam Veterans of America, and the Disabled Paralyzed Veterans Association. All of these groups know that if it were not for the loving care being provided by spouses and adult children, the VA long term care system would be in dire straits. I cannot underscore how crucial it is for our veterans that we provide assistance for these caregivers and enable them to continue their good works.

Providing caregivers with the occasional day off so that they might attend to their own lives for a few hours or days will significantly improve the lives of our veterans and unquestionably save the VA money in the long run. Most Americans want to remain in their own homes for as long as possible. Expanding the VA's ability to use respite care as well as other long term care services reflects the flexibility that America's seniors demand and have come to expect.

A few years ago, I got a first-hand education about the need for respite care when I watched my parents suffer from cancer. My wife, Marie, provided my mother with around the clock care—so our family knows how emotionally consuming it can be. This is why I am a passionate believer in expanding the VA's ability to provide respite care. This provision of the bill is much needed by our Nation's veterans and their care givers.

As a Co-Chair of the Congressional Alzheimer's Disease Task Force, I know that unless we begin building the framework for dealing with long-term care issues in our VA system, a demographic tidal wave—the aging of our veterans—will crash into the system and cause serious damage. The VA should lead the way.

For example, persons aged 85 and above are the fastest growing age category in the country, and half of those persons will contract Alzheimer's disease. Cases of Alzheimer's are expected to more than quadruple from 4 million to 18 million by the year 2050. We need to take measures to accommodate families caring for Alzheimer's patients, and the respite care provisions in the Millennium Health Care Act are the right policy at the right time.

In a California statewide survey taken by the Family Caregiver Alliance, 58% of the care-

givers showed signs of clinical depression. When asked, they responded that their two greatest needs were emotional support and respite care. On average, they are providing 10.5 hours of care per day. According to the Caregiver Assistance Network, family and volunteer caregivers provide 85% of all home care given in the United States. These husbands and wives, sons and daughters, are willing to make the sacrifices necessary to ensure that their loved one—who have served our Nation in the Armed Forces—are able to remain at home in their time of need.

Besides Alzheimer's, many of our veterans suffer from the aftermath of a stroke, Parkinson's disease, and other adult onset brain-impairing diseases and disorders. By contracting out for respite care services, the VA will make a real difference in the day to day quality of life for a veteran and his or her family member.

Another important provision in the Veterans Millennium Health Care Act is that the bill puts in "speed bumps" for the VA as it examines its physical facilities and their future use as we enter the next century. Last month, House Veterans' Affairs Committee staff along with my veterans aide traveled to New Jersey to see first hand how our state and the VA network which it is part of, is dealing with the President's budget cuts. They were pleased to find out that there is a strong level of commitment and dedication among the staff in spite of much belt tightening that has resulted under the Veterans Equitable Resource Allocation (VERA) formula. And yet, VA officials told Committee staff that future cuts will cut into the bone. As a result, veterans in New Jersey and throughout the Northeast have been concerned about closure of hospitals, nursing homes, and clinics. I know that at the Brick Clinic located within my Congressional district, we have successfully fought to restore special services for our veterans. To not do so would force them to travel an hour and a half in the car to the VA's facility in East Orange. This is unacceptable and we were able to successfully persuade the VA to rethink their health care strategy for Central New Jersey.

Recognizing veterans' concerns about their facilities, H.R. 2116 puts in place several mechanisms that will prevent the VA from an arbitrary closure or realignment of a facility. For instance, under H.R. 2116, the VA must conduct a study before it can even consider changing a hospital's mission. Any realignment plan put forth must include the participation of federal employees and veterans. Furthermore, VA employees will be given preference in future hiring. Any savings from a mission change must be retained within the local area and reinvested in new services for veterans, insuring improved access to care. Finally, and most importantly, Congress will be given a minimum of 45 days to review any VA recommendations on potential changes.

This provision, and the overall Millennium Health Care Act, does come with a price tag—but it is one that our veterans both need and deserve. Enhancing eligibility for veterans on a variety of levels requires that both Congress and the President find the necessary funds for long term care and eligibility expansion. Earlier this month, the House approved a \$1.7 billion increase for veteran's health care.

I urge all of my colleagues to join me in voting for passage of this bill which is integral to

the health and well being of America's veterans.

Mr. FILNER. Mr. Speaker, I rise in support of the Veterans' Millennium Health Care Act. This bill improves the VA health care system in many ways. For example, it will extend long term care and emergency care services, provide sexual trauma counseling, expand care and treatment for veterans who have been recognized by the award of the Purple Heart.

In addition, I am especially pleased that this legislation ensures that the Veterans Administration (VA) will work with licensed doctors of chiropractic care to develop a policy to provide veterans with access to chiropractic services. Even though chiropractic is the most widespread of the complementary approaches to medicine in the United States, serving roughly 27 million patients—and even though Congress has recognized chiropractic care in other areas of the federal health care system (Medicare, Medicaid, and federal workers compensation), VA has chosen not to make chiropractic routinely available to veterans. This bill changes that.

As a Member representing a portion of San Diego County, I am also pleased that H.R. 2116 includes a biomedical research facility for the VA San Diego Healthcare System to accommodate current and pending research programs on diabetes, immunology, hypertension, Parkinson's Disease, AIDS, and memory.

I encourage my colleagues to support and vote in favor of the Veterans' Millennium Health Care Act.

Mrs. KELLY. Mr. Speaker, I rise today in opposition to H.R. 2116, the Veterans Millennium Health Care Act, in its present form. This is a position I take after a great deal of deliberation and review of the effects of some of the provisions in this legislation.

I want to begin by recognizing the many positive initiatives contained in this legislation that will truly benefit our veterans population, such as the requirement for long term care for veterans with 50 percent or greater service connected disability. This issue is one of my highest priorities in Congress and is the reason I introduced H.R. 1432, the Veterans Long Term Care Availability Act, which requires, essentially, the very same thing. Additionally, the provisions that provide coverage for emergency care services to veterans, priority care for Purple Heart recipients and expansion of the enhanced use lease authority available to VA facilities with extra unused space are all good initiatives that I wholeheartedly support.

Unfortunately, these good provisions are coupled with two problematic provisions that we should be given the opportunity to offer amendments to correct. By suspending the rules to pass this bill we are unable to offer amendments to correct some of the bill's problems. For instance, Section 107 of this legislation, entitled "Enhanced services program at designated medical centers," sounds like a good program. In reality, however, this section stipulates the conditions under which a VA hospital can be closed. This is a very important process before us now that entails a great deal of controversy that should be debated on its merits. I have to question why we would want to put into place a procedure for closing VA hospitals in a time when we are facing unprecedented growth of the health care needs of veterans. One of the stipulations of this section is that Congress gets 30 in session days

to review the VA's findings. I believe this period should be longer. We all know that Congress was intentionally created to be a very deliberative body. If we are going to have an opportunity to review such a report we will need more than 30 days to do so.

Additionally, Section 201 entitled "Medical care collections," would enable the VA to raise co-payments that veterans would be required to pay on their prescription drug benefits. Veterans I have spoken to in my area are frustrated enough with the current co-payments they are required to pay. The typical veteran from New York is poorer, sicker and older than the rest of the nation. The current prescription drug benefits that veterans have are one of the few benefits that genuinely helps them. If we need more money we should appropriate it, not charge veterans.

Finally, the question that comes to my mind is the cost of this legislation. CBO testified before the House Veterans Affairs Committee that this bill would cost \$1.4 billion a year to implement. Where are we going to get this money. The last thing Congress should do is pass costly mandates upon the VA without passing appropriate funding. If we fail to pass appropriate proper funding, the VA will be forced to cut back or end other services in order to comply with these new mandates. This year the House has passed a VA-HUD Appropriations Act that increases VA spending by \$1.7 billion. This level is currently in question and I wonder if we will be able to achieve it. With the funding requirements this bill would incur, where is the money going to come from? Do we have a commitment to provide a \$1.4 billion increase next Congress? This is one of the questions that must be answered before we pass such a large bill. We cannot afford to short change veterans.

Finally, the supporters of this bill speak of the many endorsements H.R. 2116 has received from national veterans groups. I have contacted these groups and found that many of them agree with my concerns. Let me quote from a letter from Richard Esau, Jr., the National Commander of the Military Order of the Purple Heart.

H.R. 2116 was "the topic" of conversation at our Convention. We concur completely with your evaluation of this bill. Yes, we need long term care for veterans with service connected disability of 50 percent or greater. Yes, we need VA provided emergency care services and most assuredly we need priority care for Purple Heart recipients and military retirees. If a percentage of these funds is to be recovered via the Federal tobacco lawsuit, so be it. I can't ever remember a C-ration package that didn't have a cigarette pack in it.

Congresswoman, we couldn't agree more with your concerns about the bill's procedures for closing VA hospitals. You have only to look at the State of Maine to see how the laissez faire attitude of federal bureaucrats is working a hardship on thousands of veterans who soon will have to travel from their homes (some on the Canadian border) to Boston, Massachusetts for treatment. Further, we wouldn't want the VA Secretary to have the authority to increase prescription co-payments for veterans with service connected disabilities of less than 50 percent. Too often, the VA Secretary is a political animal who has never had a shot fired at him in anger. This type of Secretary just doesn't seem to understand how important medicines are to older vets and what a slap in the face it is to require them to pay more rather

than less for this service. Do other Members of Congress realize a plurality of these veterans are on fixed incomes?

I personally would like to see your bill, H.R. 1432, taken out of committee and debated on the floor of the House. I am, however, a realist who knows that "half a loaf" is better than none. Therefore, along with my fellow patriots, I support passage of H.R. 2116 and ask you, Sue Kelly, to continue your watchdog activities to ensure vets have their medicines at reasonable prices and needed "old" VA facilities stay open.

As we see from this letter, veterans are ready to take the good portions of this bill along with the bad portions of this legislation. We should pass the best bill possible, not a good and bad bill. We should allow for a full and open debate of these provisions and take H.R. 2116 off the suspension list and allow amendments. It is only through the full open democratic process that we can ensure that all sides are properly represented. If this bill fails tonight when the full House votes, I pledge to do everything in my power to ensure that this bill is given the proper time for full House consideration of all germane amendments.

I am joined in opposition by members who want only the best for our veterans and the Eastern Paralyzed Veterans Association. I urge members on both sides of the aisle to carefully consider these issues before casting their vote on this all too important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2116. This bill makes a number of important changes to veterans' health care programs.

The bill directs that the VA operate and maintain a national program of extended care services, including geriatric evaluations, nursing home care, adult day health care, domiciliary care and respite. The measure requires the VA to develop and begin to implement by January 1, 2000 a plan for carrying out the recommendation of the Federal Advisory Committee on the Future of Long Term Care. The VA was directed to increase home and community based care options as well as the percentage of the medical care budget dedicated to such care. The bill mandates the VA to provide needed extended care services in the case of veterans who are 50% service connected or in the need of such care for a service connected condition; and provide such veterans highest priority for placement in VA nursing homes.

Although the calendar year indicates that we honor these men and women on Memorial Day and Veteran Day, I believe that we should pause everyday to thank them for their sacrifice. The collective experience of our 25 million living veterans encompasses the turbulence and progress America has experienced throughout the twentieth century. This nation's veterans have written much of the history of the last hundred years. They have served this nation without reservation or hesitation during its darker moments.

Their unwavering devotion to duty and country has brought this nation through two World Wars and numerous costly struggles against aggression. From World War I to the Gulf War, America's veterans have been leading this nation against those who have threatened the values and interests of our nation.

Only today are the accomplishments and sacrifices of our veterans being fully appreciated by historians and the public. These genuine heroes have often been ignored and

denied their proper place in America's melting pot. We need to remember that America owes these men and women the best it can offer because they have given us the best they could when America was in need.

Mr. Speaker, I am fortunate to have The Houston Department of Veterans Affairs Medical Center located in my congressional district. Having just celebrated fifty years of service to the veterans in the Houston community. Some 1,646,700 veterans live in the State of Texas alone. The Houston VA Medical Center expects to receive and serve over 50,000 veterans in this year alone. I expect this measure to improve the quality of life for all our veterans who so proudly served our nation.

Mr. Speaker, this bill is important not only because it provides for the needs of our veterans today but because it sends an important signal to the men and women serving our nation in places like Bosnia, Kosovo, Germany, Korea, Japan and other far off places around the world. That message is simple, that when you serve our nation we will answer the plea of President Lincoln "to care for him who shall have borne the battle."

I urge my colleagues to vote yes on H.R. 2116 and care for the men and women who have borne the battle.

Mr. PORTMAN. Mr. Speaker, I rise to support H.R. 2116, the Veterans' Millennium Health Care Act of 1999, which is designed to address the long-term health care needs of veterans of the 21st century.

However, I want to express my seniors concerns with a provision of the bill that may unfairly impact a vital nursing home facility proposed to serve veterans in southern Ohio. Specifically, I am concerned with Section 206, the State Home Grant Program, which would only allow projects to be funded in FY 2000 that are on the VA's approved list as of October 29, 1998. The effect of this could be to prevent the federal matching funds next year for a facility in Georgetown, Ohio in Brown County. Ohio's application for the Brown County facility was submitted to VA earlier this summer.

Ohio has a shortfall of more than 4,000 VA nursing home beds and is vastly underserved. In fact, the only VA nursing facility Ohio is located in Sandusky in the northern part of the state, and there are 160 veterans on the waiting list for admission. Of the Sandusky VA facility's 650 residents, only 8 are from southern Ohio. As a result of this shortfall and the need to better serve veterans in southern Ohio, the state committed \$4.5 million for the Brown County project as its share of the construction money in Ohio's FY 2000 budget. The state has also committed \$500,000 for various administrative expenses to see the project to completion for a total of \$5 million in state funds. The federal share needed for the facility is \$7.8 million.

The State of Ohio's financial commitment to the Brown County facility was signed into law by the Governor on June 30, 1999. Ohio's application was submitted to VA on July 22, a month ahead of VA's August 15 deadline for receiving FY 2000 funding applications. As you know, the House recently approved \$90 million for the State Homes Construction Grant program in the FY 2000 VA, HUD, Independent Agencies bill—a \$50 million increase over the President's request which I had worked for in the Appropriations Committee and supported. I am told that a similar amount

is expected to be included in the Senate bill. It is my understanding that Ohio's application should be sufficiently high in priority that the VA, HUD Independent Agencies appropriation would provide the federal funds needed for the Brown County facility in FY 2000. Unfortunately, I am advised by the State of Ohio officials and the VA, that the October 29, 1998 cutoff date in H.R. 2116 will automatically make Ohio's application ineligible for funding next year.

Ohio has acted in good faith to provide the needed \$5 million state match and has spent an additional \$154,000 to prepare the application, which was submitted well within the timetable for FY 2000 funding under VA's current guidelines. I want to add that Brown County has spent \$186,000 of its own funds for land acquisition, an environmental impact study and for other expenses, so there has been a considerable state and local investment in this project.

Of course, the VA still must approve the Brown County application based on its merits. However, it is unfair to change the rules in the middle of this year's application process and preclude Brown County's facility from being funded in FY 2000 as would happen under the current language of H.R. 2116. It is my hope that an equitable solution to this unfortunate situation can be worked out in conference, and I look forward to working with Chairman STUMP, Chairman STEARNS, ranking members EVANS and GUTIERREZ and the Senate to ensure that the veterans in southern Ohio are treated fairly in this process.

Mr. STUPAK. Mr. Speaker, I speak today in support of H.R. 2116, the Veterans Millennium Health Care Act. I would like to commend Chairman STUMP and Ranking Member EVANS on their hard work on this bill, and their work on behalf of America's veterans.

I have a small VA medical facility in my district, Iron Mountain Veterans Medical Center. Under existing law, VA could arbitrarily close this facility, and have come close to doing so in the past. H.R. 2116 would provide protections not available under current law. It would require VA to involve veterans' service organizations, employee unions, and other interested parties. It would require VA to submit the plan and justification to Congress and allow a waiting period of 45 days. These provisions provide for far greater protection than under current law, and allow for the community and individual input which is lacking in current proceedings.

Other notable provisions in H.R. 2116 address issues which have been neglected for too long. Long-term care is expanded; VA's authority to make grants to assist homeless veterans is extended; the criteria for awarding grants to building and remodeling state veteran's homes has been reformed; VA is directed to cover emergency costs for uninsured veterans; it provides for sexual trauma counseling; provides for chiropractic care; it will give the VA access to a portion, if funds are recovered from tobacco companies, to compensate for its costs of tobacco-related illnesses; and it establishes a new health care enrollment category for non-disabled military retirees eligible for Tricare which essentially guarantees these military retirees health care.

The innovative provisions in this bill which make it so responsive to those veterans who have served our country so well is deserving of our support, and I urge my colleagues to

vote for the Veterans Millennium Health Care Act.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the Veterans Millennium Health Care Act of 1999. I commend the efforts of the Chairman and Ranking Member of the VA Committee, along with the Chairman and Ranking Member of the Health Subcommittee and their staff, of developing this needed piece of legislation.

This health care bill offers many positive improvements, including the expansion of care for long-term nursing, mental health services, emergency and other needed care. It represents a comprehensive and necessary change to keep our VA health care facilities and services in tune with the needs of veterans and the changing health care industry. I urge the Senate to act quickly in passing this bill so we can have it enacted into law this year.

A more fundamental problem we face lies in the funding of such programs, especially for the discretionary health care budget. We can authorize all we want for VA health care. But based on the budget caps set by the House leadership, veterans will be lucky just to avoid having cutbacks in fiscal year 2001 and could face much more drastic cuts in future years. We all want HR 2116, and authorizing bills like it, to expand health care and benefits to veterans and their families. But we must be prepared to bite the bullet and give adequate funding for all veterans services.

Mr. SMITH of Texas. Mr. Speaker, I strongly support H.R. 2116, the Veterans Millennium Health Care Act.

Health care as we know it is changing. New technology allows for better treatment, better diagnosis and greater opportunities than ever before.

But as we approach the 21st century, the Veterans Administration must also change to address the needs of our veterans. This bill accomplishes that objective.

Mr. Speaker, my district contains one of the highest concentrations of veterans in the country. I have held town meetings across my district to listen to their concerns. The veterans I represent have advocated many of the provisions contained in this bill.

From requiring the VA to enlist the help of veterans organizations in developing enhanced service plans, to allowing the VA to contract for needed hospital care, the provisions contained in H.R. 2116 will benefit the VA for years to come.

Mr. KOLBE. Mr. Speaker, I welcome this legislation to meet the health care needs of our veterans and rise to express my support for the Veterans' Millennium Health Care Act. This is the kind of act that will help restore accountability and credibility to the government's reputation with regard to keeping our promise to take care of our nation's veterans.

In Tucson, we eagerly await the groundbreaking of the Tucson VA Medical Center's new outpatient facility. This legislation complements that effort to insure the policy as well as the infrastructure is in place to provide appropriate care for Southern Arizona veterans. Outpatient care delivers more care to greater number at a lower cost. I am pleased to see outpatient care further supported in this bill. With the World War II generation and their sons and daughters entering the later half of their lives, these improvements to long term care is timely and needed.

This represents Congress responding to real needs of the people. The broad support within the House of Representatives shows that we put the people we serve first and we are using the best of our collective experience to implement the most responsible policies. Again, I thank the members of the Committee and fellow Arizona member BOB STUMP for his diligent efforts and leadership in serving our veterans.

Mr. BUYER. Mr. Speaker, I rise in strong support of the Veterans' Millennium Health Care Act. This bill will directly address the veterans' concerns regarding the availability of long-term care, improving access to VA health care, and provide many military retirees access to a VA Health Care system that, in the past, has been closed to them.

In addition, this bill finally addresses the issue of allowing VA to reimburse service-connected veterans and low income veterans for emergency care that they may have received at a non-VA facility. Equally important, the Veterans' Millennium Health Care Act provides VA the authority to generate much needed revenues by establishing copayments on hearing aids and other extremely high cost items for nonservice-connected conditions, and allow VA to earmark these revenues specifically for medical care.

Lastly, this bill provides veterans and their families a voice in the future of their health care system by requiring the VA to consult with the veterans community about the realignment of any VA facilities. Mr. Speaker, this bill is good for VA, and more importantly good for veterans.

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 2116, as amended, the Veterans' Millennium Health Care Act. Before I comment on some of the specific provisions of this bill, I want to thank Chairman STUMP, Chairman STEARNS, and the Ranking Democratic Member of the Health Subcommittee, Mr. GUTIERREZ, for working with me to incorporate certain provisions I have long-supported in this important bill.

This is an ambitious bill, but it is a bill that works in a realistic context. It takes cognizance of some disturbing trends we have seen in funding for veterans' health care, notwithstanding the Committee's support of significant funding increases. It is a bill that will better assure Congress that VA is continuing to meet veterans' vital needs for long-term care services. It is a bill that gives Congress better assurance that VA will plan effectively for ways to continue to treat veterans regardless of the health care setting. Finally, it is a bill that will allow veterans who regularly use the VA system to receive reimbursement for emergency care services.

The bill also contains a "report and wait" requirement which responds to a concern I raised that VA is dismantling its inpatient programs without adequate planning to fulfill veterans' needs for these programs in outpatient or community settings. The provision follows other efforts Congress has put in place to ensure that important services and programs remain available to veterans as it restructures under what may be an austere budget.

Since decentralizing its management, VA has closed acute inpatient beds at a pace that I believe has taken many by surprise. The hardest hit have been the beds for psychiatric, rehabilitation, and other services of a "longer term" nature. Unfortunately there are some indications that, instead of planning effectively to

continue to meet the needs of these vulnerable patients on an outpatient basis, their care is slipping through the cracks.

Long-term care remains an area of concern as VA continues to tighten its belt. Last month, I presented findings from a report done at my request to assess recent changes in VA's long-term care delivery efforts to veterans. My staff surveyed VA's Chiefs of Staff to see how VA was responding to veterans' growing need for long-term care. Survey findings indicated that there were substantial erosions in the long-term care program—VA may be treating more veterans, but it is discharging them after much shorter stays that may not satisfy their need for ongoing care. The Report concluded with several recommendations to improve VA Long-Term Care that the Millennium Plan addresses. The findings and recommendations of this report were instrumental in shaping this legislative plan for addressing long-term care in VA.

The Millennium Plan establishes a good baseline for meeting veterans' needs for long-term care. We believed it was best to guarantee that veterans with the highest priority for care—those with health care conditions due to military service—receive all of the long-term care they need.

The bill also requires VA to maintain its long-term care program and enhance the services it provides in the home and community. VA is under enormous financial pressure and long-term care is expensive. The survey identified some disturbing changes in VA's long-term care program that obviously stemmed from financial pressure. It is time to give VA clear direction about whom we expect VA to treat and what services we will require it to offer.

I have had a long-standing interest in emergency care reimbursement. I introduced two bills in the last Congress and this year I introduced H.R. 135, the "Veterans Emergency Health Care Act". H.R. 135 allows VA to reimburse enrolled veterans for expenditures made during medical emergencies. Veterans who rely on VA for their health care have been financially devastated by an emergency health care episode. Veterans who try to reach VA during a health care crisis have been told by VA staff to go to the closest health care facility for treatment, but once the bills came, the VA refused to reimburse them. It seems unconscionable that VA would abandon these veterans during their greatest health care crises, but I know it happens.

I also know VA wants to fix this problem. Asked to identify legislation it needs to comply with the President's "Patient Bill of Rights", VA indicated it would need authorization to reimburse emergency health care for the veterans it enrolled. The President ordered federal agencies to comply with the bill, yet a proposal contained in the President's budget only partially addressed VA's request for this authority. The Millennium Bill goes farther by allowing VA to reimburse any high-priority enrolled veteran for emergency care services.

I have also advocated allowing more veterans to choose chiropractic care in VA. Last year I introduced a bill to establish a chiropractic service in VA which was supported by the American Chiropractic Association and the International Chiropractors Association. The Millennium Bill will require that VA work with chiropractors on a policy that will allow veterans' better access to their service within VA.

Veterans deserve the opportunity to choose chiropractic care.

The Millennium Bill contains provisions that will authorize VA to increase copayments for drugs, neurosensory devices and certain other prosthetics, and extended care. I believe the Committee must offer leadership in addressing some of these difficult issues head on. I want to make sure that VA can maintain services for veterans that rely on it for their health care—the best way we can do this is by requiring some veterans to contribute more to their health care. VA's costs for pharmaceuticals have doubled over the last ten years; allowing more veterans to acquire hearing aids and eyeglasses from VA has also put a tremendous strain on VA's ability to acquire prosthetics. We need to ask some veterans to chip in for these benefits which are not provided by most health care insurers—it's still a significant benefit for veterans.

The bill addresses facility realignment which has been an understandable concern for some. Mr. Speaker, it is important to realize that VA currently has the authority to realign its medical resources, including closing hospitals. Since the VA has allowed so much of its decision making to take place in its 22 networks, Congress' ability to ensure that VA is going through a fair process in determining the need for facility closures has diminished considerably. In this bill, we provide VA with a framework that better ensures that the views of veterans, employees and other interested parties are taken into account and that VA finds the least disruptive means of continuing to care for the veterans it serves. While I do not view this legislation as supportive of such closures, I do not believe it will lead to a more constructive process for planning for major restructuring.

It is abundantly clear that VA is not operating in a world of unlimited resources. I believe this bill has many positive gains for veterans while not imposing unreasonable new costs onto an already fiscally strapped system. I endorse this ambitious bipartisan legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my support for the Veterans' Millennium Health Care Act, a bill which I have cosponsored.

As we enter the dawn of a new millennium, we are faced with a nation of aging veterans. These men and women, who protected our national security, now need us to ensure their long-term health care security.

This bill quite literally changes the face of the current VA hospital system. Under this Act, veterans' health care will shift from one where veterans must go to a designated center to one that will become more accessible to veterans through outpatient clinics, long-term care and community care centers. This is the prescription for medical care that northern New Mexico veterans have been waiting for.

With only one major VA center in New Mexico, hundreds of miles from where my constituents live, veterans are dependent on the limited care provided by rural health care centers. This bill will ensure these rural health care clinics have the resources available to give our veterans the full medical treatment they require.

This is a commonsense bill that provides veterans in rural communities the same type of treatment that veterans in other communities already receive and I urge my colleagues to pass it immediately.

Mr. STUMP. 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 Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 2116, as amended.

The question was taken.

Mrs. KELLY. 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.

NATIONAL HISTORIC PRESERVATION FUND AUTHORIZATION

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 834) to extend the authorization for the National Historic Preservation Fund, and for other purposes, as amended.

The Clerk read as follows:

H.R. 834

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

SECTION 1. AMENDMENT OF NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act (16 U.S.C. 470 and following; Public Law 89-665) is amended as follows:

(1) Section 101(e)(2) (16 U.S.C. 470a(e)(2)) is amended to read as follows:

“(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947), consistent with the purposes of its charter and this Act.”.

(2) Section 102 (16 U.S.C. 470b) is amended by redesignating subsection (e) as subsection (f) and by redesignating subsection (d), as added by section 4009(3) of Public Law 102-575, as subsection (e).

(3) Section 107 (16 U.S.C. 470g) is amended to read as follows:

“SEC. 107. Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds. For the purposes of this Act, the exemption for the United States Capitol and its related buildings and grounds shall apply to those areas depicted within the properly shaded areas on the map titled ‘Map Showing Properties Under the Jurisdiction of the Architect of the Capitol,’ and dated November 6, 1996, which shall be on file in the office of the Secretary of the Interior.”.

(4) Section 108 (16 U.S.C. 470h) is amended by striking “1997” and inserting “2005”.

(5) Section 110(a) (16 U.S.C. 470h-2(a)) is amended as follows:

(A) In paragraph (1) by deleting the second sentence.

(B) In paragraph (2)(D) by deleting “and” at the end thereof.

(C) In paragraph (2)(E) by striking the period at the end thereof and inserting “; and”.

(D) By adding at the end of paragraph (2) the following new subparagraph:

“(F)(i) When operationally appropriate and economically prudent, when locating Federal facilities, Federal agencies shall give first consideration to—

“(I) historic properties within historic districts in central business areas; if no such property is suitable; then

“(II) other developed or undeveloped sites within historic districts in central business areas; then

“(III) historic properties outside of historic districts in central business areas, if no suitable site within a historic district exists;

“(IV) if no suitable historic properties exist in central business areas, Federal agencies shall next consider other suitable property in central business areas;

“(V) if no such property is suitable, Federal agencies shall next consider the following properties outside central business areas;

“(VI) historic properties within historic districts; if no such property is suitable; then

“(VII) other developed or undeveloped sites within historic districts; then

“(VIII) historic properties outside of historic districts, if no suitable site within a historic district exists.

“(ii) Any rehabilitation or construction that is undertaken affecting historic properties must be architecturally compatible with the character of the surrounding historic district or properties.

“(iii) As used in this subparagraph:

“(I) The term ‘central business area’ means centralized community business areas and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

“(II) The term ‘Federal facility’ means a building, or part thereof, or other real property or interests therein, owned or leased by the Federal Government.

“(III) The term ‘first consideration’ means a preference. When acquiring property, first consideration means a price or technical evaluation preference.”.

(6) The first sentence of section 110(l) (16 U.S.C. 470h-2(l)) is amended by striking “with the Council” and inserting “pursuant to regulations issued by the Council”.

(7) The last sentence of section 212(a) (16 U.S.C. 470t(a)) is amended by striking “2000” and inserting “2005”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Speaker, H.R. 834 reauthorizes the National Historic Preservation Fund until the year 2005. The bill also amends the National Historic Preservation Act of 1966 to include a larger area of exemption under the jurisdiction of the Architect of the Capitol and modifies the way Federal agencies consider historic properties for carrying out their responsibilities.

H.R. 834 reauthorizes funds for the National Historic Preservation Act which established a general policy of Federal support and funding for the preservation of the prehistoric and historic resources of the Nation.

This policy directs the Secretary of the Interior to maintain a national register of historic places, to encourage State and local historic preservation through State historic preservation officers, authorizes a grant program under the Historic Preservation Fund to provide States monies for historic preservation projects and to individuals for the preservation of properties listed on the national register.

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Lastly, the policy established the advisory counsel on historic preservation

which reviews the policies of federal agencies in implementing the Historic Preservation Act. We need this policy to continue in order to protect our valued historic treasures.

Mr. Speaker, it seems to me that one of the principle purposes of the government is to preserve the cultural fabric of the Nation. Since 1966, one way this Nation has tried to accomplish that goal is through the National Historic Preservation Act. The bill before us reauthorizes that act, as I said, through 2005 at its present level. I think it is a tribute to the program that it has achieved enormous success in spite of the fact that it has never received its full authorization.

State historic preservation agencies have used these federal funds to attract over three times the amount of State and private investment. The bill also codifies and clarifies Executive Order 13006 regarding historic properties by federal agencies. H.R. 834 includes a check list agencies must run through to ensure that wherever possible federal agencies will first make use of adjacent historic properties before seeking to build or buy new buildings.

The bill maintains the exemptions for the Capitol, as I stated earlier. It is hoped that the requirement that the Architect of the Capitol report the area of his jurisdiction will bring awareness to the Federal Government that it should abide by the same laws it passes for the citizenry. That has not always been the case, particularly here in the District of Columbia.

Finally, this bill provides as authorization by which the Interior Department may administer grants to the National Trust for Historic Preservation. This does not mean we are putting the trust back on the public payroll. Rather it allows Interior to respond quickly to emergency situations such as hurricanes or flooding.

In conclusion this bill makes most sweeping changes, only incremental changes to what has become a mature and, I think, a very successful program. There is an element of urgency in passing this legislation since the program has been without authorization for 3 years.

So I would hope that all my colleagues would support this very sound, very solid legislation.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 834 reauthorizations funding for the National Historic Preservation Fund and the Advisory Council on Historic Preservation. The bill also makes several minor changes to the National Historic Preservation Act. The National Historic Preservation Act enacted in 1966 established a comprehensive program through which federal,

State, tribal, and local historic resources have been protected. This successful program shows what can be done when governments at each level are willing to work together for a common cause, the protection and preservation of our culture and our history.

And sometimes new nations forget, do not pay that much attention to preserving their culture and preserving their history, and when we travel abroad and we see the preservation of the culture and the history in so many other countries, we realize how important it is; and when we come back, we make sure that we preserve ours for future generations.

And H.R. 834 would extend the authorization of funds for the Historic Preservation Fund and the Advisory Council on Historic Preservation through fiscal year 2005. We wholeheartedly support extending this authorization. H.R. 834 goes on to make two other minor changes to the National Historic Preservation Act as well. These changes clarify the applicability of historic preservation laws to the Architect of the Capitol and codify the executive order dealing with consideration by federal agencies to using historic properties.

In addition, the committee adopted an amendment to the bill that contained the suggested changes of the General Services Administration to the section of the bill dealing with federal agency use of historic properties. While the language embodied in these suggested changes was somewhat convoluted, we did not oppose the amendment. During committee consideration we offered, but subsequently withdrew, an amendment to provide for a study by the Secretary of the Interior of the preservation and restoration needs of historic buildings and structures located on the campuses of historic Hispanic-serving institutions of higher learning.

Within the area I represent is the University of Puerto Rico, the largest Hispanic-serving institution of higher learning in the country. The university has significant historic resources that would benefit along with the other educational institutions from such an assessment. In lieu of the amendment, the Committee on Resources has included a report language on the bill expressing support for the study and strongly encouraging the Secretary of the Interior to undertake such a study using existing authorities.

The Department of the Interior has experienced in doing such studies and having completed in several years a very similar study of historically black colleges and universities. Such a study will provide Congress and the public with useful information in which to assess the historic preservation needs of these educational institutions.

Mr. Speaker, we support H.R. 834, as amended, and would encourage our colleagues to do likewise.

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

Mr. HEFLEY. Mr. Speaker, with the appointment of Alan M. Hantman as the new Architect of the Capitol, Congress has a chance to begin a new era and build a partnership with the citizens of Washington, DC. The land that houses the nation's congressional offices, the Botanical Garden and several of the administrative offices is under the stewardship of the Architect of the Capitol. In the past, Congress has exempted the Architect of the Capitol from meeting the same building, design, and community notification guidelines it requires other builders in the city and nation to meet. These exemptions have not worked to the public's benefit nor have they encouraged Congress to set the example of being good partners with the surrounding community.

In the early 1960's Congress spent over \$100 million to build the Rayburn House Office Building. It was designed by the Architect of the Capitol of the time, J. George Stewart. The building sits on 50 acres and is considered a waste of precious space. Only 15 percent of the building is used for hearing rooms and offices. Forty-two percent is used for parking. The appearance and design of the building since its inception has been considered architecturally void and barely functional with its hallways that end without warning.

Again, in 1997 the Architect of the Capitol, without consulting the public, demolished an historic row house built in 1890 to construct a \$2 million day care center. The location was bitterly opposed by residents and local groups. The Architect demolished the historic house and constructed a new structure with what appeared to be of very little coordination with the people who lived in the neighborhood.

Fortunately, Representative Joel Hefley's bill H.R. 834 takes steps to curb the Architect of the Capitol's influence on the surrounding neighborhoods. I am hopeful the mistakes of the past will not be repeated due to the building guidelines in this bill and other efforts currently in process by my office. The Architect of the Capitol needs to update their services by including the public in their decision making process and by following building guidelines established by Congress.

In addition, I would like to add that H.R. 834 successfully addresses the codification of Executive Order 12072 and 13006. These Executive Orders require federal buildings to locate in downtown areas. Over the last several decades the federal government has been drawing investment away from our cities and helping the elements of urban sprawl by building outside of our downtown. Sprawling development leads directly to traffic congestion, decreased air quality, loss of farm and forest land, decreased water quality and the need for costly new infrastructure. As land development continues to press further and further out, many of our older suburbs have begun to deteriorate as well.

I am pleased that there appears to be one agency within the federal government that is restructuring its programs so it can take the lead in making our communities more livable. Earlier this year, the General Service Administration established the Center for Urban Development and Livability. G.S.A. is the nation's largest real estate organization, and the 3,000 location, planning, design and construction decisions that they make every year have a tremendous impact on urban vitality in the more than 1,600 communities around the country where they control federal property. The es-

tablishment of the Center for Urban Development and Livability has been created to take advantage of opportunities to leverage federal real estate actions in ways that bolster community efforts to encourage smart growth, economic vitality and cultural vibrancy.

I am hopeful that Congress and the new Architect of the Capitol will follow G.S.A.'s example and modify programs to actively seek the public's opinion with their building and renovations to make Capitol Hill and downtown D.C. more economically viable and to help create a more livable community.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill to reauthorize the National Historic Preservation Fund, H.R. 834. The National Historic Preservation Fund is a part of the National Park Service that preserves America's significant historic and archeological sites. The Preservation Fund helps to preserve our national history.

As we approach the end of this century, it is fitting that we seek to preserve our past. This bill will ensure that we preserve the legacy of this century for the generations to come.

The Historic Preservation Fund (HPF) assists states, territories, Indian Tribes, and the National Trust for Historic Preservation in their efforts to protect and preserve properties listed in the National Register of Historic Places.

The preservation services include American Battlefields, Historic Buildings, National Historic Landmarks, Historic Landmarks, and Tribal Preservation. Each of these initiatives preserves an important aspect of American culture and history.

For example, the Tribal Preservation Program works with Native American tribes, Alaska Native Groups, Native Hawaiians and other national organizations to protect resources that are important to Native Americans. This program seeks to preserve language, traditions, religion, objects and sites especially because of the massive destruction Native American cultures have experienced in the past 500 years.

The National Historic Landmarks Assistance Initiative preserves the nation's most historic and archeological places. There are now more than 2,200 sites that have been designated by the Secretary of the Interior as places of national significance.

The funding we provide to these programs and initiatives are necessary to preserving and protecting our nation's irreplaceable heritage. Therefore, I support this reauthorization bill and I urge my colleagues to vote in support of America's heritage.

Mr. HEFLEY. Mr. Speaker, I do not believe I have other requests for time.

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

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 834, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. 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. 834, as amended, the bill just passed.

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

There was no objection.

SANCTUARIES AND RESERVES ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1243) to reauthorize the National Marine Sanctuaries Act, as amended.

The Clerk read as follows:

H.R. 1243

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 "Sanctuaries and Reserves Act of 1999".

TITLE I—NATIONAL MARINE SANCTUARIES

SEC. 101. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 102. FINDINGS; PURPOSES AND POLICIES.

(a) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by inserting "cultural, archaeological," after "educational,";

(2) in paragraph (4) by inserting "as national marine sanctuaries" after "environment";

(3) in paragraph (5) by inserting "of national marine sanctuaries managed as the National Marine Sanctuary System" after "program"; and

(4) in paragraph (6) by striking "special areas" and inserting "national marine sanctuaries".

(b) PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431) is amended—

(1) in paragraph (1) by inserting before the semicolon at the end the following: ", and to manage these areas as the National Marine Sanctuary System"; and

(2) in paragraph (4) by inserting before the semicolon at the end the following: "and of the natural, historical, cultural, and archaeological resources of the National Marine Sanctuary System".

SEC. 103. DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended as follows:

(1) Paragraph (2) is amended by striking "Magnuson Fishery" and inserting "Magnuson-Stevens Fishery";

(2) Paragraph (6) is amended by striking "and" after the semicolon at the end of subparagraph (B), and by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary for the destruction or loss of, or injury to, a sanctuary resource";

(3) Paragraph (7) is amended by inserting ", including costs related to seizure, for-

feiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(4) In paragraph (8) by inserting "cultural, archaeological," after "educational,".

(5) In paragraph (9) by striking "Fishery Conservation and Management".

(6) By striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a semicolon, and by adding at the end the following:

"(10) 'person' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government; and

"(11) 'System' means the National Marine Sanctuary System established by section 303.".

SEC. 104. ESTABLISHMENT OF NATIONAL MARINE SANCTUARY SYSTEM; SANCTUARY DESIGNATION STANDARDS.

(a) ESTABLISHMENT OF NATIONAL MARINE SANCTUARY SYSTEM.—Section 303 (16 U.S.C. 1433(a)) is amended by striking the heading for the section and all that follows through "(a) STANDARDS.—" and inserting before the remaining matter of subsection (a) the following:

"SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.

"(a) ESTABLISHMENT OF SYSTEM; SANCTUARY DESIGNATION STANDARDS.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title."

(b) SANCTUARY DESIGNATION STANDARDS.—Section 303(b)(1) (16 U.S.C. 1433(b)(1)) is amended by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the area's value as a site for marine resources monitoring and assessment activities; and

"(K) the value of the area as an addition to the System."

(c) REPEAL.—Section 303(b)(3) (16 U.S.C. 1433(b)(3)) is repealed.

SEC. 105. PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located."

(b) SANCTUARY DESIGNATION DOCUMENTS.—(1) IN GENERAL.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) (i) A resource assessment report documenting present and potential uses of the

area proposed to be designated as a national marine sanctuary, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses.

"(ii) The Secretary, in consultation with the Secretary of the Interior, shall draft and include in the report a resource assessment section regarding any commercial, governmental, or recreational resource uses in the area under consideration that are subject to the primary jurisdiction of the Department of the Interior.

"(iii) The Secretary, in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator, shall draft and include in the report a resource assessment section that includes any information on past, present, or proposed future disposal or discharge of materials in the vicinity of the area proposed to be designated as a national marine sanctuary. Public disclosure by the Secretary of such information shall be consistent with national security regulations.

"(C) A draft management plan for the proposed national marine sanctuary that includes the following:

"(i) The terms of the proposed designation.

"(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the proposed sanctuary.

"(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

"(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

"(v) The proposed regulations referred to in paragraph (1)(A).

"(D) Maps depicting the boundaries of the proposed sanctuary.

"(E) The basis of the findings made under section 303(a)(2) with respect to the area.

"(F) An assessment of the considerations under section 303(b)(1).

"(G) 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."

(2) CONFORMING AMENDMENT.—Section 302(1) (16 U.S.C. 1432(1)) is amended by striking "304(a)(1)(C)(v)" and inserting "304(a)(2)(C)".

(c) TERMS OF DESIGNATION.—Section 304(a)(4) (16 U.S.C. 1434(a)(4)) is amended in the first sentence by inserting "cultural, archaeological," after "educational,".

(d) WITHDRAWAL OF DESIGNATION.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting "or System" after "sanctuary" the second place it appears.

(e) FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.—Section 304(d) (16 U.S.C. 1434(d)) is amended by adding at the end the following:

"(4) FAILURE TO FOLLOW ALTERNATIVE.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction or loss of or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary."

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

“(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—

“(1) FUNDING REQUIRED.—The Secretary may not prepare any sanctuary designation documents for a proposed designation of a national marine sanctuary, unless the Secretary has published a finding that—

“(A) the addition of a new sanctuary will not have a negative impact on the System; and

“(B) sufficient resources were available in the fiscal year in which the finding is made to—

“(i) effectively implement sanctuary management plans for each sanctuary in the System; and

“(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10-year period.

“(2) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for a Thunder Bay National Marine Sanctuary.”.

SEC. 106. PROHIBITED ACTIVITIES.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting “for any person” after “unlawful”;

(2) in paragraph (2) by inserting “offer for sale, purchase, import, export,” after “sell.”; and

(3) by amending paragraph (3) to read as follows:

“(3) interfere with the enforcement of this title by—

“(A) refusing to permit any officer authorized to enforce this title to board a vessel subject to such person’s control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

“(B) forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

“(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or”.

SEC. 107. ENFORCEMENT.

(a) POWERS OF AUTHORIZED OFFICERS TO ARREST.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking “and” after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by adding at the end the following:

“(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).”.

(b) CRIMINAL OFFENSES.—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

“(c) CRIMINAL OFFENSES.—

“(1) OFFENSES.—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

“(2) PUNISHMENT.—Any person that is guilty of an offense under this subsection—

“(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

“(B) in the case a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”.

(c) SUBPOENAS OF ELECTRONIC FILES.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting “electronic files,” after “books.”.

SEC. 108. RESEARCH, MONITORING, AND EDUCATION.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

“SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

“(a) IN GENERAL.—The Secretary shall conduct, support, and coordinate research, monitoring, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

“(b) RESEARCH AND MONITORING.—

“(1) IN GENERAL.—The Secretary may—

“(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

“(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

“(C) support, promote, and coordinate research on the cultural, archaeological, and historical resources of national marine sanctuaries.

“(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted or supported by the Secretary under this subsection shall be made available to the public.

“(c) EDUCATION.—

“(1) IN GENERAL.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and public uses of national marine sanctuaries.

“(2) EDUCATIONAL ACTIVITIES.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

“(d) INTERPRETIVE FACILITIES.—

“(1) IN GENERAL.—The Secretary may develop interpretive facilities near any national marine sanctuary.

“(2) FACILITY REQUIREMENT.—Any facility developed under this subsection must emphasize the conservation goals and public uses of national marine sanctuaries by providing the public with information about the natural, biological, ecological, and social functions and values of the national marine sanctuary, including its public uses.

“(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal agencies, States, local governments, regional agencies, or other persons, including the National Estuarine Reserve System.”.

SEC. 109. SPECIAL USE PERMITS.

Section 310 (16 U.S.C. 1441) is amended—

(1) in subsection (b)(4), by inserting “; or post an equivalent bond,” after “general liability insurance”;

(2) by amending subsection (c)(2)(C) to read as follows:

“(C) an amount that represents the fair market value of the use of the sanctuary resources.”;

(3) in subsection (c)(3)(B), by striking “designating and”;

(4) in subsection (c) by inserting after paragraph (3) the following:

“(4) WAIVER OR REDUCTION OF FEES.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the use of sanctuary resources.”; and

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

“(e) NOTICE.—The Secretary shall provide public notice of any determination that a category of activity may require a special use permit under this section.”.

SEC. 110. AGREEMENTS, DONATIONS, AND ACQUISITIONS.

(a) AGREEMENTS AND GRANTS.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

“(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.”.

(b) USE OF RESOURCES FROM OTHER GOVERNMENT AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

“(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services or facilities of such agency on a reimbursable or non-reimbursable basis, to assist in carrying out the purposes and policies of this title.

“(f) AUTHORITY TO OBTAIN GRANTS.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.”.

SEC. 111. DESTRUCTION OF, LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

(a) VENUE FOR CIVIL ACTIONS.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting “(1)” before the first sentence;

(2) in paragraph (1) (as so designated) in the first sentence by striking “in the United States district court for the appropriate district”; and

(3) by adding at the end the following:

“(2) An action under this subsection may be brought in the United States district court for any district in which—

“(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(B) the vessel is located, in the case of an action against a vessel; or

“(C) the destruction of, loss of, or injury to a sanctuary resource occurred.”.

(b) USE OF RECOVERED AMOUNTS.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) RESPONSE COSTS.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

“(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

“(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

“(2) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

“(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archaeological, historical, and cultural sanctuary resources;

“(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

“(C) to restore degraded sanctuary resources of other national marine sanctuaries.”.

(c) STATUTE OF LIMITATIONS.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

“(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.”.

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

“SEC. 313. AUTHORIZATION OF APPROPRIATIONS. “There are authorized to be appropriated to the Secretary—

“(1) to carry out this title, \$26,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

“(2) for construction projects at national marine sanctuaries, \$3,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.”.

SEC. 113. ADVISORY COUNCILS.

Section 315(a) (16 U.S.C. 1445a(a)) is amended by striking “provide assistance to” and inserting “advise”.

SEC. 114. USE OF NATIONAL MARINE SANCTUARY PROGRAM SYMBOLS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(4) by striking “use of any symbol published under paragraph (1)” and inserting “manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol.”;

(2) by amending subsection (e)(3) to read as follows:

“(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or”;

(3) by adding at the end the following:

“(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.”.

SEC. 115. CLERICAL AMENDMENTS.

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking “Merchant Marine and Fisheries” and inserting “Resources”:

(1) Section 303(b)(2)(A) (16 U.S.C. 61433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(3) Section 314(b)(1) (16 U.S.C. 1445(b)(1)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—

Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking “Fishery Conservation and Management”.

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking “UNITED STATES” and inserting “UNITED STATES”.

TITLE II—NATIONAL ESTUARINE RESERVES

SEC. 201. POLICIES.

(a) DECLARATION OF POLICY.—Section 303 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1452) is amended by striking “and” after the semicolon in paragraph (5), by striking the period at the end of paragraph (6) and inserting a semicolon, and by adding at the end the following:

“(7) to use Federal, State, and community partnerships developed through the system established by section 315 to improve the understanding, stewardship, and management of coastal areas; and

“(8) to encourage the development, application, and transfer to local, State, and Federal resources managers of innovative coastal and estuarine resources management technologies and techniques that promote the long-term conservation of coastal and estuarine resources.”.

SEC. 202. NATIONAL ESTUARINE RESERVE SYSTEM.

Section 315 of such Act (16 U.S.C. 1461(b)) is amended to read as follows:

“NATIONAL ESTUARINE RESERVE SYSTEM

“SEC. 315. (a) ESTABLISHMENT OF THE SYSTEM.—(1) There is established the National Estuarine Reserve System. The System shall consist of—

“(A) each estuarine sanctuary designated under this section as in effect before the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985; and

“(B) each estuarine area designated as a national estuarine reserve under subsection (b).

“(2) The purpose of the System and of each national estuarine reserve is to improve the understanding, stewardship, and management of estuarine and coastal areas through a network of areas protected by Federal, State, and community partnerships that promotes informed management of such areas through integrated programs in resource stewardship, education and training, and scientific understanding.

“(3) Each estuarine sanctuary referred to in paragraph (1)(A) is hereby designated as a national estuarine reserve.

“(b) DESIGNATION OF NATIONAL ESTUARINE RESERVES.—The Secretary may designate an estuarine area as a national estuarine reserve if—

“(1) the Government of the coastal state in which the area is located nominates the area for that designation; and

“(2) the Secretary finds that—

“(A) the estuarine area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;

“(B) the law of the coastal state provides long-term protection for reserve resources to ensure a stable environment for research, education, and resource stewardship;

“(C) designation of the area as a reserve will serve to enhance public awareness and understanding of estuarine areas, and provide suitable opportunities for education, interpretation, training, and demonstration projects to improve coastal management; and

“(D) the coastal state in which the area is located has complied with the requirements of any regulations issued by the Secretary to implement this section.

“(c) ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP GUIDELINES.—(1) The Secretary shall develop guidelines for the conduct of research, education, and resource stewardship within the System that shall include—

“(A) a mechanism for identifying, and establishing priorities among, the coastal

management issues that should be addressed through coordinated research, education, and resource stewardship within the System;

“(B) the establishment of common principles and objectives to guide the development of research, education, and resource stewardship programs within the Systems;

“(C) the identification of uniform research methodologies which will ensure comparability of data, the broadest application of research results, and the maximum use of the System for research purposes;

“(D) the establishment of performance standards upon which the effectiveness of the research, education, and resource stewardship efforts and the value of reserves within the System in addressing the coastal management issues identified in subparagraph (A) may be measured; and

“(E) the consideration of sources of funds for estuarine research, education, and resource stewardship in addition to the funds authorized under this Act, and strategies for encouraging the use of such funds within the System, with particular emphasis on mechanisms established under subsection (d).

“(2) In developing the guidelines under this section, the Secretary shall consult with prominent members of the estuarine research, education, and resource stewardship community.

“(d) PROMOTION AND COORDINATION OF ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—(1) The Secretary shall take such actions as are necessary to promote and coordinate the use of the System for research, education, and resource stewardship purposes.

“(2) Actions under this subsection shall include the following:

“(A) Requiring that research, education, and resource stewardship activities administered or supported by the Secretary and relating to estuaries give priority consideration to activities that use the System.

“(B) Consulting with other Federal and State agencies to promote use of one or more reserves within the System by such agencies when conducting estuarine research, education, and resource stewardship activities.

“(C) Establishing partnerships with other Federal and State estuarine management programs to coordinate and collaborate on estuarine research, education, and resource stewardship.

“(e) FINANCIAL ASSISTANCE.—(1) The Secretary may, in accordance with such rules and regulations as the Secretary shall promulgate, make grants—

“(A) to a coastal state—

“(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve,

“(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities, or

“(iii) for purposes of conducting educational or interpretive activities; and

“(B) to any coastal state or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under subsection (c).

“(2) Financial assistance provided under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States, including requiring coastal states to execute suitable title documents setting forth the property interest or interests of the United States in any lands and waters acquired in whole or part with such financial assistance.

“(3) (A) The amount of the financial assistance provided under paragraph (1)(A)(i) with

respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 percent of the costs of the lands, waters, and interests therein or \$5,000,000, whichever amount is less.

“(B)(i) Except as provided in clause (ii), the amount of the financial assistance provided under paragraph (1)(A)(ii) and paragraph (1)(B) may not exceed 70 percent of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve.

“(ii) The amount of financial assistance provided for education and interpretive activities under paragraph (1)(A)(iii) or research and monitoring activities under paragraph (1)(B) may be up to 100 percent of any costs for activities that service the System as a whole, including System-wide monitoring equipment acquisition, data management, and data synthesis, and administration and synthesis of System-wide research programs.

“(C) Notwithstanding subparagraphs (A) and (B), financial assistance under this subsection provided from amounts recovered as a result of damage to natural resources located in the coastal zone may be used to pay 100 percent of the costs of activities carried out with the assistance.

“(4)(A) The Secretary may—

“(i) enter into cooperative agreements or contracts, with, or make grants to, any non-profit organization established to benefit a national estuarine reserve, authorizing the organization to solicit donations to carry out projects, other than general administration of the reserve or the System, that are consistent with the purpose of the reserve and the System; and

“(ii) accept donations of funds and services for use in carrying out projects, other than general administration of a national estuarine reserve or the System, that are consistent with the purpose of the reserve and the System.

“(B) Donations accepted under this paragraph shall be considered as a gift or bequest to or for the use of the United States for carrying out this section.

“(f) EVALUATION OF SYSTEM PERFORMANCE.—(1) The Secretary shall periodically evaluate the operation and management of each national estuarine reserve, including coordination with State programs established under section 306, education and interpretive activities, and the research being conducted within the reserve.

“(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research, education, or resource stewardship being conducted within the reserve is not consistent with the guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

“(3) The Secretary may withdraw the designation of an estuarine areas a national estuarine reserve if evaluation under paragraph (1) reveals that—

“(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

“(B) a substantial portion of the research, education, or resource stewardship conducted within the area, over a period of years, has not been consistent with the guidelines developed under subsection (c).

“(g) REPORT.—The Secretary shall include in the report required under section 316 information regarding—

“(1) new designations of national estuarine reserves;

“(2) any expansion of existing national estuarine reserves;

“(3) the status of the research, education, and resource stewardship program being conducted within the System; and

“(4) a summary of the evaluations made under subsection (f).

“(h) DEFINITIONS.—In this section:

“(1) The term ‘estuarine area’ means an area that—

“(A) is comprised of—

“(i) any part or all of an estuary; and

“(ii) any part or all of any island, transitional area, and upland in, adjoining, or adjacent to such estuary; and

“(B) constitutes, to the extent feasible, a natural unit.

“(2) The term ‘System’ means the National Estuarine Reserve System established by this section.”.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 318(a) of such Act (16 U.S.C. 1464(a)) is amended by striking “and” after the semicolon at the end of paragraph (1)(C), and by striking paragraph (2) and inserting the following:

“(2) for grants under section 315—

“(A) \$7,000,000 for fiscal year 2000;

“(B) \$8,000,000 for fiscal year 2001;

“(C) \$9,000,000 for fiscal year 2002;

“(D) \$10,000,000 for fiscal year 2003; and

“(E) \$11,000,000 for fiscal year 2004; and

“(3) for grants for construction projects at national estuarine reserves designated under section 315 and land acquisition directly related to such construction, \$12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.”.

SEC. 204. CONFORMING AMENDMENT.

Section 304(8) of such Act (16 U.S.C. 1453(8)) is amended to read as follows:

“(8) The term ‘national estuarine reserve’ means an area that is designated as a national estuarine reserve under section 315.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. SAXTON. Mr. Speaker, I introduced H.R. 1243 to reauthorize the National Marine Sanctuary Program. National Marine sanctuaries are essential components in our efforts to protect and manage this Nation’s marine resources. I strongly support the program and believe that this legislation will strengthen the management of our existing sanctuaries.

The National Marine Sanctuaries Act of 1992 allows the Secretary of Commerce to designate and manage areas of marine environment with nationally significant and aesthetic, ecological, historical, or recreational values as national marine sanctuaries. The primary purpose of this law is to protect marine resources such as coral reefs and sunken historical vessels while facilitating all compatible public and private uses of those resources.

Twelve marine areas have been designated as national marine sanctuaries to date. They range in size from less than a quarter of a mile to over 5,300 square miles and include near-shore

coral reefs, open ocean habitat, and ship wrecks. One additional area, Thunder Bay on Michigan’s Lake Huron, is an active candidate for designation. These sanctuaries support valuable commercial activities such as fishing and kelp harvesting and provide areas for recreational boating, diving, snorkeling, and sports fishing opportunities.

The biggest hurdle facing the sanctuary program has been and continues to be inadequate funding for basic management research and outreach activities. This is a serious problem and one that is addressed by H.R. 1243. This bill limits the designation of new sanctuaries until sufficient funds have been made available to improve operations at existing sanctuaries.

I would like to make it clear, Mr. Speaker, that I am not opposed to creating new sanctuaries. They are desirable and useful, and there is a need for additional sanctuaries. However, I am concerned that NOAA has been unable to meet the management and conservation needs of the current sanctuaries, and until NOAA meets its management goals, it is inappropriate to spend scarce federal dollars to expand the system.

NOAA was concerned about the breadth of sanctuary moratorium language. H.R. 1243 addresses NOAA’s concerns and requires that before establishing a new sanctuary the Secretary must find that the new sanctuary, one, will not have a negative impact on the management of existing sanctuaries; and two, will not interfere with NOAA’s ability to complete sanctuary resource surveys for all sanctuaries within a 10-year period.

This important measure reauthorizes the National Marine Sanctuary Program for 5 years at \$29 million a year to operate, maintain, and provide facilities at the sanctuaries. This level of funding is identical to the administration’s fiscal year 2000 request and will allow the program to get on the right track.

I strongly support partnerships between sanctuaries, local entities, and volunteers. H.R. 1243 builds upon existing cooperative arrangements and authorizes the sanctuaries to enter into partnerships with local universities, aquaria, and other groups to develop visitor centers and to promote the scientific, educational, and research values of the sanctuary.

Finally, title II reauthorizes another important research element, the National Estuarine Reserve System for 5 years. The national estuary system, reserve systems, are systems of 25 research reserves that form effective partnerships between the state and Federal Government and are designed to investigate real world problems. I am very proud of the work being done, for example, at the Jacques Cousteau Reserve, which is located near my home. It is an important public educational resource for the residents of coastal New Jersey, and the research

conducted there has provided new insights into how estuaries function.

This legislation is an essential step forward in improving the operation and maintenance of our Nation's underwater park system. I urge the adoption of this important environmental measure.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I wish to thank the gentleman from Alaska (Mr. YOUNG), the chairman of our Committee on Resources, and also the ranking Democrat of our Committee on Resources, the gentleman from California (Mr. MILLER), for their support and their assistance in making this legislation be brought before the floor. And I especially want to thank the chairman of our subcommittee, the gentleman from New Jersey (Mr. SAXTON), for his efforts in bringing this bill, the reauthorization of the National Marine Sanctuaries Act this year.

Many of the provisions of this bill were developed cooperatively with the administration, and I appreciate the majority's willingness to work constructively on these issues and produce sensible legislation.

Mr. Speaker, our national marine sanctuaries are precious for their biological wealth and ecological complexity, yet regrettably we have only now begun to comprehend their true significance and understand how some of our own activities such as global warming, marine debris, water pollution, and overfishing may be causing irreparable damage to these areas.

To paraphrase the noted marine biologist and National Geographic Society's explorer in residence, Dr. Sylvia Earle who is now heading up the society's sustainable seas expeditions to explore our national marine sanctuaries, she said and I quote, "With understanding comes appreciation, and with appreciation comes protection," end of quote.

Mr. Speaker, with this legislation Congress again acknowledges that it appreciates the incredible asset that is our system of national marine sanctuaries. We have known for years that the marine sanctuaries program has been underfunded. Importantly, this legislation provides for substantially increased funding levels to support fuel operations, exploration, and research.

Clearly it is our intention to get more dollars out to the sites, especially to those sanctuaries in the Pacific which have been little increased in their budget allotments over the past few years. I look forward toward working collaboratively with the chairman of our subcommittee, the gentleman from New Jersey (Mr. SAXTON), and our colleagues on the Committee on Appro-

priations to fully fund these authorized levels. Increased funding and other helpful improvements contained in this bill should strengthen the future of this entire system of marine-protected areas.

However, Mr. Speaker, I and the other members, Democratic members of the Committee on Resources, continue to be troubled with the inclusion of title II of this bill. The problem is not with the substance of the provision. We support the reauthorization of the National Estuarine Research Reserve System, but we contend that it rightfully belongs in another bill, one to reauthorize the Coastal Zone Management Act.

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Mr. Speaker, since its inception, the National Estuarine Research Reserve System has always been part of the Coastal Zone Management Act. In fact, the National Estuarine Research Reserve System reauthorization is also included in H.R. 2669, the chairman's bill, the legislation of the gentleman from New Jersey (Mr. SAXTON) to reauthorize the Coastal Zone Management Act.

That bill was reported from the Subcommittee on Fisheries Conservation, Wildlife and Oceans on August 5, which is last month. Unfortunately, the bill of the reauthorization has not yet been scheduled for markup and it is my sincere hope that we will be able to provide a markup for this legislation in the near future.

Mr. Speaker, I worry that tacking the Reserves provision onto the marine sanctuary bill will remove any incentive for the majority to pursue reauthorization of the Coastal Zone Management Act. This procedure sends a strong signal that the majority may have no intention whatsoever of moving the Coastal Zone Management Act bill in this Congress. I have heard this very same concern raised by several State coastal managers who are greatly concerned about what this move means to the Coastal Zone Management Act program funding for this year.

I am very concerned that our committee cannot report this as a clean bill to the Coastal Zone Management Act. This statute was reauthorized by unanimous vote only 3 years ago by my good friend in the Republican majority of the Congress. It authorizes a widely popular voluntary Federal/State partnership program that embodies many of the very same principles of government that the majority usually extols.

Mr. Speaker, I strongly support the reauthorization of the National Marine Sanctuary Program. In addition, I support the reauthorization of the National Estuarine Research Reserves, but urge that it be included as part of the Coastal Zone Management Act, where it belongs, in statute as well as in practice.

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

Mr. SAXTON. Mr. Speaker, I have no speakers at this time, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, it is my pleasure to rise in strong support of the National Marine Sanctuaries Enhancement Act of 1999. I commend the gentleman from New Jersey (Mr. SAXTON) and the ranking member, the gentleman from American Samoa (Mr. FALEOMAVAEGA), for their efforts to move this important legislation through committee and on to the floor so expeditiously.

The National Marine Sanctuary Program is vital to protect and manage our Nation's outstanding marine areas. It protects over 18,000 square miles of our Nation's most unique marine resources. The National Marine Sanctuary Program is the equivalent of our national parks. It identifies, designates, and protects these areas of the marine environment deserving special protection and recognition.

It is an extremely popular and strategic program and currently supports 12 designated sanctuaries, covering areas on both coasts, the Gulf of Mexico, Hawaii, and American Samoa. I am proud to have one of these sanctuaries in my district in California, the Channel Islands National Marine Sanctuary. As the only program designed to manage these important and ecologically sensitive areas, the sanctuaries protect our marine heritage for generations to come. They also help sustain critical resources and vibrant economies for our coastal communities which impacts the country as a whole.

Last year marked the International Year of the Ocean, which brought increased attention to the National Marine Sanctuary Program. The legislation we are considering today builds upon this momentum and is the underlying commitment toward our oceans.

The Marine Sanctuary Program has also spurred a number of innovative programs. One such program that I am particularly excited about was announced by the vice president earlier this month. It is a program to train and employ commercial fishing folk in research efforts at our Channel Islands National Marine Sanctuary. After all, it is the fishermen and women who are the experts on the resources of the waters on which they rely for their livelihood and on which we rely for our enjoyment and our food. It is programs like this that make our National Marine Sanctuary Program so vital.

In addition to passing this bill today, we must also ensure appropriate funding for the Marine Sanctuary Program. I urge my colleagues to join me in this vital effort. Full funding of our sanctuaries is imperative to fulfill its important mandate. I urge all colleagues to come together in fully supporting our National Marine Sanctuary Program. A commitment to our oceans is a commitment to the quality of life for all Americans.

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to commend the gentlewoman from California (Mrs. CAPPs) for her eloquent statement. She certainly has been one of the outstanding leaders certainly of this body concerning the environment.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker. I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding me this time.

Mr. Speaker, I rise in strong support of the bill of the gentleman from New Jersey (Mr. SAXTON). I am here to really praise the chairman of the committee. He is an avid supporter of ocean issues and coastal issues and sanctuary issues and it is very pleasing that we have one of the bills that relates to that issue here on the floor today, the reauthorization of the National Marine Sanctuaries Act.

We have 12 national marine sanctuaries, as the chairman indicated. One of those, the biggest one in the whole system, is in my district in Monterey Bay, and it goes almost down to the home of the gentlewoman from California (Mrs. CAPPs) in Santa Barbara and up to San Francisco.

It is a bottom's up process. The people in the local community decided they wanted to have one of these designations, and it has worked very well. In fact, we celebrated the anniversary of the system just last weekend.

I would be remiss in standing and praising the action of the committee and the support for this legislation without pointing out to my colleagues and particularly my colleagues on the other side of the aisle, the chair of the full committee and the Republican leadership in this House, that we cannot talk about an ecosystem such as a sanctuary without talking about what is also related, which is the ocean on the outer side and the coastal zone which is on the inland side.

What we are seeing here is a politic that is cherry picking, it is taking that which is very popular with the people and certainly noncontroversial, like the National Marine Estuary and Reserve Program, which belongs in another jurisdiction but is being removed and put into this bill because this bill is going to pass. What we ought to be dealing with is really two major comprehensive pieces of legislation. One is the oceans in general. We had a national oceans conference, a bipartisan support of that conference in California last year.

This Congress is remiss. I mean, the last time we asked for interest in the oceans, to ask a professional body to come back and make recommendations to this, was when the Stratton Commission was created, 33 years ago.

So our policy on the oceans seems to be ranking that long ago, and we ought to be updating that with a new type of Stratton Commission.

I have introduced a bill. It is in the Committee on Resources. It remains

stagnant there because the committee does not want to take up oceans bills. It does not want to take up coastal zone management bills. But it does, and I am proud of that, it is taking up the marine sanctuary bill. Let us get on with the whole program. We just cannot fix the ocean by essentially saying all the land in America can be fixed by just saving a few national parks and the rest of it could all go to naught.

So if we do not pay attention to the whole system, even the marine sanctuaries will not survive.

Fifty percent of the Nation's population lives within 50 miles of a coastal zone. The coastal zone is where the land and water meet. It is the freshest of our ecosystems. It has half of the Nation's threatened and endangered species living in that coastal area. The Food and Agricultural Organization, known as the FAO, concludes that most of our fish stocks are fully fished, over fished, or depleted or recovering. So we are living on the ocean. We are taking stuff out. We are dumping what we do not want into it, and we are not solving the whole big program.

Thank God, Congress invented a program called the National Marine Sanctuaries Program because at least we can pay attention to 12 zones of the ocean in the entire continental United States and do something about it, but the rest of it we ought to get on with the more important bigger pieces of legislation, both the Coastal Zone Management Act and the Oceans Act. And I commend the chairman for his interest and hope that he can release those other bills from full committee as soon as possible.

I thank the chairman very much, thank him for his good work. I look forward to working with him.

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

Mr. Speaker, I thank the gentleman from California (Mr. FARR) for his statement in support of this legislation. I want to say to the gentleman, as a former member of our Committee on Resources and certainly a champion of the oceans, along with the gentleman from Pennsylvania, I believe that they have worked very well in alerting the Members of the importance of our oceans, and I know and sincerely hope that my good friend, the chairman of our subcommittee, that we will be taking up the legislation concerning oceans some time in the near future.

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

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

Mr. Speaker, I would just like to thank and commend the gentleman from American Samoa (Mr. FALEOMAVAEGA), as well as the gentleman from California (Mr. FARR), and gentlewoman from California (Mrs. CAPPs) for their great support on this bill. It is through teamwork like this that we do move forward together on important matters such as this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support this bill because it reauthorizes both the National Marine Sanctuaries and National Estuarine Research Reserve programs for five years (through FY 2004)—authorizing a total of \$145 million for the Marine Sanctuaries program (\$29 million in FY 2000) and \$105 million for the National Estuarine Reserve program (\$19 million in FY 2000).

The measure authorizes a total of \$145 million through FY 2004 (\$29 million per year) for the National Marine Sanctuaries program. Within this total, \$26 million is authorized each year for NOAA administration and operations at marine sanctuaries, and \$3 million is authorized for construction activities.

The bill consolidates the 12 existing individual national marine sanctuaries into a new National Marine Sanctuary System, so that these resources may be managed on a more coordinated, systematic basis.

The measure clarifies and streamlines procedures under which NOAA may designate marine sanctuaries, but it prohibits the agency from designating any additional sanctuaries unless NOAA certifies that the addition of a new sanctuary will not have a negative impact on the sanctuary system, and that sufficient funding is available to implement management plans and complete site characterization studies within 10 years.

The bill is vitally important because it makes it illegal to "offer to sell," to buy, or to import or export sanctuary resources (currently, it is only illegal to actually sell such resources), and it establishes criminal penalties—including fines and imprisonment—for persons who interfere with marine sanctuary enforcement actions (currently, civil penalties may be imposed for certain other infractions). Specific actions for which such criminal penalties may be imposed include refusal to allow authorized searches of vessels, forcibly assaulting or resisting an officer, and knowingly and willfully submitting false information.

The bill authorizes NOAA to initiate, in any federal district court in which a defendant is located, civil actions against vessel owners for damages caused by vessels to marine sanctuaries, and it allows NOAA to recover "response costs" against such defendants.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 1243, which reauthorizes the National Marine Sanctuaries Act and the National Estuarine Research Reserve System.

The National Marine Sanctuaries Program is our nation's underwater park system. This is a good bill that will improve the operation of the program. I strongly support the provision that limits NOAA's ability to designate new National Marine Sanctuaries until the management plans at existing sanctuaries are implemented and significant progress has been made toward completing on-site studies. With limited funding, it is inappropriate to spend scarce dollars to expand the system while management of the existing sanctuaries consistently falls short.

Title II reauthorizes the National Estuarine Reserve System, a program which establishes Federal-state partnerships for managing and enhancing our estuaries. The program is supported with matching funds provided by the states and the Federal Government, and much of the day-to-day management of the reserves is left to the state or local partner. The National Estuarine Reserve Program is not a regulatory program, but rather maintains a mission of research, monitoring and education.

One of the newest reserves is located in Kachemak Bay, Alaska, which is contiguous with the southeastern entrance of Cook Inlet. This reserve encompasses nearly 365 thousand acres of aquatic habitat. This reserve is managed in cooperation with the Alaska Department of Fish and Game, and provides an area for researching and monitoring important Pacific salmon habitat. I believe that the Kachemak Bay Reserve serves an important function for monitoring coastal resources and maintaining healthy fish stocks.

I urge the adoption of H.R. 1243.

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1243, 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 reauthorize and amend the National Marine Sanctuaries Act, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1243, the bill just passed.

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

There was no objection.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1431) to reauthorize and amend the Coastal Barrier Resources Act, as amended.

The Clerk read as follows:

H.R. 1431

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 1999".

SEC. 2. ADDITIONS TO COASTAL BARRIER RESOURCES SYSTEM.

(a) VOLUNTARY ADDITIONS.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by adding at the end the following:

"(d) VOLUNTARY ADDITIONS TO SYSTEM.—The Secretary may add any parcel of real property to the System, if—

"(1) the owner of the parcel requests that the Secretary add the parcel to the System; and

"(2) the parcel is a depositional geologic feature described in section 3(1)(A)."

(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)—

(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) by striking "one hundred and eighty" and inserting "180";

(ii) in paragraph (2) by striking "subsection (d)(1)" and inserting "paragraph (1)"; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENT.—Section 4(f) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note) is repealed.

(c) NOTICE REGARDING ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by adding at the end the following:

"(f) NOTICE REGARDING ADDITIONS TO SYSTEM.—The Secretary shall—

"(1) publish in the Federal Register a notice of any addition of property to the System under this section, including notice of the availability of a map showing the location of the property;

"(2) provide a copy of that map to the State and local government in which the property is located and the Committee on Resources of the House of Representatives; and

"(3) revise the maps referred to in subsection (a) to reflect the addition of the property to the System."

(d) CONFORMING AMENDMENT.—Subsection (a) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking ", which shall consist of" and all that follows through the end of that subsection and inserting the following: ", that—

"(1) 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 set of maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as such maps may be modified, revised, corrected, or replaced under subsection (c), (d), or (e) of this section, or any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, correction, or replacement; and

"(2) includes areas added to the System in accordance with subsections (d) or (e)."

SEC. 3. 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(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking "Effective October 1, 1983, such" and inserting "Such"; and

(2) 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) is repealed.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10 and amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act \$2,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004."

SEC. 5. DIGITAL MAPPING PILOT PROJECT.

(a) REQUIREMENT TO UNDERTAKE PROJECT.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Director of the Federal Emergency Management Agency, shall undertake a pilot project to determine the feasibility and cost of creating digital versions of the Coastal Barrier Resources System maps referred to in section 4(a)(1) of the Coastal Barrier Resources Act, as amended by this Act. The pilot project shall

include the creation of digital maps for at least 5 units of the System.

(2) USE OF EXISTING DATA.—(A) To the extent practicable, in completing the pilot project under this subsection, the Secretary shall use existing digital spatial data including digital orthophotos; shoreline, elevation, and bathymetric data; and electronic navigational charts in the possession of other Federal agencies, including the United States Geological Survey and the National Oceanic and Atmospheric Administration.

(B) The head of any Federal agency that possesses digital spatial data referred to in subparagraph (A) shall promptly provide that data to the Secretary at no cost upon request by the Secretary.

(3) OBTAINING ADDITIONAL DATA.—If the Secretary determines that data necessary to complete the pilot project under this subsection does 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 any digital spatial data required to carry out this subsection.

(4) DATA STANDARDS.—All digital spatial data used or created to carry out this subsection shall comply with the National Spatial Data Infrastructure established by Executive Order 12906 and any other standards established by the Federal Geographic Data Committee established by the Office of Management and Budget Circular A-16.

(5) DIGITAL MAPS NOT CONTROLLING.—Any determination of whether a location is inside or outside of the System shall be made without regard to the digital maps prepared under this subsection.

(6) REPORT.—(A) Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Resources of the House of Representatives that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(B) The report shall include a description of—

(i) the cooperative agreements entered into by the Secretary with other Federal agencies to complete the pilot project and cooperative agreements needed to complete digital mapping of the entire System;

(ii) the availability of existing data to complete digital mapping of the entire System;

(iii) the need for additional data to complete digital mapping of the entire System; and

(iv) the funding needed to complete digital mapping of the entire System.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior \$500,000 for each of fiscal years 2000, 2001, and 2002 to carry out the pilot project required under this section.

SEC. 6. CORRECTIONS TO MAPS RELATING TO UNIT P19-P.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map relating to unit P19-P entitled "Amendment to the Coastal Barrier Resources System" and dated September 16, 1998.

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled "Coastal Barrier Resources System", dated November 2, 1994; and

(2) relates to unit P19-P of the Coastal Barrier Resources System.

SEC. 7. REPLACEMENT OF MAPS RELATING TO UNITS NC-03P AND L03.

(a) IN GENERAL.—The 7 maps included in the set of maps entitled "Coastal Barrier Resources System" and referred to in section 4(a)(1) of the Coastal Barrier Resources Act, as amended by this Act, relating to the portions of Coastal Barrier Resources System units NC-03P and L03 located in Dare County, North Carolina, are hereby replaced by other maps relating to that unit that are entitled "DARE COUNTY, NORTH CAROLINA, Coastal Barrier Resources System, Cape Hatteras Unit NC-03P" or "DARE COUNTY, NORTH CAROLINA, Coastal Barrier Resources System, Cape Hatteras Unit NC-03P, Hatteras Island Unit L03" and dated July 1, 1999.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SEC. 8. CORRECTIONS TO MAP RELATING TO UNIT DE-03P.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled "Cape Henlopen Unit DE-03P".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. SAXTON. Mr. Speaker, Congress approved the Coastal Barrier Resources Act in 1982 to protect certain coastal areas by establishing a system of barrier units that are precluded from receiving Federal development assistance.

I introduced H.R. 1431 to reauthorize and improve the Coastal Barrier Resources Act. The system is administered by the Fish and Wildlife Service. Maps depicting the various units are adopted by Congress and any changes to the boundary systems units require legislative action.

The system was greatly expanded in the Coastal Barrier Improvement Act of 1990 and now includes 585 system units and 274 otherwise protected areas, covering nearly 1.3 million acres and 1,200 shoreline miles around the Great Lakes, the Atlantic Ocean, and the Gulf of Mexico.

The Coastal Barrier Resources System is unique because it does not regulate or restrict the use of private lands in these coastal barrier areas. Instead, lands within the system are simply not eligible to receive Federal development assistance, including Federal flood insurance. H.R. 1431 would reauthorize the Coastal Barrier Resources System for 5 years, and it is supported by the administration. I am aware there is one minor outstanding issue regarding how to depict the boundary of the unit known as L03, and I would like to assure my colleagues on the other side of the aisle that I remain committed to making these maps as accurate as possible. This minor discrepancy, however, should not hold up the passage of this legislation today; and we will continue to work with the minority to resolve this one issue.

Mr. Speaker, I believe that H.R. 1431 addresses the needs of the Coastal Barrier Resources System; and I strongly urge passage of this important environmental legislation.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I do want to thank the gentleman from New Jersey (Mr. SAXTON) again, the chairman of Subcommittee on Fisheries Conservation, Wildlife and Oceans for yielding. Let me say from the start, Mr. Speaker, that I very much appreciate the cooperation of the gentleman from New Jersey (Mr. SAXTON) and his staff for working with the minority in shaping this legislation.

Mr. Speaker, I do not oppose the minor changes that have been made in the bill since it was reported by the Committee on Resources. Certainly the bill falls short of what I think could be done to strengthen and protect the Coastal Barrier Resources System. Nonetheless, I believe we have effectively eliminated the most problematic provisions to arrive at a fair consensus, and I urge Members of this body to support the bill.

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Mr. Speaker, this legislation would reauthorize the Coastal Barrier Resources Act.

When Congress passed the Coastal Barriers Act in 1982, it declared that the purpose of the act was to, and I quote, "minimize loss of life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with

coastal barriers by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers."

Mr. Speaker, this innovative policy has made good sense since 1982, and it continues to make good sense even today. Hurricane Floyd, as we have recently seen, again demonstrates the wisdom and benefits of discouraging development in some of the most dangerous, hazard-prone coastal areas of our Nation.

Mr. Speaker, most importantly, this legislation will begin the long overdue process of modernizing Coastal Barrier Resource System maps. Section 5 of this bill would direct the Secretary of the Interior to conduct a pilot study to determine the feasibility and costs of creating a digitized series of Coastal Barrier maps. Current maps were prepared in the 1980s by using primarily color infrared aerial photography and U.S. Geological Survey quadrangle sheets. Hand-rendered delineations of coastal barriers were drawn upon these sheets in order to produce the inventory of coastal barrier maps.

However, Mr. Speaker, major technological advancements such as the new digital spatial data, global positioning systems, computerized geographic information systems, and the new cartographic and survey methods make far greater detail and accuracy now possible. It is essential for the Fish and Wildlife Service to investigate how these new information systems and mapping technologies might enhance the accuracy, usability and transferability of existing coastal barrier maps. We will be looking for the Fish and Wildlife Service to expedite completion of this pilot study as soon as possible.

Mr. Speaker, I am, however, disappointed that we were not able to consider more creative ways to increase the amount of undeveloped coastal barriers in the system, and I suspect that the Congress will have to revisit this matter at a later time. This legislation does authorize the voluntary donation of private property for inclusion in the system. However, it remains doubtful that any significant tracts of additional private land will be forthcoming in the absence of any new inducements to encourage donations. Nevertheless, we encourage the Fish and Wildlife Service to pursue aggressively opportunities for donations should they become available.

Mr. Speaker, I am also compelled to express my sense of concern with the inability of the Fish and Wildlife Service to complete and submit to the Congress a study of undeveloped coastal barriers along the Pacific coast. The Secretary of the Interior was directed in 1990 under section 6 of the Coastal Barrier Improvement Act to prepare and submit a study "which examines the need for protecting undeveloped coastal barriers along the Pacific Coast south of 49 degrees north latitude through inclusion in the System."

The Secretary of the Interior was also directed to "prepare maps identifying the boundaries of those undeveloped coastal barriers of the United States bordering the Pacific Ocean south of 49 degrees north latitude." All deliverables were to be provided to the Congress not later than 12 months after the date of enactment of the 1990 law.

Well, Mr. Speaker, the Fish and Wildlife Service has failed to provide Congress with either a final report, or the maps. This 8-year delay is plainly unacceptable, Mr. Speaker. I am greatly concerned that the pace and growth of the new developments along the Pacific Coast may have significantly reduced the number of coastal areas that meet the section 31 definition of "undeveloped coastal barrier." I urge the Fish and Wildlife Service to complete this directive as soon as possible.

Finally, Mr. Speaker, I would be remiss if I did not restate the minority's long-standing concern with the majority's decision to include three other separate technical correction bills as section 6, 7, and 8 in this reauthorization bill. These provisions would change existing boundaries for three different otherwise protected areas in Florida, North Carolina, and Delaware.

Bills of this type are complicated, Mr. Speaker. Certainly, they are not technical corrections in the traditional sense. All of the proposed boundary changes tacked on to this bill deserve close inspection prior to congressional approval. I do appreciate the patience and willingness of the chairman to work with me and the staff on our side to ensure that these proposed changes are given appropriate scrutiny. Yet, even today, we are still awaiting additional information from the Fish and Wildlife Service concerning the boundaries of a coastal barrier unit adjacent to the Cape Hatteras National Seashore.

Mr. Speaker, it is my understanding from the chairman that we will continue to work in good faith to resolve issues concerning this final boundary. Consequently, we have agreed to move forward with this reauthorization bill at this time. However, should this boundary issue not be resolved to our satisfaction, we do reserve our right to reconsider support of this legislation in conference should the Senate successfully pass a companion bill. I am hopeful, Mr. Speaker, that we will find an amicable agreement in this case, but it will remain our preference that all boundary changes be addressed in separate legislation to avoid such circumstances in the future.

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

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. I will not take long, but just for the Record, I would like to say two things. First, I would like to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his fine and great cooperation in working out what some have seen as difficulties to this bill,

and I think that with the one exception that I noted in my opening statement, those difficult issues have been worked out.

I would just like to say secondly for the Record that wanting to make sure that we do this on a bipartisan basis as possible, we endeavored to obtain the support of the United States Department of the Interior and were successful in doing that. Just for the record, I have a letter here from the Assistant Secretary for Fish, Wildlife and Parks, Donald Barry, and he was kind enough to answer questions that we posed to him in our letter to him.

For example, for the Record we asked, where this map makes changes to the boundaries of the existing OPA, do those changes conform to the boundary of P-19P, to the boundary of the Cayo Costa State Park. This is an important question, because the underlying law required that wherever possible, these boundaries conform to State park boundaries; and his answer is, yes, the new boundary, that is the change in the boundary that is included in this bill, follows the boundary of the Cayo Costa State Park. We asked him, does the Department support the changes made by the map? And the answer is yes, the Department supports the changes to P-19P.

So I will not take the time to go through the other areas of agreement, but the Secretary has indicated broad agreement. Finally, he noted in answer to a question, How many acres are removed from the coastal barrier system, how many are added, what is the net acreage change that results from these boundary changes through the amendments, and his answer, and I will read it in its entirety, "The changes to the three OPAs, North Captiva, Cape Hatteras, and Cape Henlopen, will remove 272 acres from the coastal barrier resources system. The number of acres added, 3,390, and the net change as a result of these amendments is in addition to 3,118 acres to the system."

So I wanted to make sure that was on the record, Mr. Speaker, because I would not want any misunderstanding in this room or among Members of the public that we are removing or in some way denigrating or taking actions that would denigrate the system.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time.

I identify with many of the comments the gentleman made in his initial comments. However, I have some reluctance in having us come forward with this proposal today. The backdrop of the hurricane that is taking place, the devastation that is going up and down the East Coast, and we are taking a critical piece of legislation, the coastal barrier resources system, where we should be looking at ways to

strengthen the legislation. We should be looking at areas to add land that are protected, and instead, we revisiting it again on a piecemeal basis, adding additional land, in some cases in dispute. I am sorry, it may be that it is flooded and we cannot find where it is. I find a great deal of irony that we would be having this today, not even being able to know what it is precisely that we are talking about.

Mr. Speaker, this is a piece of environmental legislation that came forward in the Reagan administration. It was focused on making sure that the federal taxpayer was not subsidizing inappropriate development. I am one that feels that it is entirely appropriate for government on the State, federal, and local level to perhaps exercise a little more discretion about where we do permit and encourage development. But at a minimum, the federal taxpayer ought not to be in a position of subsidizing development that is environmentally not sound.

We are whittling away, bit by bit, pulling land out of this. We do not have clear and convincing criteria to guide what is going on. It seems to me that this is again wildly inappropriate, given the backdrop of what is going on to serve as a reason for why we should insist that this be done properly. We ought not to have a series of confusing directives from the Fish and Wildlife Service, something that is submitted to potential political manipulation. We should be strengthening this system today, adding integrity to the decision-making process, by having Congress codify the development criteria into law, once and for all. And we ought to be very clear that we know exactly what we are voting on, especially when this is coming forward on a suspension calendar.

With all due respect, I do not feel comfortable moving forward like this. I feel very strongly that it is time to be evaluating the West Coast lands for inclusion. It has been trapped in limbo now for years. We should be as a Congress moving forward with the administration to make sure that we are not having inappropriate federal subsidies for development on the West Coast lands, along with other remaining undeveloped coastal barriers among the East, the Gulf and the Great Lakes region.

Mr. Speaker, it is frustrating for me when I think Congress has a role to be a good partner with the private sector, with State and local governments, to make sure that we are promoting sound environmental developments and livable communities. I am frustrated that the Federal Government is aiding and abetting some of the disaster that we are seeing right now in the Carolinas because we have not had a thoughtful approach frankly to our flood insurance; and we give money to people who are repeatedly flooded out of areas and they move back in. This is another example of where we are not taking advantage of a comprehensive approach.

With all due respect, I would urge that this legislation not move forward today, that we come forward with a comprehensive approach to the system, that we deal with the West Coast that is in limbo, and for heaven's sakes, we do not come forward with areas to withdraw additional land when we do not know what we are talking about and we are hoping that something is going to be taken care of in a never, never land in a conference committee.

Mr. Speaker, I strongly urge rejection of the proposal before us today.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise with concerns on this bill. It is obviously a very smart idea. Congress decided to set aside resources along the coastal areas, the barriers and said look, it does not make any sense for us to put a lot of federal aid in there like flood insurance for the private developers to go in and develop and then come back and ask that the risk for development in these highly sensitive areas should be borne by the general taxpayer.

□ 1530

So we set aside these resources, and we asked the Department of the Interior to draw the maps for us, and those maps yet have not been completed. At the same time, people who have developed, because one can develop in the barrier areas privately, but with that private development they also have private risk, not federally-supported risk. So people are coming in and saying, we are developed now. Now we want to back out of the barrier area because we want this Federal flood insurance and coastal protection kinds of issues, where Federal money comes in.

We ought to stick to our guns of the original intention, that there are sensitive areas on the coast of the United States of America, including Alaska, that should not be developed. We ought not to give resources to encourage development along those zones. The Act does not buy the land, it says people can put their land in voluntarily.

The problem is, when we get to dealing with it, really they have been short on anything on the Pacific coast, where the majority of the population lives. So in 1990, the Secretary of the Interior directed Congress to map the boundaries of undeveloped coastal areas along the Pacific coast south of 49 degrees latitude, and to examine the need for protecting these areas. Yet, 9 years later we do not even have the final maps.

So this bill is well-intentioned and has been brought to the floor for good reasons, but it certainly raises a lot of concerns that Members are hearing from us today. I just commend the chairman of the committee because he is in a tough position. I appreciate the politics that he has had and that he has

been able to bring these coastal zone bills to the floor. I hope the rest of them can come, as well.

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

Mr. Speaker, I would say basically, in response to my good friends, the gentlemen from Oregon and California, with regard to their concerns on this legislation, I want to commend the gentleman from New Jersey (Mr. SAXTON), our chairman, that we have worked very, very closely in trying to alleviate some of the problems and concerns that the Members have addressed earlier.

I think the situation for us to bear in mind is that we have to start somewhere. The fact is that 10 years ago, the technology and getting the proper mappings, maybe it needs putting a little stronger wording in the language of the legislation to get the Fish and Wildlife Service to be responsive to the concerns that we have here in the Congress.

I think as a whole the legislation should move forward. I think at the proper time in conference if the concerns are still not addressed, certainly the chairman is very sensitive to this issue, and I, for one, would certainly like to see that legislation pass.

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

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

Mr. Speaker, let me just try to answer some questions that were raised, or at least respond to them.

Subsequent to the original legislation which passed in 1982, the Department of the Interior was charged with the responsibility that can generally be described as mapping, and to set aside areas to be included in the system.

As one might expect, because the people who were doing the mapping were human beings, there was perhaps less precision with the original mapping than there might have been.

Frankly, all this bill does as far as this part of the activity is concerned, or as far as this part of the language in the bill is concerned, is to try to correct some mistakes that were made subsequent to the 1982 bill, during the mapping process. In making those corrections, we were actually adding over 3,000 acres to the system, not removing. We are adding over 3,000 acres to the system, while removing only approximately 270 that were included as an error.

So I share with my friends the desire to strengthen the system, but a system that has incorrect lines in it, incorrect areas included and areas that have not been included that should have been included, is not a system with a lot of integrity. So I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for understanding this, and for agreeing to and having demonstrated the ability to work with me and our staffs together and with the Department of the Interior to make these corrections.

So again, I want to emphasize how important I think this is.

Mr. Speaker, some of us spend a lot of time around the water, some of us spend a lot of time on the water. Some of us have for years and years been distressed by the high rate of development in coastal areas.

We are currently attempting to reauthorize the Coastal Zone Management Act, and that act is intended to, among other things, protect, enhance coastal areas, and in almost every instance, by slowing down growth.

I can remember 35 years ago sailing, and all Members who are here know that Barnegat Bay is in my district. I can remember many years ago beginning at the top of Barnegat Bay, the north end, and sailing south, and looking to my right and left and seeing a few houses dotting the skyline here and there, but by and large a lot of greenery. That was 35 years ago. I would love to take Members on the same trip today and let them look to the right and left and see the houses and the commercial establishments and the restaurants.

Certainly this bill and the provisions in it and the history of it have been a very important part of protecting those open space areas, wetlands, and other types of habitat that are so important to coastal areas. So while we are trying to carry out our very important objectives, while we are trying to put in place Federal, State and local policy that makes sense in terms of protecting the environmental integrity of these areas, where inconsistencies and mistakes are found, they need to be corrected. Those corrections are what have caused the concern on the part of some of the previous speakers.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for yielding to me.

I do want to commend my good friends, the gentlemen from Oregon and from California, for giving their expressions of concern to the legislation, especially coming from Pacific coastal States like Oregon and California.

But I want to assure my good friends that the ranking member of our committee, the gentleman from California (Mr. MILLER), is very conscious and very understanding of the situation, and Members will note also that the committee report points out those very concerns that we have.

But at the same time, I want to say to my friends from Oregon and California that our ranking member, the gentleman from California (Mr. MILLER) nevertheless would like to see this legislation move forward, and that at an appropriate time, if things still are not being able to be worked out, both with the majority as well as with the administration, then of course we will not have the legislation.

But I think the most difficult situation for us to consider now is that we have to start somewhere. If, rather, the option is that we kill this bill, then we might not have any legislation at all. I think that would be a terrible situation.

Mr. Speaker, I would like to respectfully ask my colleagues to support this bill, given the reservations expressed in the committee report. It does have the support of the ranking member, the gentleman from California (Mr. MILLER), and other members of this committee. I would like to urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 1431 reauthorizes the Coastal Barrier Resources Act for five years and corrects mapping errors in three units of the System.

The Coastal Barrier Resources System prohibits Federal development assistance on undeveloped coastal barriers and it is a sound natural resource management policy. The Act does not prohibit private development on private lands. However, it requires the landowner, not the Federal Government, to shoulder the burden of cost and assume the risks when developing dynamic barrier islands.

Regrettably, the Federal Government has been known to make mistakes from time to time. This is the case with the System units that are addressed in H.R. 1431. Three otherwise protected areas—one in Florida, one in Delaware, and one in North Carolina—were mapped incorrectly when these units were created in 1990. At the time these otherwise protected areas were delineated, the Fish and Wildlife Service incorrectly included private lands that were not held for conservation purposes into the otherwise protected areas, in direct contradiction to the intent of the Act. This mistake effectively cut off Federal flood insurance for many existing homes. Similarly, the 1990 maps did not include all of the public lands that should have been included in the otherwise protected areas. H.R. 1431 makes changes to the maps to reflect the true boundaries of the underlying conservation areas, and it results in a net addition of more than 2,000 acres for the System.

I urge my colleagues to support this legislation, which will correct mapping errors that have adversely affected several private landowners for nearly a decade.

H.R. 1431 is a good bill and I urge an aye vote.

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

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1431, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1431, the bill just debated.

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

There was no objection.

DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, as amended.

The Clerk read as follows:

H.R. 1231

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

SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) *REQUIREMENT TO CONVEY.*—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) *DESCRIPTION OF PROPERTY.*—

(1) *IN GENERAL.*—The property referred to in subsection (a) consists of (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres within the following described lands: NE¼ SW¼ NW¼, S. 9 T. 46 N, R. 58 E., MDB&M, which shall be used as a cemetery; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled 'Elko County Road and Bridge Conveyance' dated July 27, 1999.

(2) *SURVEY.*—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) *ADDITIONAL TERMS AND CONDITIONS.*—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

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

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

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) to talk about the bill.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Speaker, I rise to ask my colleagues to support the bill, H.R. 1231.

This bill will convey two small acres of land, of Forest Service land to Elko, Nevada for the permanent and continued use as a cemetery.

The cemetery is located in Jarbidge, Nevada, a small rural community in Elko County. Known historically for its contribution to Nevada's mining industry, this community is surrounded by National Forest Service lands and the Jarbidge Wilderness Area.

Within this vast public land is a small cemetery under the administration of the Forest Service where generation after generation of residents of this historic mining community have been laid to rest. The earliest tombstones, Mr. Speaker, are dated in the very early 1900s, and some members of the Jarbidge community claim this land was used as a cemetery long before it was designated as Forest Service land.

Since 1915, the Jarbidge Cemetery has been operated under a permit to Elko County by a special use authorization, which runs periodically for 10 and occasionally 20 years. In an effort to remove the uncertainty about the continued existence of this cemetery and to resolve the operational responsibilities, the residents of Jarbidge have long expressed an interest in having the cemetery conveyed to the county so they might have a permanent and private cemetery. This is why I introduced H.R. 1231.

Mr. Speaker, I urge my colleagues to understand that the residents are asking for conveyance of this land because they, and I would agree, and I think it is reasonable, feel that it is not right to pay for the graves of Nevada's parents and grandparents. Many of those buried at Jarbidge are miners and their families, and in fact are the founders of the small Elko County community.

Given the hundreds of thousands of acres administered by the Forest Service in this region and their oversight of the Jarbidge wilderness area, the conveyance of two acres for the purpose of allowing the residents to privately own the resting place of their relatives seems to be both rational and fair, keeping in mind, of course, that we are talking about a cemetery, the final resting place for people, the Nevadans and their loved ones.

Furthermore, I believe that it is our government's civic duty, the duty to do what is right on behalf of the American people and our constituents, to convey without cost these two small acres. I am sure if we took a national poll, the vast majority of people, if not all Americans, would agree that the conveyance of these two acres free of charge would be in the best public interest of any good use of our public land.

Therefore, I would like to ask all my colleagues to support this commonsense and fair legislation.

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

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

Mr. KILDEE. Mr. Speaker, H.R. 1231 directs the Secretary of Agriculture to convey without consideration 2 acres of National Forest land to Elko County, Nevada. The land conveyance would include a historic cemetery and a road and bridge leading to it on the Humboldt-Toiyabe National Forest.

It is our understanding that a private individual had offered to provide for the maintenance of the cemetery as long as the land was conveyed to the county. At the hearing, the Forest Service expressed concerns that this bill was inconsistent with laws that require the Secretary of Agriculture to obtain fair market value for exchange or sale of National Forest Service land.

While we share these agency concerns and generally support a policy of obtaining fair market value for the sake of disposition of public resources, the lands in this case are certainly de minimis. We anticipate that Elko County will be a good steward of the cemetery, and we certainly support this bill.

□ 1545

Mr. Speaker, I want to commend the gentleman from Nevada (Mr. GIBBONS). His gentlemanliness both in committee and on the floor makes it a pleasure to work in both places.

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

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1231, 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

TERRY PEAK LAND TRANSFER ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2079) to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

The Clerk read as follows:

H.R. 2079

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 "Terry Peak Land Transfer Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Certain National Forest System land located in the Black Hills National Forest in Lawrence County, South Dakota, is currently permitted to the Terry Peak Ski Area by the Secretary of Agriculture pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

(2) The National Forest System land comprises only 10 percent of the land at the Ski Area, with the remaining 90 percent located on private land owned by the Ski Area operator.

(3) As the fractional Forest Service land holding at the Ski Area is also encumbered by ski lifts, ski trails, a base lodge parking lot and other privately owned improvements, it serves little purpose in continued public ownership, and can more logically be conveyed to the Ski Area to unify land management and eliminate permitting and other administrative costs to the United States.

(4) The Ski Area is interested in acquiring the land from the United States, but the Secretary does not have administrative authority to convey such land in a nonsimultaneous land exchange absent specific authorization from Congress.

(5) The Black Hills National Forest contains several small inholdings of undeveloped private land with multiple landowners which complicate National Forest land management and which can be acquired by the United States from willing sellers if acquisition funds are made available to the Secretary.

(6) The proceeds from the Terry Peak conveyance can provide a modest, but readily available and flexible, funding source for the Secretary to acquire certain inholdings in the Black Hills National Forest from willing sellers, and given the small and scattered nature of such inholdings, and number of potential sellers involved, can do so more efficiently and quickly than through administrative land exchanges.

(7) It is, therefore, in the public interest to convey the National Forest System land at Terry Peak to the Ski Area at fair market value and to utilize the proceeds to acquire more desirable lands for addition to the Black Hills National Forest for permanent public use and enjoyment.

(b) PURPOSE.—It is the purpose of this Act to require the conveyance of certain National Forest System lands at the Terry Peak Ski Area to the Ski Area and to utilize the proceeds to acquire more desirable lands for the United States for permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

(2) The term "selected land" means land comprising approximately 41.42 acres and generally depicted as government lots 6 and 11, section 2, township 4 north, range 2 east, Black Hills meridian, on a map entitled "Terry Peak Land Conveyance", dated March 1999.

(3) The terms "Terry Peak Ski Area" and "Ski Area" mean the Black Hills Chairlift Company, a South Dakota Corporation, or its successors, heirs and assigns.

SEC. 4. LAND CONVEYANCE AND MISCELLANEOUS PROVISIONS.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey the selected land to the Terry Peak Ski Area at fair market value, as determined by the Secretary.

(b) APPRAISAL.—The value of the selected land shall be determined by the Secretary utilizing nationally recognized appraisal standards, including to the extent appropriate, the Uniform Appraisal Standards For Federal Land Acquisitions (1992), the Uni-

form Standards of Professional Appraisal Practice, and other applicable law. The costs of the appraisal shall be paid for by the Ski Area.

(c) COMPLETION OF CONVEYANCE.—It is the sense of Congress that the conveyance to the Ski Area required by this Act be consummated no later than 6 months after the date of enactment of this Act, unless the Secretary and the Ski Area mutually agree to extend the consummation date. Prior to conveying the selected land to the Ski Area, the Secretary shall complete standard pre-disposal analyses and clearances pertaining to threatened and endangered species, cultural and historic resources, wetlands and floodplains, and hazardous materials.

(d) USE OF PROCEEDS BY THE SECRETARY.—All monies received by the Secretary pursuant to this Act shall be considered monies received and deposited pursuant to Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall be utilized by the Secretary to acquire replacement land from willing sellers for addition to the Black Hills National Forest in South Dakota. Any lands so acquired shall be added to and administered as part of the Black Hills National Forest and, if any such land lies outside the exterior boundaries of the Forest, the Secretary may modify the boundary of the Forest to include such land. Nothing in this section shall be construed to limit the authority of the Secretary to adjust the boundaries of the Forest pursuant to section 11 of the Act of March 1, 1911 (16 U.S.C. 521; commonly known as the Weeks Act).

(e) CONVEYANCE SUBJECT TO VALID EXISTING RIGHTS, EASEMENTS.—The conveyance to the Ski Area required by this Act shall be subject to valid existing rights and to existing easements, rights-of-way, utility lines and any other right, title or interest of record on the selected land as of the date of transfer of the selected land to the Terry Peak Ski Area.

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

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

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

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

Mr. SHERWOOD. Mr. Speaker, H.R. 2079, the Terry Peak Land Transfer Act of 1999, was introduced by the gentleman from South Dakota (Mr. THUNE), our esteemed colleague.

H.R. 2079 is a non-simultaneous land transfer bill that would require the Secretary of Agriculture to convey certain lands in the Black Hills National Forest in South Dakota to the Terry Peak Ski Area at fair market value. All monies for the transaction would later be used to purchase replacement land from willing sellers for the Black Hills National Forests.

Not only does the Forest Service support the bill, but the bill shares tremendous local support among such groups as the Lawrence County Commissioners, the Deadwood Area Chamber of Commerce, the Terry Peak Lodge Homeowners Association, the Terry Valley Landowners Association, and the Black Hills Group of the Sierra Club.

I urge my colleagues to support the passage of the Terry Peak Land Transfer Act under suspension of the rules.

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

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

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

Mr. KILDEE. Mr. Speaker, H.R. 2079 directs the Secretary of Agriculture to convey for fair market value approximately 41 acres of land in the Black Hills National Forest to the Black Hill Chairlift Company, a local ski operator.

The tract is encumbered by ski lifts, ski trails, a parking lot, and other privately owned improvements so that transfer to private ownership would improve land management and eliminate administrative costs.

Furthermore, proceeds from the sale would be used to acquire small and scattered parcels around the National Forest.

I urge my colleagues to support this bill.

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

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me.

Let me say, Mr. Speaker, that H.R. 2079, the Terry Peak Land Transfer Act of 1999, is a responsible common sense and straightforward bill that will allow the Federal Government and a private interest to manage precious land resources in a very thoughtful and effective manner.

Terry Peak is a popular ski resort in the Black Hills of South Dakota. For years, Terry Peak has been a winter-time destination enjoyed by individuals and families in South Dakota and out-of-state visitors. The resort is situated in Lawrence County, South Dakota, and is near the communities of Deadwood and Lead. Today, 90 percent of the resort's land is privately owned. Ten percent of the land is federally owned and administered by the Black Hills National Forest.

The land administered by the Black Hills National Forest comprises of approximately 41 acres and has been permitted to Terry Peak pursuant to section 3 of the National Forest Ski Area Permit Act of 1986. Substantial improvements unique to Terry Peak's operation, such as parking lots, chair lifts, and a ski lodge have also been made to the land.

These improvements, the relatively small size of the parcel of land, and the land's isolation make this exchange a sensible action. As it stands, the land is no longer useful for the mission of the Black Hills National Forest and results in significant administrative cost to the Forest Service.

As a result of these factors, the Forest Service in the Black Hills National

Forest engaged in conversations with officials of Terry Peak to consider the latter's acquisition of the 41-acre parcel administered by the Black Hills National Forest. These parties have spent a great deal of time and effort to construct the proposed transaction, ensure broad public support, and draft legislation agreeable to both parties to the transaction. The result of that hard work is found in the bill before the House today.

H.R. 2079 would require Terry Peak to pay full market value, as determined by the Secretary of Agriculture for the land. According to the report accompanying the bill, the sale of the land would generate approximately \$125,000 in offsetting receipts. The Black Hills National Forest could then use those receipts to acquire more useful lands from willing sellers and add those lands to the forest system.

The legislation, therefore, recognizes the benefits of the private interest, Terry Peak, and to the public interest, the Black Hills National Forest. Terry Peak and Black Hills National Forest would both be able to acquire land that is most useful and consistent with each entity's mission.

As the gentleman from Pennsylvania (Mr. SHERWOOD) indicated, the transaction does enjoy broad support from outside parties. The Black Hills Group of the Sierra Club, the Deadwood Area Chamber of Commerce, the Lawrence County Commissioners, the Lead Area Chamber of Commerce, the Terry Peak Lodge Homeowners Association, and the Terry Valley Landowners Association all support the transaction and have encouraged its completion.

Additionally, the Senate has before it a companion bill, S. 953, the Terry Peak Land Conveyance Act of 1999, which would achieve the same end.

Because the Forest Service does not have the administrative authority to convey the land to Terry Peak in the manner both parties wish, Congress must grant authority for the change. It is for that reason that I introduced the Terry Peak Land Transfer Act of 1999 and ask for my colleagues' support of the bill today.

Mr. Speaker, I would like to thank the gentlewoman from Idaho (Mrs. CHENOWETH), chairman of the Subcommittee on Forests and Forest Health; the gentleman from Washington (Mr. SMITH), the ranking member; as well as the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources; and the gentleman from California (Mr. GEORGE MILLER), ranking member, for taking quick action on this bill.

I again thank the gentleman from Pennsylvania (Mr. SHERWOOD) for yielding me this time today and the gentleman from Michigan (Mr. KILDEE) for working with us on this legislation.

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

Mr. SHERWOOD. 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 Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 2079.

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.

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area, as amended.

The Clerk read as follows:

H.R. 468

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saint Helena Island National Scenic Area Act".

SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) PURPOSE.—*The purposes of this Act are—*

(1) *to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan, and*

(2) *to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.*

(b) ESTABLISHMENT.—*For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this Act referred to as the "scenic area").*

(c) EFFECTIVE UPON CONVEYANCE.—*Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3948).*

SEC. 3. BOUNDARIES.

(a) SAINT HELENA ISLAND.—*The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.*

(b) BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.—*Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).*

(c) PAYMENTS TO LOCAL GOVERNMENTS.—*Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this Act shall be treated as entitlement lands.*

SEC. 4. ADMINISTRATION AND MANAGEMENT.

(a) ADMINISTRATION.—*Subject to valid existing rights, the Secretary of Agriculture (in this Act referred to as the "Secretary") shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this Act.*

(b) SPECIAL MANAGEMENT REQUIREMENTS.—*Within 3 years of the date of enactment of this Act, the Secretary shall seek to develop a management plan for the scenic area as an amendment to the land and resources management*

plan for the Hiawatha National Forest. Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) **PUBLIC ACCESS.**—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this Act.

(2) **ROADS.**—After the date of enactment of this Act, no new permanent roads shall be constructed within the scenic area.

(3) **VEGETATION MANAGEMENT.**—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) **MOTORIZED TRAVEL.**—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this Act.

(5) **FIRE.**—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary deems appropriate.

(6) **INSECTS AND DISEASE.**—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) **DOCKAGE.**—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) **SAFETY.**—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) **CONSULTATION.**—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 5. FISH AND GAME.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 7. ACQUISITION.

(a) **ACQUISITION OF LANDS WITHIN THE SCENIC AREA.**—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this Act.

(b) **ACQUISITION OF OTHER LANDS.**—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **ACQUISITION OF LANDS.**—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 7.

(b) **OTHER PURPOSES.**—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 4(b).

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

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

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

Mr. Speaker, H.R. 468, the Saint Helena Island National Scenic Area, was introduced by the gentleman from Michigan (Mr. KILDEE), our esteemed colleague. This legislation would establish the area known as the Saint Helena Island in the State of Michigan as a National Scenic Area to be included in the Hiawatha National Forest.

The owners of Saint Helena Island have put it up for sale, and legislation is necessary to preserve and protect its outstanding resources. The Subcommittee on Forests and Forest Health held a hearing on H.R. 468, and the bill was ordered favorably reported, as amended, from the Committee on Resources by voice vote.

I urge my colleagues to support passage of the Saint Helena Island National Scenic Area under suspension of the rules.

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

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

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

Mr. KILDEE. Mr. Speaker, on February 25, 1999, I introduced H.R. 468, the Saint Helena Island National Scenic Area Act, and I am pleased that several of my colleagues from Michigan from both parties joined me as cosponsors of this effort.

First of all, I would like to thank the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from Alaska (Mr. YOUNG) for their help in bringing H.R. 468 to the floor of the House. I also appreciate the work of the ranking members of the committees.

During committee consideration, I was pleased to work with both the majority and minority to make technical and clarifying amendments, and I believe this resulted in a good piece of legislation worthy of bipartisan support.

We have a wonderful opportunity to protect a beautiful island in the Straits

of Mackinac in Lake Michigan. Owned by willing sellers, Saint Helena Island is located approximately 2 miles from the northern shore of Lake Michigan with a beautiful view of Mackinac Bridge.

In addition, the Island contains a historic lighthouse which is listed on the National Register of Historic Places. The two acres on which the lighthouse sits were recently conveyed via quitclaim from the Coast Guard to the Great Lakes Lighthouse Keepers Association. This bill would authorize purchase of the remainder of the island.

My legislation is simple, Mr. Speaker. It authorizes the purchase of Saint Helena Island from the willing sellers, the Brown and Hammond families. The island would become part of the Hiawatha National Forest, which would manage the island as a National Scenic Area, and the island would be open to the public for recreational use.

The island's ecosystem is home to over 300 species of plants, almost a quarter of which are not native to Michigan. Numerous birds and animals can also be found on the island.

Saint Helena also has a rich history, Mr. Speaker, as it was once home to a small port that serviced ships passing through the Straits of Mackinac. Although no permanent residents live on the island today, Saint Helena acts as a classroom for school groups, scout troops, lighthouse enthusiasts, and other citizens attracted to its beauty and diverse ecosystem.

I look forward to working with members of both houses of Congress to ensure passage of this legislation into law.

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

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

Mr. Speaker, I would like to thank the gentleman from Michigan (Mr. KILDEE) for his bipartisan efforts to work for the common good and thank him for all of his help on our committee.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the legislation offered by my good friend and colleague from Flint, Michigan. As the Michigan Delegation's representative to the House Resources Committee, DALE KILDEE has been done a superb job as our advocate for better parks and recreational opportunities, while serving as a seasoned voice for strong natural resources policies.

It should be no surprise, then, that the House is today considering my colleague's bipartisan bill to establish the Saint Helena Island National Scenic Area in Lake Michigan. The need is simple: to preserve and protect a place along the Great Lakes' shores where all Americans can appreciate primitive recreation opportunities, fish and wildlife habitat, vegetation, and the historic and cultural resources of a small but unique island near the Straits of Mackinac.

The people of Michigan value greatly the natural heritage and rugged beauty of our Great Lakes shoreline, particularly in this quiet, peaceful part of what we affectionately refer to in my District up "Up North." The acquisition has the support of the current landowners and local government, and the U.S.

Forest Service has indicated it is prepared to manage the new Scenic Area once it is acquired. I have no doubt that Saint Helena is a wise investment by the Federal government for the preservation of a very special place, and the recreational enjoyment of this and future generations of Michiganders.

It is my hope that H.R. 468 will move swiftly to the President's desk, and that sufficient Land and Water Conservation funding will be found in the near future to secure this national treasure between our two peninsulas.

Mr. SHERWOOD. 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 Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 468, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SHERWOOD. 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. 1231, H.R. 2079, and H.R. 468.

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

There was no objection.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 1999

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2367) to reauthorize a comprehensive program of support for victims of torture, as amended.

The Clerk read as follows:

H.R. 2367

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 "Torture Victims Relief Reauthorization Act of 1999".

SEC. 2. FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2001, 2002, and 2003 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President \$10,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$10,000,000 for fiscal year 2003 to carry out section 130 of the Foreign Assistance Act of 1961.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

SEC. 3. DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to

carry out subsection (a) of section 5 of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152) \$10,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$10,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

SEC. 4. MULTILATERAL ASSISTANCE.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 2001, 2002, and 2003 for "Voluntary Contributions to International Organizations" pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated for a United States contribution to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the "Fund") the following amounts for the following fiscal years:

(1) FISCAL YEAR 2001.—For fiscal year 2001, \$5,000,000.

(2) FISCAL YEAR 2002.—For fiscal year 2002, \$5,000,000.

(3) FISCAL YEAR 2003.—For fiscal year 2003, \$5,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

SEC. 5. REPORTING REQUIREMENT.

Not later than 90 days after the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the specialized training for foreign service officers required by section 7 of the Torture Victims Relief Act of 1998 (Public Law 105-320). The Report shall include detailed information regarding—

(1) efforts by the Department of State to implement the specialized training requirement;

(2) the curriculum that is being used in the specialized training;

(3) the number of foreign service officers who have received the specialized training as of the date of the Report; and

(4) the nongovernmental organizations that have been involved in the development of the specialized training curriculum or in providing the specialized training, and the nature and extent of that involvement.

SEC. 6. TECHNICAL AMENDMENTS RELATING TO THE SECOND SECTION 129 OF THE FOREIGN ASSISTANCE ACT OF 1961.

(a) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—The second section 129 of the Foreign Assistance Act of 1961, as added by section 4(a) of the Torture Victims Relief Act of 1998 (Public Law 105-320), is redesignated as section 130.

(b) AMENDMENT TO TORTURE VICTIMS RELIEF ACT OF 1998.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 is amended by striking "section 129 of the Foreign Assistance Act of 1961, as added by subsection (a)" and inserting "section 130 of the Foreign Assistance Act of 1961 (as redesignated by section 6(a) of the Torture Victims Relief Reauthorization Act of 1999)".

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

□ 1600

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume to explain the bill.

I rise in strong support of H.R. 2367, the Torture Victims Relief Reauthorization Act. Let me point out to my colleagues that on June 29, the Subcommittee on International Relations and Human Rights held a hearing on U.S. policy toward the victims of torture. The testimony that was presented that day emphasized the continuing and compelling need for this legislation. Those who suffer the unspeakable cruelty of torture at the hands of despotic governments bear physical, emotional and psychological scars for the rest of their lives. Often, the ordeal of torture does not end with the victim's release from a gulag, laogai, or prison. Without professional help and rehabilitation, many torture victims will never get their lives back.

United States law, Madam Speaker, regarding torture victims took a giant step forward on October 30, 1998, with the enactment of Public Law 105-320, the Torture Victims Relief Act. I am proud to have been the principal sponsor of that act, which was cosponsored by 30 of our colleagues on both sides of the aisle. It authorized \$12.5 million over 2 years for assistance to torture victim treatment centers in the United States and another \$12.5 million for assistance to treatment centers in other countries around the world. It also authorized a U.S. contribution in the amount of \$3 million per year to the U.N. Voluntary Fund for Torture Victims. Finally, it required specialized training for State Department personnel in the identification of torture and its long-term effects, techniques for interviewing torture victims, and related subjects.

To continue the good work that that law began, I, along with the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), the gentlewoman from Georgia (Ms. MCKINNEY), our ranking member on the subcommittee, and the gentleman from California (Mr. LANTOS), introduced H.R. 2367, the Torture Victims Relief Act Reauthorization. It will extend and increase the authorizations of last year's act through fiscal year 2003.

For each of the 3 fiscal years it covers, the reauthorization act authorizes \$10 million for domestic treatment centers. The Center for Victims of Torture estimates that there are as many as 400,000 victims of foreign governmental torture in the United States. At present there are only 14 domestic treatment centers which are able to serve only a small fraction of the torture victim population here in this country. Because many of their clients do not have health insurance, the centers must bear most of the costs of treatment. Our hope is that the money authorized by H.R. 2367 will support these existing efforts and perhaps even enable the Department of Health and Human Services' Office of Refugee Resettlement to establish much needed new centers.

Madam Speaker, the bill also authorizes \$10 million per year for international treatment centers. According to the International Rehab Council for Torture Victims, the IRCT, the leading international nongovernmental organization engaged in treating victims of torture, \$33 million is needed in 1999 alone for international rehab centers. Currently there are about 175 torture victim treatment centers around the world.

The bill also authorizes \$5 million per year for a United States contribution to the U.N. Voluntary Fund for Victims of Torture. I am pleased to note that the administration greatly increased the U.S. contribution to the fund this year to \$3 million, the full level authorized by the Torture Victims Relief Act. We should continue this trend, and I believe we should expand our effort for this worthwhile multilateral effort.

Finally, the bill requires, as it did before, that the State Department report on its efforts to provide specialized training to foreign service officers, as mandated by the Torture Victims Relief Act. It is important that our personnel who deal with torture victims be able to identify evidence of torture and its long-term effects, and that they learn techniques for interviewing torture victims who may still be suffering trauma from their experiences.

At our recent subcommittee hearing, it became apparent that the State Department has not yet implemented the training required by the act. This reporting requirement will serve as a wake-up call to prompt the Department to fulfill its statutory obligations.

Madam Speaker, for the RECORD I am inserting correspondence between the gentleman from New York (Mr. GILMAN) and the gentleman from Virginia (Mr. BLILEY), of the Committee on Commerce, regarding the jurisdictional aspects of this bill, and I greatly appreciate the willingness of the gentleman from Virginia to accede to consideration of this measure on the suspension calendar. I hope all Members will support this legislation.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,

Washington, DC, September 17, 1999.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives.

DEAR TOM: I am writing to thank the Committee on Commerce for its willingness to waive consideration of H.R. 2367, the Torture Victims Relief Reauthorization Act of 1999. As you correctly note, the Committee on International Relations and the sponsors of the bill believe it is important to bring this legislation before the House as expeditiously as possible.

I am writing to confirm our understanding, upon which your agreement to waive Committee consideration of the bill was premised:

Although I am hopeful that the Senate will pass the bill as passed by the House, I agree to support the appointment of Commerce Committee conferees, should a conference be convened on this legislation.

I will gladly include your September 10, 1999 letter as part of the record during consideration of the bill by the House.

Thank you again for your prompt attention to this time-sensitive matter. Do not hesitate to contact me with any additional questions or suggestions you may have.

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 10, 1999.

Hon. BENJAMIN A. GILMAN,
Chairman, House Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR BEN: On September 9, 1999, the Committee on International Relations ordered reported H.R. 2367, the Torture Victims Relief Reauthorization Act of 1999. H.R. 2367, as ordered reported by the Committee on International Relations, reauthorizes programs for the support and treatment of torture victims through a variety of sources. As you know, the Committee on Commerce was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction over health and health facilities under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner and will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 2367. In addition, the Committee on Commerce reserves its authority to seek conferees on any provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Committee on Commerce for conferees on H.R. 2367 or related legislation.

I request that you include this letter as a part of your committee's report on H.R. 2367 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.

Madam Speaker, I reserve the balance of my time.

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

This is a very serious subject we are addressing this afternoon, and I just want to say for the record that I was supportive of my friend from New Jersey's request for additional time. I am glad, however, that we will not have to use that, for the sake of the other business here today.

Madam Speaker, I rise in strong support of H.R. 2367, and I just want to address the House for a number of minutes. The legislation before the House today authorizes critically important domestic and international programs that provide relief to victims of torture. Specifically, the bill increases from \$7.5 million to \$10 million the annual authorization for AID to provide assistance to treatment centers and programs in foreign countries regarding the physical and psychological rehabilitation of victims of torture.

These funds support programs in countries like South Africa, Liberia, and Rwanda that meet the medical and psychological needs of traumatized and tortured civilians. This assistance has been particularly important to the children of Africa, because many of them have witnessed or experienced unspeakable horrors as child soldiers in the civil strife that has wracked these countries.

USAID is also training health providers and trauma counselors to deal with the enormous psychological and medical needs in Kosovo. One of the most devastating accounts was that of an 8-year-old boy in Kosovo who was forced to listen to the screams of his 2-year-old sister as she was burned alive when the Serbs set fire to his house after killing the rest of his family. He was unable to help his younger sister because the Serbs had shot him also.

The legislation also increases from \$7.5 million to \$10 million the annual authorization for HHS to provide relief activities domestically. The U.S. is working to meet the needs of refugee survivors of torture living in the United States by training community service providers who work with refugees to recognize survivors of torture and provide appropriate mental health referrals for them.

This bill also increases the annual authorization for the U.S. contribution to the U.N. Voluntary Fund for Victims of Torture from \$3 million a year to \$5 million. In recent years, the United States has been the single largest contributor to the United Nations Voluntary Fund, established by the U.N. General Assembly in 1981. The U.N. fund provides worldwide humanitarian assistance to meet the medical and psychological needs of torture victims and their families.

One center receiving assistance from the U.N. fund is the Center for Victims of Torture based in Minnesota. This center established an innovative training program for school teachers whose students are survivors of torture or

who have family members who are survivors. There are now nearly 200 centers supported by the U.N. fund working to meet the unique needs of survivors of torture around this world.

Finally, the legislation expresses the sense of Congress that the United States should support, one, the U.N. Voluntary Fund to find new ways to rehabilitate victims of torture; two, the work of the Special Rapporteur on Torture and Committee Against Torture; and, three, the establishment of a country rapporteur or similar mechanism to investigate human rights violations in any country that has been found to have a systematic practice of torture.

The United States has been in the forefront of providing assistance to torture victims, including through the many centers in the United States that address the dreadful effect of these barbarous practices. This legislation will ensure that the U.S. continues to play this vital leadership role.

While it is unusual for Congress to authorize funds in advance, as this bill does, it will send a message that this committee believes that a stable funding base is necessary for these important programs to work and to continue.

Madam Speaker, let me add that it is unfortunate that this legislation is needed at the dawn of the year 2000 in the 21st century; that humankind can be as cruel today in many respects as it was during the time of the Spanish inquisition and Nazi Germany, when torture became institutionalized. Hot spots today include Rwanda, Burundi, Algeria, Colombia, Kosovo, East Timor, just to mention a few. And they are not just governments, but militias and rebel groups that are also involved in acts of torture. They are engaging in torture to produce a political outcome beneficial to their cause.

Madam Speaker, I urge my colleagues to support H.R. 2367; and I thank my good friend, the gentleman from New Jersey (Mr. SMITH), for his work on this legislation; the gentleman from New York (Mr. GILMAN) for his work, our ranking member, the gentleman from New Jersey (Mr. GEJDENSON), the gentleman from California (Mr. LANTOS), and the many, many others who were involved in creating this legislation and seeing it pass today.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume, and I want to thank my good friend from New York for his excellent statement and his good work on the subcommittee.

I would like to point out, Madam Speaker, that it is not the intention of the supporters, the prime sponsor of the bill or anyone else that this legislation should result in any decrease whatsoever in the resources available to other programs of the Office of Refugee Resettlement.

I would also note for the Record that Lavinia Limon, Director of the Office

of Refugee Resettlement, is doing an outstanding job. She testified before our subcommittee. She did the work at Fort Dix as the ethnic Albanians were making their way during the Kosovo crisis.

We have to make sure that the money that is available by way of HHS, that the money be found so that this is not a zero-sum game. We have to make sure, and I would encourage our appropriators to make sure, that this money is in addition to and does not take away from the other good work that the Office of Refugee Resettlement does.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H.R. 2367—the Torture Victims Relief Reauthorization Act of 1999. I am pleased to be a cosponsor of this legislation.

First, Mr. Speaker, I want to pay tribute to our distinguished colleague and my friend, the gentleman from New Jersey, Congressman, CHRIS SMITH. He has shown outstanding leadership on this issue, and I want to express my appreciation to him for the direction and focus he has given this important legislation.

It is critical that we continue this program to provide assistance to the unfortunate individuals who have been victims of torture. I am pleased that our country has been in the forefront in providing assistance to those who suffer from these barbarous practices.

Mr. Speaker, while it is unusual to provide in legislation authorizing funds in advance as this bill does, it is important to send the message that the Congress believes that a stable funding base is essential for these important programs to assist the unfortunate victims of torture.

Mr. Speaker, this legislation authorizes a number of critically important domestic and international programs to provide relief to the victims of torture. The bill increases from \$7.5 million to \$10 million the annual authorization for the Agency for International Development (AID) to provide assistance to treatment centers and programs in foreign countries which deal with physical and psychological rehabilitation of victims of torture. The legislation also authorizes five million dollars in contributions to the U.N. Voluntary Fund for the Victims of Torture, an increase from the three million which is currently authorized.

Just a few weeks ago, Mr. Speaker, I hosted a reception here on Capitol Hill honoring Dr. Inge Genefke and the Center for the Victims of Torture. In 1979 Dr. Genefke established a clinic in her native Copenhagen, Denmark, which was the first such facility anywhere in the world devoted specifically to treating victims of torture. Now, I am happy to report, that facilities exist in a number of countries—including several in our own country—which provide this kind of specialized medical care. It is very reassuring to see the progress that is being made in dealing with the tragic victims of repressive regimes which carry out or tolerate this horrendous violation of human rights.

This legislation is important in our stand for human rights, Mr. Speaker, and I strongly urge my colleagues to vote for it.

Mr. GILMAN. Madam Speaker, I want to commend Chairman SMITH and the Ranking Minority Member Ms. MCKINNEY of the Subcommittee on International Operations and Human Rights for crafting this timely initiative

which addresses a critical area of our efforts to combat human rights abuses—treatment of those individuals who have suffered the effects of torture at the hands of governments as a means of destroying dissent and opposition.

The resolution rightly recognizes the importance of treating victims of torture in order to combat the long-term devastating effects that torture has on the physical and psychological well-being of those who have undergone this pernicious form of abuse. Torture is an extremely effective method to suppress political dissidence, and for those governments which lack the legitimacy of democratic institutions to justify their power, torture can provide a bulwark against popular opposition.

This measure authorizes funding at the level of \$10 million a year for the next three fiscal years for treatment centers in the United States and overseas. It also authorizes the State Department to contribute \$5 million in fiscal years 2001, 2002 and 2003 to the United Nations Voluntary Fund for Victims of Torture.

Political leaders of undemocratic societies still find torture useful because its aims are the destruction of the personality. It attempts to rob those individuals who would actively involve themselves in opposition to oppress their self-confidence and other characteristics that produce leadership. I quote from a speech by Dr. Inge Genefke, who is a founder of the international treatment movement, "Sophisticated torture methods today can destroy the personality and self-respect of human beings. . . . Many victims are threatened with having to do or say things against his ideology or religious convictions, with the purpose of attacking fundamental parts of the identity, such as self-respect and self-esteem. Torturers today are able to create conditions which effectively break down the victim's personality and identity and his ability to live a full life later with and amongst other human beings."

Accordingly, I urge all my colleagues to join in approving this legislation.

Mr. HOYER. Mr. Speaker, I rise in strong support for H.R. 2367, the Torture Victims Relief Act reauthorization.

I also want to commend my colleagues, Representative CHRIS SMITH and Representative JOSEPH CROWLEY, who serve on the International Relations Committee, for bringing this bill to the floor, today.

The Center for Victims of Torture is one of over 175 centers which treats and supports victims of politically-motivated torture. It was established in 1985 and is the first of its kind in the United States.

The Center helps to rehabilitate survivors by addressing their physical and psychological needs in order to reintegrate them back into society. The treatment program assists their families who also suffer the effects of the torture. They have provided services for survivors from more than 45 countries and all continents. And the center treats American victims of torture overseas.

According to the Center for Victims of Torture, "The debilitating nature of torture makes it extremely difficult for survivors to hold down jobs, study for new professions, or acquire other skills needed for a successful integration into the culture and economy. Torture is a crime against humanity; as a strategic tool of repression, it is the single most effective weapon against democracy. Its purpose is to

control populations by destroying individual leaders and frightening entire communities. Torture is rarely used to extract information from someone."

I am a strong supporter of this program and am pleased that both the House and the Senate Foreign Operations Appropriations bills have provided \$3 million for the United Nations Voluntary Fund for Victims of Torture and \$7.5 million for the Foreign Treatment Centers for Torture Victims.

As a member of the Labor, HHS Appropriations Subcommittee, I am hopeful that once we draft our legislation, it will reflect the President's FY 2000 request of \$7.5 million for Domestic Centers for Victims of Torture.

John F. Kennedy once said, "I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for victories or defeats in battle or in politics, but for our contribution to the human spirit." This program does just that. It works to rebuild the human spirit that was broken as an act of war and repression.

Again, Mr. Speaker, I support this legislation and encourage full funding for these programs. Because democracy is neither easy nor simple. It is, however, a goal that we must boldly pursue.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. R. 2367.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2367, 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.

GRANTING CONSENT OF CONGRESS TO MISSOURI-NEBRASKA BOUNDARY COMPACT

Mr. GEKAS. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 54) granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

The Clerk read as follows:

H. J. RES. 54

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Missouri-Nebraska Boundary Compact entered into between the States of Missouri and Nebraska. The compact reads substantially as follows:

"MISSOURI-NEBRASKA BOUNDARY COMPACT

"ARTICLE I

"FINDINGS AND PURPOSES

"(a) The states of Missouri and Nebraska find that there are actual and potential disputes, controversies, criminal proceedings and litigation arising or which may arise out of the location of the boundary line between the states of Missouri and Nebraska; that the Missouri River constituting the boundary between the states has changed its course from time to time, and that the United States Army Corps of Engineers has established a main channel of such river for navigation and other purposes, which main channel is identified on maps jointly certified by the state surveyors of Missouri and Nebraska and identified as the "Missouri-Nebraska Boundary Maps", which maps are incorporated in this act and made part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska.

"(b) It is the principal purpose of the states of Missouri and Nebraska in executing the compact to establish an identifiable compromise boundary between the state of Missouri and the state of Nebraska for the entire distance thereof as of the effective date of the compact without interfering with or otherwise affecting private rights or titles to property, and the states of Nebraska and Missouri declare that further compelling purposes of the compact are—

"(1) to create a friendly and harmonious interstate relationship;

"(2) to avoid multiple exercise of sovereignty and jurisdiction including matters of taxation, judicial and police powers and exercise of administrative authority;

"(3) to encourage settlement and disposition of pending litigation and criminal proceedings and avoid or minimize future disputes and litigation;

"(4) to promote economic and political stability;

"(5) to encourage the optimum mutual beneficial use of the Missouri River, its waters and its facilities;

"(6) to establish a forum for settlement of future disputes;

"(7) to place the boundary in a location which can be identified or located; and

"(8) to express the intent and policy of the states that the common boundary be established within the confines of the Missouri River and both states shall continue to have access to and use of the waters of the river.

"ARTICLE II

"ESTABLISHMENT OF BOUNDARY

"The permanent compromise boundary line between the states of Missouri and Nebraska shall be fixed at the center line of the main channel of the Missouri River as of the effective date of the compact, except for that land known as McKissick's Island as determined by the Supreme Court of the United States to be within the state of Nebraska in the case of *Missouri v. Nebraska*, 196 U.S. 23, and 197 U.S. 577, all of which is identified on maps jointly prepared and certified by the state surveyors of Missouri and Nebraska and identified as the "Missouri-Nebraska Boundary Compact Maps", incorporated in this act and made a part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska. This center line of the main channel of the Missouri River between the states is also described in this act by metes and bounds on the "Missouri-Nebraska Boundary Compact Maps" incorporated in this act by reference and made a part of this act. This center line of the main channel of the Missouri River as described on such maps shall be referred to as the 'compromise boundary'.

"ARTICLE III

"RELINQUISHMENT OF SOVEREIGNTY

"The state of Missouri hereby relinquishes to the state of Nebraska all sovereignty over all lands lying on the Nebraska side of such compromise boundary and the state of Nebraska hereby relinquishes to the state of Missouri all sovereignty over all lands lying on the Missouri side of such compromise boundary except for that land known as McKissick's Island which is identified on the "Missouri-Nebraska Boundary Compact Maps" incorporated in this act by reference and made a part of this act.

"ARTICLE IV

"PENDING LITIGATION

"Nothing in the act shall be deemed or construed to affect any litigation pending in the courts of either of the states of Missouri or Nebraska as of the effective date of the compact concerning the title to any of the lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska or by the state of Nebraska to the state of Missouri and any matter concerning the title to lands, sovereignty over which is relinquished by either state to the other, may be continued in the courts of the state where pending until the final determination thereof.

"ARTICLE V

"PUBLIC RECORDS

"(a) The public record of real estate titles, mortgages and other liens in the state of Missouri to any lands, the sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Missouri, by the courts of the state of Nebraska.

"(b) The public record of real estate titles, mortgages and other liens in the state of Nebraska to any lands, the sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Nebraska, by the courts of the state of Missouri.

"(c) As to lands, the sovereignty over which is relinquished, the recording officials of the counties of each state shall accept for filing documents of title using legal descriptions derived from the land descriptions of the other state. The acceptance of such documents for filing shall have no bearing upon the legal effect or sufficiency thereof.

"ARTICLE VI

"TAXES

"(a) Taxes lawfully imposed by either Missouri or Nebraska may be levied and collected by such state or its authorized governmental subdivisions and agencies on land, jurisdiction over which is relinquished by the taxing state to the other, and any liens or other rights accrued or accruing, including the right of collection, shall be fully recognized and the county treasurers of the counties or other taxing authorities affected shall act as agents in carrying out the provisions of this article; provided, that all liens or other rights arising out of the imposition of taxes, accrued or accruing, shall be claimed or asserted within five years after the compact becomes effective and if not so claimed or asserted shall be forever barred.

"(b) The lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall not thereafter be subject to the imposition of taxes in the state of Missouri from and after the effective date of the compact. The lands, sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall not

thereafter be subject to the imposition of taxes in the state of Nebraska from and after the effective date of the compact.

“ARTICLE VII
“PRIVATE RIGHTS

“(a) The compact shall not deprive any riparian owner of such riparian owner's rights based upon riparian law and the establishment of the compromise boundary between the states shall not in any way be deemed to change or affect the boundary line of riparian owners along the Missouri River as between such owners. The establishment of the compromise boundary shall not operate to limit such riparian owner's rights to accretions across such compromise boundary.

“(b) No private individual or entity claims of title to lands along the Missouri River, over which sovereignty is relinquished by the compact, shall be prejudiced by the relinquishment of such sovereignty and any claims or possessory rights necessary to establish adverse possession shall not be terminated or limited by the fact that the jurisdiction over such lands may have been transferred by the compact. Neither state will assert any claim of title to abandoned beds of the Missouri River, lands along the Missouri River, or the bed of the Missouri River based upon any doctrine of state ownership of the beds or abandoned beds of navigable waters, as against any land owners or claimants claiming interest in real estate arising out of titles, muniments of title, or exercises of jurisdiction of or from the other state, which titles or muniments of title commenced prior to the effective date of this compact.

“ARTICLE VIII
“READJUSTMENT OF BOUNDARY BY
NEGOTIATION

“If at any time after the effective date of the compact the Missouri River shall move or be moved by natural means or otherwise so that the flow thereof at any point along the course forming the boundary between the states occurs entirely within one of the states, each state at the request of the other, agrees to enter into and conduct negotiations in good faith for the purpose of readjusting the boundary at the place or places where such movement occurred consistent with the intent, policy and purpose hereof that the boundary will be placed within the Missouri River.

“ARTICLE IX
“EFFECTIVE DATE

“(a) The compact shall become effective on the first day of January of the year after it is ratified by the general assembly of the state of Missouri and the legislature of the state of Nebraska and approved by the Congress of the United States.

“(b) As of the effective date of the compact, the state of Missouri and the state of Nebraska shall relinquish sovereignty over the lands described in the compact and shall assume and accept sovereignty over such lands ceded to them as provided in the compact.

“(c) In the event the compact is not approved by the general assembly of the state of Missouri and the legislature of the state of Nebraska on or before October 1, 1999, and approved by the Congress of the United States within three years from the date of such approval, the compact shall be inoperative and for all purposes shall be void.

“ARTICLE X
“ENFORCEMENT

“Nothing in the compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction, for the protection of any right under the compact or the enforcement of any of its provisions.

“ARTICLE XI
“AMENDMENTS

“The compact shall remain in full force and effect unless amended in the same manner as that by which it was created.”

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the 2 states.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Missouri (Ms. DANNER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GEKAS. Madam 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 joint resolution presently under consideration, H.J. Res. 54.

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

There was no objection.

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

This resolution, I say to the Members, is an exercise of constitutional authority, really a constitutional mandate. When two States, two or more States, enter into agreements in their mutual interest, those kinds of agreements, the compact, must gain the approval of the Congress. That was a salient feature of our constitutional process from the very beginning, and we find ourselves here today in sorting out the difference that existed between the mindsets in Missouri and Nebraska on an avulsion and accretion of the Missouri River which affected their boundaries.

The Congress has reviewed it, held hearings on it in our committee, and we are prepared today to signify the Congress' approval of the compact entered into by the legislatures of the States of Missouri and Nebraska.

□ 1615

This problem, as I understand it, will be more fully explained by the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from Missouri (Ms. DANNER). But this does date back historically, and would I like the record to completely reflect the fact that Lewis and Clark were the first to

observe the problem that the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from Missouri (Ms. DANNER) are fixing today.

Madam Speaker, I reserve the balance of my time.

Ms. DANNER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Joint Resolution 54.

(Ms. DANNER asked and was given permission to revise and extend her remarks.)

Ms. DANNER. Madam Speaker, in 1864, the poet Longfellow wrote “All things come round to him who will but wait.” Well, those are prophetic words for me because I have, first as a Missouri State senator and now as a Member of Congress, waited 7 years for this agreement on the exact location of the boundary between our States of Missouri and Nebraska.

More importantly, the people of Missouri and Nebraska have waited patiently, or I should say perhaps impatiently, since the 1930s, when the Army Corps of Engineers straightened and channelized the Missouri River and disputes over the proper border began to emerge.

Despite a number of costly court efforts, the exact location of the border could not be agreed upon; and, so for decades both Missouri and Nebraska considered land compact legislation to resolve an issue that had plagued both our States since the last century.

However, each time one State adopted a version, the other State would refuse to accept that version. Thus, as a State senator, after hearing from many of my constituents who were facing taxation by both Missouri and Nebraska, I sponsored legislation in the Missouri Senate creating the Missouri Boundary Commission which was charged with resolving this matter.

Subsequently, the Missouri Boundary Commission, joined by the Nebraska Boundary Commission, reached the agreement that is before us in the House of Representatives today.

In July of this year, the Missouri Department of Natural Resources completed the survey of the new border and the State of Nebraska has seen and approved this survey. This new boundary will follow the centerline of the Missouri River design channel with the exception of an area of land known as McKissick's Island, which is east of the Missouri but has been ruled part of Nebraska by the Supreme Court of the United States. Now that Missouri and Nebraska have agreed on the exact border, all that remains is congressional approval and the matter will be finally settled.

This legislation reflects not only the joint effort of the Missouri and Nebraska legislatures but the cooperation between the gentleman from Nebraska (Mr. BEREUTER) and me. Our bipartisan approach and our commitment to working together has ensured the rapid movement of this bill, which will result

in many benefits for the affected citizens of our respective States.

Thus, I wish to thank the congressman, the members of the Missouri and Nebraska Boundary Commissions, and all those who have been involved in implementing this compact.

Today I am very hopeful that the waiting Mr. Longfellow spoke of so many, many years ago will result in the passage of House Joint Resolution 54.

Madam Speaker, I reserve the balance of my time.

Mr. GEKAS. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Madam Speaker, I want to thank the gentleman for yielding me this time.

Madam Speaker, I rise in support, of course, of H.J. Res. 54.

I would like to begin by expressing my appreciation to the chairman of the committee, the gentleman from Illinois (Mr. HYDE), and the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the committee, but especially to the gentleman from Pennsylvania (Chairman GEKAS) for expediting this legislation as well as the ranking member, the gentleman from New York (Mr. NADLER).

This Member is pleased to be a cosponsor of this legislation which was introduced by our distinguished colleague, the gentleman from Missouri (Ms. DANNER). I have heard about her long experience with this legislation, beginning as a State senator.

The land affected is exclusively in the congressional district of the gentleman and this Member. I appreciate the kind of cooperation and good spirit and reliability and good humor and everything else about the gentleman in moving ahead with this problem. And I look forward to cooperating with her on the improvement of the Rulo Bridge, as a matter of fact, between our districts.

House Joint Resolution 54 will provide, as the chairman indicated, approval of the land compact which was previously approved by the State legislatures of Missouri and Nebraska. The only exception, which will be on the other side of the river, will be McKissick's Island, which, as the gentleman has mentioned, has already been spoken to by the U.S. Supreme Court.

I think this is likely to be the last time that this issue needs to come before the Congress because of the stabilization and the channels work that has been completed by the Corps of Engineers.

The problems necessitating this compact have been around for a long time. As observed by Lewis and Clark, they saw how reckless and rambunctious the Missouri River was in moving around

its channel during the spring rise and the winter flood season as it broke into spring.

I would think that there is a sense of urgency because of the confusion regarding taxation of farmland into the disputed areas. In some cases, farmers and other landowners are receiving tax notices from both States. With the agriculture community facing such times, the last thing a farmer needs is to pay taxes twice or to be charged, at least, twice.

This summer I held a town hall meeting in Fall City, Nebraska, one of the counties on the Missouri River border. And the superintendent of schools of the Fall City Public School District came to me and objected to the legislation. Indeed, in this land swap arrangement, some political subdivisions, some school districts, some counties, some other types of political subdivisions will be winners in terms of valuation, real estate added or subtracted, and some are losers. According to the superintendent, Fall City is a loser.

But it is an issue which the Nebraska legislature has concentrated their attention and finally taken action, in concert with similar action that had taken place over in Jefferson City.

I would say to this distinguished superintendent of schools that he needs to go to his State senator, possibly to Senator Wehrbein, the sponsor of the legislation, State Senator Wehrbein, and seek legislative redress if in fact the Fall City public schools is a substantial loser in terms of valuation for that district.

I believe the resolution is there. The Nebraska legislature spoke unequivocally on this issue, and it is our responsibility, I think, to discharge the remaining constitutional requirements.

The people of Nebraska and Missouri will have occasional disagreements about important matters, such as football and baseball, and they will be playing that out in a stadium this week in Columbia. But with enactment of H.J. Res. 54, at long last, at least we are going to have solved the boundary dispute to the satisfaction of both State governments.

Again, I thank the chairman for expediting legislation. I thank my distinguished colleague for her crucial role in the Missouri legislature and here in the House. I urge my colleagues to support H.J. Res. 54.

The center of the Missouri River formed the original boundary between Nebraska and Missouri. However, the boundary disputes originated from the shifting Missouri River which cut new channels and created avulsions. This natural process was greatly halted when the U.S. Army Corps of Engineers began efforts to stabilize the river in the 1930s. Since then, the river has generally maintained its current channel.

The problems necessitating this compact have been around for decades and it is now time to settle this troublesome matter. This Member also believe there is a renewed sense of urgency because of the confusion regarding the taxation of farmland in the dis-

puted areas. In some cases, farmers are receiving tax notices from both Nebraska and Missouri. With the agricultural community facing such difficult economic times, the last thing a farmer needs is to pay taxes twice on the same land.

In addition to taxation concerns, there are also jurisdictional problems related to law enforcement and the delivery of services. It is currently possible, for example, that because of jurisdictional uncertainties, an individual could escape punishment if a crime is committed in the disputed areas. Clearly, these are serious problems that would be resolved by this legislation.

In certain cases, costly litigation is needed to determine the true and correct boundary line. In some instances, a Missouri court may determine that the land should be located in Missouri, while a Nebraska court will find that the same land belongs to Nebraska. It is in the best interests of both states, as well as those landowners affected by this uncertainty, to have these disputes handled in a formal manner which makes sense. The compact is intended to do just that.

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

Mr. GEKAS. Madam Speaker, I yield myself such time as I may consume only to add a note to the CONGRESSIONAL RECORD that in this and many other issues that come before our committee our legal staff, Ray Smitanka and Jim Harper, Susan Conklin, and others have helped immensely from beginning to end. I want, in his absence, to also commend Demetrios Kouzoukas, who acted as and was an intern in our office and worked specifically on this piece of legislation, and I want the RECORD to indicate our gratitude to him for his efforts there.

I urge support and passage of this legislation.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the joint resolution, H.J. Res. 54.

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

A motion to reconsider was laid on the table.

CONSENT OF CONGRESS TO BOUNDARY CHANGE BETWEEN GEORGIA AND SOUTH CAROLINA

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 62) to grant the consent of Congress to the boundary change between Georgia and South Carolina

The Clerk read as follows:

H.J. RES. 62

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent of Congress is given to the establishment of the boundary between the States of Georgia and South Carolina.

(b) NEW BOUNDARY.—The boundary referred to in subsection (a) is the boundary—

(1) agreed to by the State of Georgia in Act Number 1044 (S.B. No. 572) approved by the Governor on April 5, 1994, and agreed to by the State of South Carolina in Act Number 375 (S.B. No. 1315) approved by the Governor on May 29, 1996;

(2) agreed to by the State of Georgia in Act Number 1044 (S.B. No. 572) approved by the Governor on April 5, 1994, and agreed to by the State of South Carolina in an Act approved by its Governor not later than 5 years after the date of the enactment of this joint resolution;

(3) agreed to by the State of South Carolina in Act Number 375 (S.B. No. 1315) approved by the Governor on May 29, 1996, and agreed to by the State of Georgia in an Act approved by its Governor not later than 5 years after the date of the enactment of this joint resolution; or

(4) agreed to by the States of Georgia and South Carolina in Acts approved by each of their Governors not later than 5 years after the date of enactment of this joint resolution.

(c) COMPACT.—The Acts referred to in subsection (b) are recognized by Congress as an interstate compact pursuant to section 10 of article I of the United States Constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Missouri (Ms. DANNER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GEKAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.J. Res. 62.

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

There was no objection.

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

Just as in the previous matter, we are given the duty and responsibility now of giving our stamp of approval to the States of Georgia and South Carolina to an agreement that they have reached relative to a boundary problem that has existed for a long time between those two States. This goes back, as I understand it, historically to the Beaufort Convention of 1787, even before the Constitution as we now know it came into existence.

But, in any event, whatever the nature of those disputes were, we have come to a point now where, in seeking the approval of the Congress, those two States are conforming to the constitutional process and we find no impediment at all in granting consent by the Congress to those two States for the proposition which they have brought to us.

More fully will be discussed, I am certain, this whole set of circumstances by the gentleman from Georgia (Mr. LINDER).

Ms. DANNER. Madam Speaker, I yield myself such time as I may consume.

(Ms. DANNER asked and was given permission to revise and extend her remarks.)

Ms. DANNER. Madam Speaker, I rise in support of H.J. Res. 62. With this legislation, we fulfill our constitutional obligation to review and grant our consent to compacts between States.

I will not belabor the details of this matter. They will be more fully stated by my colleague from Georgia.

The States of Georgia and South Carolina have worked out their border dispute to their mutual satisfaction, and it deserves our support.

The bill was reported by the Committee on the Judiciary by unanimous consent, and I am aware of no opposition.

I urge the adoption of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. GEKAS. Madam Speaker, I yield such time as he might consume to the gentleman from Georgia (Mr. LINDER).

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

Madam Speaker, I appreciate this opportunity to speak to my colleagues on House Joint Resolution 62, a resolution to ratify an interstate compact that corrects a long-standing border dispute between the States of Georgia and South Carolina.

It is not every day that Congress deals with borders between States. Sometimes it seems that borders are some of the only constants in the changing social and political landscape of America.

Nevertheless, Georgia and South Carolina come to Congress today to settle a dispute that has gone as high as the United States Supreme Court concerning their common border where the Savannah River meets the sea.

The issue at hand is essentially a product of time and geography. The original line between the States was set in 1787 at the Beaufort Convention. Much of the interior of the two States had not been surveyed, and officials had not even dreamed of the precise coordinate systems of today.

Therefore, the delegates to the Convention used the natural landmarks they have available and set the boundary as the northern branch of the Savannah River, reserving all islands to Georgia. This line has stood in question for 140 years until 1922, when the Supreme Court clarified the line in a case between Georgia and South Carolina involving the stage of the river that should be used to determine the boundary.

In this decision, the Court stated that where there were islands in the Savannah River, the boundary would fall at the midpoint between the island's bank and the South Carolina bank at normal stage. Where there were no islands, the border would fall at the midpoint between the two banks at normal stage.

In the years following this decision, the obvious question arose concerning

whether islands that had formed since the Beaufort Convention automatically belong to Georgia or to the State in whose territory the islands would have fallen at the time of the Convention.

Dredging performed by the Army Corps of Engineers in the Savannah River and additional questions involving the mouth of the river further complicated the border dispute.

The expansion of the Port of Savannah and the economic interests in the region began to be disrupted by the confusion.

□ 1630

Finally, Madam Speaker, in 1990 the Supreme Court decided the issue by assigning the particular set of islands in dispute, the Barnwell Islands, to South Carolina. Further, the Court found that the Beaufort Convention did not control the islands formed in the river since its ratification. The Court directed the States to draw up new boundary agreements based on these principles. The two States have worked with the National Oceanic and Atmospheric Administration, using the best mapping and surveying equipment available to set a boundary that is in keeping with the Court's findings.

It is this new agreement that we bring before the House today. H.J. Res. 62 ratifies the boundary agreed upon by both States and codified into law by both State legislatures. The line runs roughly along the center of Savannah River and incorporates the findings of the Supreme Court in its latest decision. I understand that there are some discrepancies between the authorizing bills from the two States, but I believe that this resolution will allow Congress to approve the agreement while giving the States the flexibility to make any final corrections that may be necessary.

I would like to thank the gentleman from Pennsylvania (Mr. GEKAS) for his hard work on this legislation and the gentlewoman from Missouri (Ms. DANNER). This joint resolution satisfies the Constitution's requirement that Congress ratify all interstate compacts. I hope that the House will look favorably on our States' efforts to legally clarify our borders using today's sophisticated mapping technology, and I appreciate this opportunity to address the Nation that uniquely affects the people of my State.

Ms. DANNER. Madam Speaker, I yield myself such time as I may consume.

In closing, I would like to add my personal appreciation, vote of thanks, to the gentleman from Pennsylvania (Mr. GEKAS). As my colleagues know, a number of people are not involved, and this legislation is perhaps not terribly important to great numbers of people, millions of people, but to those people to whom this does apply this is a very important piece of legislation, and I want to express publicly my appreciation to the chairman of the committee for all he has done to bring this bill

forward in such a timely manner; and we are deeply appreciative, and we thank you so much.

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

Mr. GEKAS. Madam Speaker, I yield myself such time as I might consume only to allow the RECORD to reflect that we also appreciate the efforts of the gentleman from New York (Mr. NADLER), the ranking minority member on our committee, who helped to shepherd this whole issue to both the hearing stage in our subcommittee and to the point where we now seek the final approval of the Congress of the compact in question, and also to David Lachman and to other staff members, some of whom are better known than others to us, but nevertheless to whom we are all grateful.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the joint resolution, H.J. Res. 62.

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

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON
H.R. 2084, DEPARTMENT OF
TRANSPORTATION AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2000

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2084, be instructed to provide maximum funding, within the scope of conference, for the functions and operations of the Office of Motor Carriers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. SABO) and the gentleman from Virginia (Mr. WOLF) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

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

Mr. Speaker, this motion is very straightforward. The House bill includes \$70.484 million for the functions and operations of the Office of Motor Carriers. Senate bill provides \$57.418 million, and this motion to instruct simply instructs the House conferees to provide the maximum amount possible for motor carrier safety operations.

Mr. Speaker, I want to particularly commend the gentleman from Virginia (Mr. WOLF), the chair of the subcommittee, for his ongoing effort to make sure that we maximize our ability to monitor and inspect and make sure we have the safest motor vehicle safety program in this country and in particular his focus on drug safety, and I commend his leadership, and I just think we should follow his leadership and provide the funding that is provided in the House bill.

Mr. Speaker, this Motion to Instruct is very straightforward. The House bill includes \$70.484 million for the functions and operations of the Office of Motor Carriers. The Senate bill provides \$57.418 million. This Motion to Instruct simply instructs the House conferees to provide the maximum amount possible for motor carrier safety operations.

Mr. Speaker, I want to commend the gentleman from Virginia, Mr. WOLF, for his efforts over the past two years in shining a bright light on the serious deficiencies in the Department of Transportation's oversight of truck safety. Nearly every driving American has had the unpleasant experience of looking in his or her rear view mirror at a very large truck speeding down the highway.

Nearly 5,400 deaths occurred from large truck accidents in 1997—the most recent year available. This is the equivalent of a major airline crash with 200 fatalities every 2 weeks. And, regardless of the cause of these accidents, it is nearly always the occupant in the car involved that loses.

One out of every four large trucks that get inspected each year are so unsafe that they are pulled off the roads. That is the safety record of those trucks that are inspected—a large number are never even inspected.

Over 6,000 motor carriers received a less than satisfactory safety rating between 1995 and 1998 and many of these carriers continue to operate.

The number of compliance reviews OMC performed has declined by 30% since FY 1995, even though there has been a 36% increase in the number of motor carriers over this period. Nearly 250 high-risk carriers recommended for a compliance review in March 1998 did not receive one.

Only 11% of more than 20,000 motor carrier violations in 1998 resulted in fines, and the average settlement per enforcement case decreased from \$3,700 to \$1,600 from 1995 to 1998.

The General Accounting Office and the DOT Inspector General have issued several highly critical reports on the Motor Carrier Office. A third independent review commissioned by the Department of Transportation and led by former Congressman Norm Mineta also concluded that DOT motor carrier safety operations need to be improved and more effectively managed.

Mr. Speaker, this Motion does not address the issue of where the Office of Motor Carriers should be located within the Department of Transportation. Last year, the distinguished gentleman from Virginia was thwarted in his efforts to transfer the Office of Motor Carrier Safety from the Federal Highway Administration to the National Highway Traffic Safety Administration. Last year, we passed a bill to do just that, but the provision was deleted in conference. This year, various proposals have been introduced to create a new Motor Carrier Administration within DOT. I do not know precisely what the right answer is on how this office should be organized in DOT.

I do know, however, that the safety of the American traveling public is at stake, and that the public interest—not special interests—should govern federal oversight of truck safety. Regardless of how we change the boxes on the organizational chart, we need real reform in the Office of Motor Carriers that focuses on increased truck inspections, more safety reviews and compliance audits; improved accident data collection and information systems; increased border inspectors; additional research; and stronger accountability. Additional resources are needed to do the job.

This Motion to Instruct simply recognizes that getting dangerous, speeding and unsafe trucks off the roads should be one of the highest priorities in this bill and we must provide the funding needed to ensure that the DOT has an aggressive safety and enforcement program. I urge the adoption of the Motion to Instruct and I reserve the balance of my time.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. SABO) for the motion because I think if it is carried and it is followed through, it will end up saving a lot of lives.

Mr. Speaker, I rise in support of the motion offered by the gentleman from Minnesota (Mr. SABO) that instructs the conferees to provide maximum funding within the scope of conference for the Office of Motor Carriers. As the body knows, the House-passed bill provides 70.5 million for motor carriers operations. The level is more than 17 million over the fiscal year 1999 enacted level and 15 million more than the Senate passed bill. These funds are needed for critical improvements in crash data, safety system/data base modernization, census information, incident management, and post accident training.

In addition, these funds will provide for additional inspectors to better the enforcement and compliance program and improve motor carrier safety. And lastly, the funds will provide additional resources to address the delay in the backlog of critical safety regulations including those relating to hours of service.

In short, these funds are needed, and I thank the gentleman from Minnesota for his leadership to improve the safety of the motoring public and to eliminate unsafe trucks in the Nation's highway. However, Mr. Speaker, this subcommittee has been concerned now for over a year that the Office of Motor

Carriers in its current structure and placement in the Federal Highway Administration is not performing an aggressive enforcement and compliance program. It cannot do so within the Federal Highway Administration.

A recent Inspector General report found that only 2.5 percent of the interstate motor carriers were reviewed and 64 percent of the Nation's carriers did not have a safety rating. The number of compliance reviews has fallen by 30 percent, 30 percent, since 1995. The amount of fines from unsafe trucking companies has fallen to the lowest level in 1992.

Without a more aggressive and effective program, the General Accounting Office predicts fatalities. People will die. It could rise as high as 6,000 next year. Trucking fatalities reached a decade high of nearly 5,400 in 1997 and remained essentially flat in 1998. This equates to a major airline accident every 2 weeks with about 200 fatalities.

In comparison, other modes of transportation have seen a decline in fatalities, a rising tide of deaths; and lax oversight of the trucking industry are partially a result of the Office of Motor Carrier Placement within the Federal Highway Administration. Their primary mission, Federal Highway, is to award some 25 billion in highway construction funds to the States not to improve safety. Federal Highway is skilled at building and maintaining roads but done a poor job with regard to an effective and forceful truck safety program.

Eclipsed by the agency of over 2,400 staff and 50 division offices, several regional office centers, the Office of Motor Carriers and its safety mission will act as strong focus and is subjugated to second-class status in the Federal Highway Administration. Some personnel within the Office of Motor Carriers have become too close to the trucking industry once they have been charged with regulating. In fact, earlier this year the Inspector General found out the personnel had solicited the trucking industry to generate opposition.

It is for these reasons that the committee also included in its version of the bill section 2335 that prohibits funds in the act from being used to carry out the functions and operations of the Office of Motor Carriers within Federal Highway. The Department of Transportation Inspector General, the chairman of National Transportation Safety Board, trucking representatives, the enforcement community, and safety advocates all agree that the Office of Motor Carriers should be moved from the Federal Highway Administration. The committee has included this provision so that the appropriate authorizing committees could report legislation that reforms the Office of Motor Carriers.

In closing, Mr. Speaker, the House passed this provision in June. Here it is September 21, and regrettably neither the House nor the Senate has yet to

pass a comprehensive reform of the Office of Motor Carriers. Time is running out. More than 18 months have passed since the subcommittee sounded the alarm that the Office of Motor Carriers needed to be reformed. The American public has waited too long.

So when we are conferencing with the Senate, we will ask that the conferees seek the highest level of funding, as the gentleman from Minnesota (Mr. SABO) wisely has sought for the Office of Motor Carriers and also insist on the House position, section 335, to ensure the funding for the Office of Motor Carriers is spent effectively and reduces the deaths on the highways.

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. SABO) for this and for all of his efforts with regard to safety on FAA, but particularly on this one, and I support the motion.

Mr. SABO. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. WOLF, DELAY, REGULA, ROGERS, PACKARD, CALLAHAN, TIAHRT, ADERHOLT, Ms. GRANGER, Messrs. YOUNG of Florida, SABO, OLVER, PASTOR, Ms. KILPATRICK, and Messrs. SERRANO, FORBES and OBEY.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 43 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 5 o'clock and 4 minutes p.m.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-127)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 1999, to the Federal Register for publication.

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

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 21, 1999.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2506, HEALTH RESEARCH AND QUALITY ACT OF 1999

Mr. REYNOLDS. Madam Speaker, last Friday a "Dear Colleague" letter was sent to all Members informing them that the Committee on Rules is planning to meet this week to grant a rule for the consideration of H.R. 2506, the Health Research and Quality Act of 1999.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to consideration of the bill on the floor.

Amendments should be drafted to the version of the bill reported by the Committee on Commerce.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 294 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 294

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3 of rule XIII or section 308(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New

York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

House Resolution 294 provides for the consideration of H.R. 1402, a bill to require the Secretary of Agriculture to implement the Class I milk price structure noted and known as Option 1-A.

The Committee on Rules met last week and granted a structured rule for H.R. 1402. This is a fair and balanced measure.

The Committee heard testimony from numerous witnesses and considered 39 amendments. Members offering amendments were able to combine similar amendments and the committee made a total of 9 in order.

The rule provides for 1 hour of general debate to be equally divided by the chairman and the ranking minority member on the Committee on Agriculture.

The rule waives clause 3 of rule XIII, requiring the inclusion in the report of a CBO cost estimate and a statement on certain budget matters if the measure includes new budget or entitlement authority, and section 308A of the Congressional Budget Act requiring a Congressional Budget Office estimate in the committee report on any legislation containing new budget authority against consideration of the bill.

The rule makes in order the Committee on Agriculture amendment in the nature of a substitute as an original bill for purpose of amendment, modified by the amendments printed in part A in the report on the Committee on Rules accompanying the resolution.

Those amendments fix the budget problem. With the amendment, the bill actually saves money as opposed to spending it.

The rule further provides that the amendment in the nature of a substitute be considered as read and waives clause 7 of rule XVI, prohibiting nongermane amendments against the amendment in the nature of a substitute.

The rule makes in order only those amendments printed in part B of the Committee on Rules report accompanying the resolution.

In addition, the rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for revision of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments printed in the report.

Additionally, the rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule allows one motion to recommit, with or without instructions.

Madam Speaker, during an address in Peoria, Illinois, President Dwight Eisenhower remarked that "farming looks mighty easy when your plow is a pencil and you are a thousand miles from the cornfield."

And so it is with the business of America's dairy farms.

With images of athletes and celebrities donning milk mustaches, and an abundance of dairy products at the neighborhood grocer, it is easy for us far removed from the farm to forget the plight of the farmer.

Madam Speaker, H.R. 1402 is a critical measure that targets a unique market: our Nation's independent and family-owned dairy farms.

Unlike other businesses that have the flexibility to get the best prices for their product, dairy farmers cannot stop milking cows if the price of raw milk suddenly drops. They must sell their product at the going price. Further, they are unique in a volatile market because they produce an extremely perishable product.

As President Kennedy once remarked, "The farmer is the only man in our economy who buys everything he buys at retail, sells everything he sells at wholesale, and pays the freight both ways." And as the son of an agribusinessman, having represented vast family farmlands throughout my career, and having grown up and around the farm and the dairy industry, I know how true President Kennedy's words ring, even today.

□ 1715

That is why Congress carefully crafted the Freedom to Farm bill in 1996. While this law set many important provisions in place, it did not strictly define consolidating milk orders. Subsequently, the administration proposed two options, and then opted for one that the majority in the House and Senate and the vast majority of the dairy community opposed.

Congress and the dairy community support Option 1A. This Class I pricing option is based on sound economic analysis by the USDA Price Structure Committee. Among other factors, it takes into account transportation costs for moving fluid milk, and the costs of producing and marketing milk.

Option 1A is currently the best alternative for our Nation's family dairy farms. This plan reforms the Federal Order system through a variety of means that include consolidating the 31 current Orders into 11, including previously unregulated areas into the plan, and reclassifying milk products.

In addition, by keeping in place price differentials, a system that has proven effective over many years, Option 1A diminishes market volatility and ensures that there will continue to be plenty of fresh milk in all markets of this country.

Our Nation's family-owned dairy farms are in a crisis. In New York alone, our State has seen a dramatic decrease in the number of dairy farmers and cows. From 1997 to 1997, the number of dairy farms decreased by 41 percent, and the number of cows by 15 percent.

Other areas of the United States have seen a similar decline, which takes away both a way of life that dates back to the birth of our Nation, and hundreds of thousands of jobs nationwide. H.R. 1402 will go a long way towards fixing the current pricing inequity.

In fact, this bill is critical for the long-term viability of dairy farming in most States, including my own State of New York, which is the third largest dairy State in the country.

In New York, I represent Wyoming County, a community rich in agricultural history, and our State's most productive dairy county.

Further, Option 1A does not economically discriminate against one or more milk-producing regions of the country to benefit another. It is based on factors that recognize the importance and value of having fresh supplies of milk produced locally.

Our great Nation has a long tradition in family-owned businesses, especially in agriculture. America's independent and family-owned farms give our Nation the unique ability to provide for the needs of our people.

In order to maintain and allow the dairy industry and family-owned dairy farms to grow, we need to enact Option 1A.

More than 250 years ago, George Washington wrote, "I know of no pursuit in which more real and important services can be rendered to any country than by improving its agriculture."

Madam Speaker, by adopting this rule and its underlying bill, we can improve our Nation's agriculture and the lives of our men and women of America's dairy farms.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Madam Speaker, I rise in support of this rule, and strongly support the bill, H.R. 1402. This bipartisan bill is brought to the House floor by the Committee on Agriculture chairman, the honorable gentleman from Texas (Mr. COMBEST), and the ranking minority member on the Committee on Agriculture, the honorable gentleman from Texas (Mr. STENHOLM).

I am pleased that Midwestern Members will be able to articulate their op-

position to this bill and offer amendments highlighting their difference of opinion under this rule.

Madam Speaker, H.R. 1402 would require the Secretary of Agriculture to implement the Class 1 milk price structure known as Option 1A as part of the final rule to consolidate Federal milk marketing orders. H.R. 1402 would essentially maintain minimum farm milk prices close to the current levels. The bill would also extend the Federal dairy price support program by 1 year.

This legislation is necessary to prevent the USDA from moving forward with proposed changes that would be devastating for dairy farmers, not only in New York but across the country. Nationwide, dairy farmers would lose \$200 million under the USDA proposal scheduled to go into effect October 1. In the Northeast, dairy farm income would be reduced by \$84 million annually. In my State of New York alone, dairy farmers would lose \$30 million a year. Just as milk does the body good, H.R. 1402 does the dairy farmer and the economy good.

The critics of the legislation argue that farmers overwhelmingly voted to approve the USDA charges, milking this argument for all it is worth. What they do not point out is that farmers would have risked the loss of all Federal price supports in their region. Essentially, farmers had a choice between a flood or a drought when what they really wanted was a long soaking rain.

So the opponents of H.R. 1402 in the upper Midwest claim that the Administration's final rule helps to balance out a system that they claim results in lower prices to farmers in their region.

But a Hoard's Dairyman study shows that in 1998, the mailbox prices, the actual dollar amount that a farmer receives in the upper Midwest, were among the highest in the country. Despite this fact, the modified Option 1B that the Secretary of Agriculture has proposed actually further raises the prices in the upper Midwest while lowering prices paid to producers in most of the rest of the country.

Opponents also argue that the 1996 farm bill required USDA to develop a new, more market-oriented Federal Order system. However, Option 1A, also developed by USDA, is a more market-oriented system, yet will not result in concentrating milk production into one small region of the country.

If this concentration occurred, not only will thousands of dairy farmers be forced out of business, but consumers will also suffer increased prices as a reflection of forced transportation costs.

Some critics of H.R. 1402 have argued that this bill would mandate higher milk prices, milking the consumers' fears for all they are worth. The USDA even says that consumers would not pay more than 1 percent per gallon more for milk. An independent analysis conducted for the House Committee on Agriculture by the University of Missouri's Food and Agriculture Policy Research Institute, one I am sure the

chairman knows well, also supports this finding. This means, in the worst case scenario, an average American will pay no more than 24 cents a year. That is less than one cup of coffee.

Opponents also argue that this bill will affect the cost of other milk products, such as cheese. But the provisions of H.R. 1402 that affect milk used to produce cheese, Class III, will not increase prices paid for this milk, and therefore will not affect the price of cheese to consumers.

In addition, a 1-year extension of the dairy price support program will actually reduce the cost of the dairy program by over \$100 million. That is according to the Congressional Budget Office.

Very simply, taxpayers will not see increased costs because of the bill, farmers did not have a choice when the referendum was held, and consumers will not see savings if the bill is defeated.

Madam Speaker, I urge my colleagues to support the bipartisan H.R. 1402 and this rule.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST), the distinguished chairman of the Committee on Agriculture.

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

Madam Speaker, while we will see tomorrow how contentious debate on dairy policy can be, I want to make a brief statement this evening about the process that we have followed.

From the beginning, the Committee on Agriculture has tried to ensure a process that was fair and open to all Members. We announced our schedule well in advance, we provided an opportunity for all Members to offer their amendments, and we gave everyone an opportunity to vote on the policy option that they preferred.

I commend the Committee on Rules for continuing in this spirit. While not all of the amendments were made in order, it is my belief that the more than 6 hours of debate time that is permitted under this rule gives every Member an opportunity to make their case and cast their votes.

This is a fair rule, Madam Speaker. I urge its adoption so we can proceed with this much-anticipated debate, and I thank the Committee on Rules for the work they have done.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I will admit that the distinguished chairman has done a good job in terms of providing us with opportunities to offer amendments and to debate this bill. However, we need to go back to what happened when we passed the last farm bill and review that a little bit.

Madam Speaker, I am a member of the committee who has dealt with this all through the process. If Members will remember, back in 1995-1996 we tried to overhaul legislatively the dairy system in this country. We were told at that time that it is too complicated, that we did not have enough input for the public, so we should put this over to the Department and let them go through a process so everybody in the country could be heard.

That is what ended up happening. Since that time, the Department has gone out and held hearings all over this country, taken thousands of pages of testimony, taken letters and e-mails and telephone calls from all over the country, listened to lots of folks, studied the best economists in the country, and have ended up with this rule which we in the Midwest think moves us in the right direction, but we would like to see go frankly even further towards a more market-oriented, sensible dairy policy.

So we feel like the bargain that we struck to have this go through the process within the Department is now being violated by bringing this rule forward and by bringing this bill forward, because we entered into this in good faith, and we feel like now we are being a little bit blind-sided.

People need to understand, as I said, that the Department put a lot of time into this. They did not come up with this out of thin air. They took the Cornell model, which is, by all of the dairy folks, determined to be one that best understands how this milk pricing system works in this country.

They have tried to set up a system whereby we do not use the Federal Government's power to distort the way milk is produced in this country.

Members have to remember that we are operating under a system on the fluid milk side that was developed by Tony Coelho in this body in 1985, which is basically a legislative, political fix that was put in place, and there never was any real economics put into that.

What we are trying to do today is more closely mirror the economics of the dairy industry. In this rule, they took into account how much it takes, how much money it takes to move milk from one area of the country to the other. They have tried to establish a system that does not price fluid milk above what it is actually worth, so those parts of the country that have these higher differentials end up producing more milk that gets dumped into manufacturing markets like Minnesota and other parts of the country.

Probably a lot of people do not even realize that in this rule is a new Class III and Class IV milk pricing system which, in my opinion, is more important than the fluid milk part of this bill, but hardly anybody talks about it.

This bill that is before us only addresses the Class I fluid milk part of that rule. It is the thing that we have been concerned about. Again, in summarizing, we feel that people have gone

back on their word. I would encourage us to not support this rule and not support this bill.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, this bill, H.R. 1402, is an attempt to force this Congress to continue to operate an antiquated system of price-fixing that violates the free market principle.

What we are talking about today, and the legislation we are bringing to the floor tomorrow, should this rule pass, is basically this. In 1937 we started with a milk pricing system that said, the farther away from Eau Claire, Wisconsin, you live, the higher you get a price for milk.

We have this in law today. In 1937, we did not have an interstate highway system. We did not have refrigerated trucks or railcars to ship milk around. Wisconsin was the only surplus-producing milk State at that time.

That was 1937. This is 1999. We have interstates, we have very good highways, we have refrigerated milk trucks. Yet, we have an antiquated, socialistic style milk-pricing system that says if you live farther away from Eau Claire, Wisconsin, you are going to get more for your production of milk.

This is a system that is anti-free market, it is anti-free market principles that we all espouse to support, but more importantly, it comes right at the bottom line of upper Midwest dairy farmers.

□ 1730

This is a system, should this rule pass and should this bill pass, that will stop the USDA from implementing very modest reforms that they are proposing to implement 9 days from now.

So let us make this very clear. What we are about to do here is pass the bill, if this passes, that blocks the USDA from putting together modest reforms on behalf of all Nation farmers, all of our farmers so that they can go back to farming regardless of where they live in this country.

I urge a "no" vote on this rule, and I urge a "no" vote on final passage on H.R. 1402.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, for the last 10 years, we have had a lot of people on this House floor demanding that Russia move from a Marxist market system to a free market system. Yet, they are going to come to the floor tomorrow and support this bill which says that we must keep in place the most Soviet-style pricing system in the history of this country. That is what the existing status quo is.

What they are saying is, if it was good enough for us in 1937, it is good enough for us right now. With all due respect, I disagree. What existing law

says and what this bill seeks to continue is that, if one produces 100 pounds of milk in one place in this country, one is mandated by the government to get \$2 to \$3 more for 100 pounds of milk than one would if one produced that same amount of pounds of milk someplace else in the country. That is nuts. That is absolutely nuts.

So what we are trying to do is to have this Congress live up to the promise it made a few years ago. When the Freedom to Farm bill was on this floor a few years ago, Congressman Gunderson, Republican, chairman of the dairy subcommittee, was trying to get on this floor an amendment to change the existing system. He was told by his own party leadership, "Sorry, you are not going to get a legislative remedy. You are going to have to rely on what USDA does." So that is what we did.

Under that limited authority, USDA tried in a modest way to make the system more equitable. Now that the folks who denied us the legislative remedy 3 years ago do not like what the administrative remedy has produced, they are now flipping their word. Now what they are saying is, oh, forget what we said about doing it administratively, we are now going to overturn the USDA and impose our own will.

What does that mean? It means this decision will not be made on the basis of economics. It will not be made on the basis of economic fairness. It will be made on the basis of raw political power. Simply put, that is what the issue is before us. That is why this rule should be defeated. That is why this bill should be defeated.

The folks who are defending the status quo told us, Rely on the fair shake that we can get from USDA. We did it. Now they are trying to bust the deal. That is not the way the people's house is supposed to work.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I would agree with my colleague that the chairman of the Committee on Rules, I think, did a good job in trying to balance the opportunities for Members to make comment. But I think the larger issue is that we should not even be here today. We should not be here in this House today taking up this rule or taking up H.R. 1402 tomorrow.

The gentleman from Minnesota (Mr. PETERSON), I think, has eloquently talked about the institutional history here about the fact that bringing this bill up breaks a deal that was struck across the Nation some years ago when this institution was floundering over dairy reform, unable to reach a consensus.

So it was agreed to refer this to an outside observer. Now that that outside observer, the USDA, has come forward, it seems as though a number of Members want to take their marbles and go home.

Also, as the gentleman from Wisconsin (Mr. OBEY) has said, consideration of this bill contradicts our work in the international community. At the very time that we are preaching the gospel of free trade, forcing nations all across the world to break down barriers, to lower tariffs, we are poised in this House to reinforce and reimpose those very trade barriers between the States.

Late last week, USDA Secretary Glickman has disclosed or did disclose that he was recommending a Presidential veto.

So why are we taking this bill up? Why are we taking on another fight with the White House at the very time that our constituents want us to get down to work and do the people's business, tax cuts, saving Social Security, not to get once again bogged down in these regional interests?

Finally, let us not forget who opposes H.R. 1402. A coalition ranging from Americans for Tax Reform to the AFL-CIO, Citizens Against Government Waste, the Teamsters, group after group is telling us this is the wrong thing to do, and, yet, this House wants to move forward.

I urge a "no" vote on the rule and a "no" vote on the bill.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Madam Speaker, I thank the gentlewoman from New York for yielding me this time.

Madam Speaker, I rise today urging my colleagues for a "no" vote on the rule and a "no" vote on H.R. 1402. We are going to have plenty of time over the next day, 24 hours, to talk about the policy merits of H.R. 1402, the bad policy implications involved with it.

I think we can all stipulate that family farmers across the country, no matter what region they happen to be living and working in, are going through some very tough times. The farmers in western Wisconsin who I represent and one of the largest dairy producing districts in the Nation do not want any further hardship to fall on any other family farmer, in any other aspect of the country.

They are not looking for any special advantage. All they are asking for is a level playing field and the ability to compete fairly in our own domestic market when it comes to making a living on a dairy farm. That is all they want.

We will have time to get into the policy implications behind H.R. 1402, but I think the Members should vote against H.R. 1402 because this legislation should never have been brought to the floor to begin with. I believe that the institutional integrity of this place is on the line with the introduction of this legislation in the 11th hour.

Let me explain. Back in 1996, my predecessor, Steve Gunderson, who was

chairing the dairy subcommittee was going to legislate in the Freedom to Farm bill some corrective changes on the milk pricing system, a system that was in place during the Great Depression, a stopgap, short-term measure in order to deal with the problems that this country was experiencing during the Great Depression.

But sometimes one of the hardest things to change in this place is the status quo. But instead of allowing Representative Gunderson and his supporters to go forward with legislation in Freedom to Farm, they said, no, instead, let us let the regulatory and rulemaking process at the Department of Agriculture deal with this. They have through that mandate in Freedom to Farm.

Over the last few years, they have held countless hearings across the country. They have taken testimony from experts in the field, from the dairy producers, public comments through e-mail, letters, personal testimony even from Representatives of Congress.

They have come forward with a proposed reform that is due to take effect on October 1, a reform that was voted by over 96 percent of the dairy producers in this country, to take effect on October 1.

Now, in the 11th hour, regardless of the agreement that was reached back in 1996 in the Freedom to Farm debate, this legislation is coming to the floor; and that is wrong.

I fear to think what this place will become if people's words do not count for anything anymore, if agreements do not matter. I believe that is what is at stake here. Besides the fairness and the policy implications behind reforming the milk pricing system, if we cannot reach agreements in this body and live up to those agreements in future years, then I shudder to think what this environment is ultimately going to look out.

So I would encourage my colleagues vote against the rule, to vote against final passage, and cast a vote in favor of the institutional integrity of this House of Representatives.

Mr. REYNOLDS. Madam Speaker, will the Chair please inform me how much time is remaining on both sides.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) has 16½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 16 minutes remaining.

Mr. REYNOLDS. Madam Speaker, because this rule is so fair, we want to continue to allow the debate even though we have taken warning of the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture, that we will see some of that debate tomorrow. I am sure it will spill over in some of our rule today, but we will continue on the debate.

Madam Speaker, I yield to the gentleman from Wisconsin (Mr. RYAN) for 2 minutes.

Mr. RYAN of Wisconsin. Madam Speaker, I thank the gentleman from New York for his inherent fairness.

But what is unfair is the current milk pricing system we have in this country today. The farmers of Wisconsin, the farmers of my district, the First District of Wisconsin, are suffering because they live too close to Eau Claire, Wisconsin. They are not suffering because they run a shoddy operation or it is inefficient. No, they are suffering because they live too close to Eau Claire, Wisconsin. Does that make sense to anybody?

We are losing more family farms in Wisconsin than many of my colleagues have in their States in totality. The USDA reform initiative is a small step to alleviate a situation that has been plaguing dairy farmers in the midwest for far too long. This system needs to be reformed not because it unfairly penalizes the midwest dairy farmers but because it hurts taxpayers and consumers.

They are being asked to subsidize inefficiencies in the production of dairy product. They are being asked to pay for a program that continues to waste their taxpayer dollars. They are being asked to pay higher prices at the supermarket.

We are no longer giving farmers in certain areas of the country an incentive to produce milk. We are now giving them an incentive to overproduce milk. That is where we are today.

This type of system does not provide an incentive for farmers to operate efficiently or produce items that are natural to their agricultural environment.

If this bill passes, we will be silencing the voices of millions of farmers around the country who have already been heard on this issue by the USDA and deserve a right to vote on this reform. This reform in this August was supported by over 95 percent of farmers nationwide. If we pass this bill, we are rolling back that mandate. I urge a "no" vote on this bill.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Madam Speaker, while this rule makes in order several amendments, it does not make in order any amendments that focus on the negative impact that the underlying bill has on taxpayers and consumers, especially low-income families.

This bill would scrap the very modest market-oriented reforms put forward by the Department of Agriculture. In fact, instead of just leaving the current pricing scheme in place, which is still terribly unfair to upper Midwestern dairy farmers, the bill actually raises prices of milk beyond the current pricing structure in some locations. The increase in milk prices given to some dairy farmers will be passed on to consumers. It is an economic reality. Low-income families will be hurt most because they spend a higher proportion of their income on food.

For example, the Women, Infants, and Children program, commonly

known as WIC, provides assistance to low-income families to buy nutritious food. But under this bill, because of the increased cost of purchasing milk, a nutritious staple food, the WIC program will be short over \$10 million per year. The WIC program is not an entitlement. So without additional tax dollars put into this program, H.R. 1402 could squeeze about 3,700 women, infants, and children out of the program every year.

Madam Speaker, this bill is unfair to Midwestern dairy farmers, to taxpayers, to consumers.

I am sorry that the rule did not permit consideration of an amendment to protect consumers and taxpayers from the effects of H.R. 1402.

I urge a "no" vote on the underlying bill.

Mr. REYNOLDS. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Madam Speaker, I rise today in support of this well-crafted rule which would allow us to consider legislation that is vital to dairy farmers throughout the vast majority of the country.

Support for the bill, H.R. 1402, for which this rule is being considered, is overwhelming. Irregardless of what we have just heard in the last few minutes, let us look at the numbers. Two hundred twenty-nine Members of Congress representing 43 States have cosponsored H.R. 1402.

□ 1745

One of those represented States is my home State of Pennsylvania. We are the fourth largest producer of fluid milk in the country, behind California, Wisconsin, and New York. Now, of those top four States, not to mention all the other 43 States, the only one that would benefit by Dan Glickman's mistake would be Wisconsin. And if we cannot in this House correct a mistake that the Secretary of Agriculture made, what are we here to do?

All these scare tactics about the raise in the price of milk and people on WIC and so forth are just that. The biggest scare would be that we do not have farm fresh, locally produced milk in all areas of the country from our family farm system. If we do not pass this bill, we will sacrifice the family farm on the altar of agribusiness and a few large cooperatives in the upper Midwest.

Madam Speaker, I will leave my colleagues with one final statistic. According to the dairy farmers of America, 25 percent of the dairy farms in the United States have ceased to exist in the last 6 years. We must stop this unacceptable trend by passing this rule and then passing the bill H.R. 1402 offered by my esteemed colleague, the gentleman from Missouri (Mr. BLUNT).

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Madam Speaker, I thank the gentlewoman for yielding me

this time, and I rise in strong support of our Nation's dairy family farmers, strong support for this rule, and strong support for H.R. 1402, without the poison pill amendments.

What this legislation is about is protecting family farms all over this country. I have heard some discussion tonight that what we are doing here is not democratic. Well, when we have 229 Members who are cosponsoring this legislation, I think that is democratic. If we have legislation which protects family farmers in 45 out of 50 States, I think that that is democratic. And I think we should pass this rule and pass the legislation.

This legislation would implement the Class I milk price structure known as Option 1-A as part of the final rule to consolidate federal milk marketing orders. It will protect family dairy farmers in Vermont and throughout this country from the drop in fluid milk prices that is expected in just 9 days if the proposal introduced by Secretary Glickman and the United States Department of Agriculture is implemented.

I understand that there is some confusion about the recent referendum results on USDA's federal milk market order reform plan. I have heard from many dairy farmers in Vermont saying that they had no choice. I have heard about Soviet-style legislation. This is what Soviet style legislation is: either you vote for it or you vote for nothing. And that is why the Soviet rulers always used to get 96 percent of the vote, which is what I gather this legislation has gotten. Well, the farmers in Vermont want something, not nothing, and what they want is 1-A. They want a fair price for their product.

In my State, and in virtually every State in this country, a great tragedy is occurring in rural America. It is heartbreaking and it is terrible for consumers, terrible for the environment, and terrible for the economy. What we are seeing throughout this country in rural America are family farmers, many whose families have owned the land generation after generation being driven off the land.

And if the opponents of this legislation think that it is a good idea that a handful of agribusiness corporations will control the production and the distribution of dairy products in this country, they are dead wrong. It will not be good for the consumer. The best thing that we can continue to have and to expand is family farming all over this country; to know that in our own communities, in our own States there will be family farmers producing fresh dairy products and other commodities that we desperately need.

This is a life and death issue for family farmers all over this country. I urge support of the rule and support of the legislation.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding me this

time and for bringing this issue to the floor today for this rule to be voted on.

I, of course, encourage that the rule be approved. I think it does give plenty of opportunity to debate the issue and a number of amendments that the will of the House will be known on. As my colleague from Vermont just said, there are 229 cosponsors of this legislation. A handful or more Members contacted me in the last 2 weeks, after it was too late, to cosponsor and ask what could they do to join this legislation.

One of the things that prompted them to want to become part of this was the calls they were getting, the frustrated calls they were getting from their dairy farming families who saw the choice they had of no milk marketing structure at all or 1-B as the choice between capital punishment and cutting off their hand. Well, given those two choices, you will always vote to cut off your hand. That is what American dairy farm families felt like they did as they cast those votes. They are overwhelmingly for the 1-A marketing structure. They overwhelmingly believe that the mapping consolidation, where we have now 11 orders, is a good thing.

But this is about families. It is about dairy farming families and whether they continue to be able to have a family farm, a family dairy farm. It is about American consuming families and whether they continue to have a fresh supply, a locally produced supply of milk, something that this Government and State governments have been committed to for a long time.

This is about families, and it is about dairy farming families that would lose its estimated \$200 million every single year if 1-B goes into effect. If 1-B had been a hurricane, it would be in the top 10 most destructive hurricanes in the history of the country. Well, let us not let American dairy farming families be hit by Hurricane Dan. Let us get to work and let us pass this rule today, have this debate for American families tomorrow and pass this legislation.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Madam Speaker, I rise in opposition to the rule, and I rise also in opposition to the bill.

It was back in 1933, during the depths of the Great Depression, that Secretary of Agriculture Henry Wallace introduced our farm programs with the statement that these are temporary solutions to deal with an emergency. Well, here we are, almost 70 years later, and we are still utilizing some emergency solutions, temporary solutions, to deal with a different time and a different era.

The reason why we should oppose this legislation is it does not embrace the modest reforms that the Secretary of Agriculture put in place that would move our dairy industry in a more market-oriented direction, a direction

that would ensure that dairy families, farming families, in an area that had a relative advantage, maybe because of climate, maybe because of feed cost, would be able to recognize that relative advantage.

It is a step away from an old program that put in place arbitrary differentials, which means that we have the Government dictating that some dairy farmers in a particular region of the country are going to be getting more income, not because they are more efficient producers, but only because they live a further distance away from Eau Claire, Wisconsin. That does not make any sense.

It might have made sense in the 1930's, when we did not have refrigeration. But it is remarkable, today every house in America has a refrigerator. We did not have refrigerated trucks back then that could transport milk products to make sure that we could have an adequate supply of fluid milk in every region of the country. But today we have refrigerated trucks. We even have an interstate system today that allows us to ship milk from Wisconsin to parts of the country that, unfortunately, because of climate conditions and feed costs cannot be competitive in the marketplace with producing milk.

Does this mean that we are attacking family farms? Nonsense. It means that we are ensuring that those family farmers that have an opportunity to be most cost effective, that have a relative advantage, will be able to recognize that.

Where else in this economy do we dictate that we are going to have a Government program that ensures that we are going to have something produced in a particular region? Where else do we dictate by the Government that we are going to ensure that we have the production of a particular product in an area which might not have the level of efficiencies? This is a wrong policy to embrace. We need to move forward. We are making these modest reforms that ensure that we are not prejudicing those family farmers that do have the advantage.

I would also like to state that there will be one amendment that I am going to offer that is going to do something that is very simple, that can make this bill much better, and that is to ensure that a dairy farmer can enter into a contract with a private processor, something that every businessperson in America can do today.

It is a reform that will ensure that a dairy farmer will have the ability to manage the volatility and prices, to manage the risk that is incumbered upon them by fluctuating milk prices, and is something that will make this bad bill a little better. I hope people will support my amendment to Stenholm-Pombo.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

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

this time, and, Madam Speaker, I rise in strong support of this fair rule, and I rise in strong support of 1402.

Over the past 3 years, the Department of Agriculture has undertaken a biased march toward implementing a new program which will slash upwards of \$300 million per year in on-farm revenue to dairy farmers nationally. It is \$30 million to the dairy farmers in New York State.

In 1996, during the farm bill debate, a battle was waged over dairy policy, and in that debate efforts to scale back and eliminate the federal milk marketing order program were convincingly defeated on this floor in favor of the preservation of the milk marketing order program. Yet today, here we are again listening to some of those same arguments, as if that debate never took place.

H.R. 1402 is an effort on the part of a bipartisan majority of this House to reaffirm the intent of Congress in the 1996 farm bill to preserve dairy farm income and to hold the Department of Agriculture accountable for ignoring the will of Congress and the best interest of nearly all of the many dairy producing regions in this country, 45 out of the 50 States, as my colleague, the gentleman from Vermont (Mr. SANDERS), pointed out.

This debate is very simple. Do you support a balanced program that is responsive to all regions of the country, or do you seek to pull the rug out from under the farmers in those 45 States? Let me repeat, 45 States lose money under the USDA plan.

The federal dairy program is a reasonable industry-funded safety net that ensures fair treatment of farmers throughout the country, even in the upper Midwest. That is why farmers, by over 90 percent, voted in support of the system. We have an obligation to ensure that it is preserved.

The dairy program may be complex, and many Members will claim they do not understand it; but my colleagues should know that their farmers understand very well the impacts these policies have on their livelihoods. They know without passage of 1402 the dairy industry will become a monopolized disaster, unfair to consumers and farmers.

I urge strong support for this rule and support for 1402.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Madam Speaker, I thank the gentlewoman for yielding me this time.

I understand where many of the Members of this chamber feel they have to stand up for their farmers. They feel this is a bill that is in the best interest of their farmers. But it reminds me a little bit of a holiday coming up in the next month, and that is Halloween. We have a situation at Halloween where little kids are going around trick or treating. Some of the little kids realize there are bigger kids

who are getting all the candy, and this is wrong. They feel they have to do something so that they get more candy. Now, they can do one of two things. They can go after the bigger kids to get the candy, or they can pick on other little kids.

Make no mistake about it, that is exactly what is going on in this bill. Little kids who feel that they have been picked on have decided to pick on other little kids. Does that make it right? Absolutely not. In fact, that is even worse than anything else that can be done.

The people that we are talking about here, these horrible people, are small dairy farmers in the Midwest and other parts of this country. They are not huge conglomerates. In fact, in many parts of this country farms are being destroyed on a daily basis.

□ 1800

But the solution is not to come in and destroy more farmers. And when I hear people say, well, there are Members of this chamber from 43 different States or 45 different States supporting this, that does not make it right. Because you can have 45 bullies picking on five little kids and it does not make it right.

Notwithstanding that, what is amazing about this bill, as the gentleman from California (Mr. DOOLEY) and others have pointed out, that we are in an economy right now where people are talking about let us have open trade around the world.

I may not agree with all of that, but it blows my mind that in our own country we have picked out one product, one product alone, and said we are not going to have open trade when it comes to dairy products.

Name another product in this country where we will penalize someone for doing a good job of producing that product. That is not the American way and all it does, all it does is pick on small farmers in the Midwest, California, and other parts of this country.

This bill may pass today, but it should not pass. It is bad for farmers, and it is bad for the American public.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I want to thank my colleague from New York for yielding me the time.

Obviously, we have having a little disagreement here on the floor today. It is obviously not partisan because we have got Members from both sides of the aisle on different sides of this fight.

The fact is that, as much as I would rather not be here debating this bill tonight and tomorrow, the fact is a majority of the House wants to debate it, we have moved it through the committee, and we are going to debate it. And the fact is, I think the Committee on Rules did a nice job in putting the rule together, I think it is fair, it gives us an open debate, and then we can have at it with our differences fairly.

But when I hear Members up here talking about the USDA making a mistake and how they went about putting this rule together, let me remind the Members that in the 1996 farm bill we tried for almost a year to bring some reform to the dairy program. We were unable to come to an agreement except that we were able to get some language into the bill agreed to by all parties that there would be a consolidation of these marketing orders and that we would allow the Secretary to implement this most modest of reforms.

The Secretary went around the country and had hearings, listened to dairy farmers around the country, came up with two options, option 1(a)/option 1(b), had comments from around the country, a comment period; and then the Secretary made a decision to go with a modified option, somewhere between 1(a) and 1(b), that is supposed to go into effect next week. What is underway here is an effort to stop that.

The fact of the matter is, when we look at the numbers, whether it is 1(a) or 1(b), it does not make a dime's worth of difference to almost any farmer in America. Nobody here is against the dairy farmer. The question is how do we best help the dairy farmer. Many of us believe that if we allow the market to work, that we get rid of this antiquated system in effect since 1937, we can actually help the farmers.

Let us pass this rule and have the debate tomorrow.

Ms. SLAUGHTER. Madam Speaker, at this time I have no other requests for time on this rule, but I would like to yield 1 minute to the gentlewoman from California (Ms. LOFGREN) to speak out of order.

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

There was no objection.

(Ms. LOFGREN asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

The form of the motion is as follows:

"Ms. LOFGREN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference recommend a conference substitute that,

(1) includes a loophole-free system that assures that no criminals or other prohibited purchasers, (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers and batterers) obtain firearms from non-licensed person and federally licensed firearm dealers at gun shows;

(2) does not include provisions that weaken current gun safety law; and

(3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers)."

While I understand that House Rules do not allow Members to co-offer motions to instruct, I would like to say that the gentlewoman from New York (Mrs. MCCARTHY) supports this motion and intends to speak on its behalf tomorrow.

Mr. REYNOLDS. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank my colleague for generously yielding me additional time.

Madam Speaker, I want to make an important point here. We have heard a lot this evening about how dairy farms all across America are hurting. And that is true. I agree with the speakers who have made that point. But let me direct everyone's attention to our situation in the upper Midwest.

In the State of Wisconsin, by the time this bill comes up for a vote tomorrow, we will have lost five more dairy farms. We are losing five farms a day. In the last 10 years, we have lost more dairy farms than nearly every other State ever had.

So when we are talking about alleviating the pain and suffering of our dairy farmers, clearly 1402 is not the answer.

Understand that as each of us gets up here and talks about the pain that our farmers are facing, 1402 is the current system. We should not be here voting on 1402.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Madam Speaker, I thank the gentleman from New York for yielding me the time and for the good work that he has done on this bill.

This is a good bill, and it is a good rule. I have been listening to the debate; and with several few exceptions, all of the opponents to this rule and this bill has been from Minnesota and Wisconsin, the home of some of the finest dairy farmers in America and some of the best legislators in America. They are so good, they are trying to convince the rest of the country that we should lose at what they say is to the benefit of their farmers.

Why would anyone pass a Federal dairy policy that hurts the rest of the country to try to prop up two States? As I understand it, this option 1(b) takes \$200 million out of the pockets of dairy farmers all across the country and does not really help Minnesota or Wisconsin. Whereas, the option 1(a) that I support holds everyone harmless.

Now, what is the sense of passing a reform that hurts 90 percent of the country when we could pass a reform that keeps everybody whole and in fact

helps stabilize prices and ensures that there is a fresh supply of milk all across the country? It does not make sense.

Mr. REYNOLDS. Madam Speaker, I yield 2½ minutes to the gentleman from New York (Mr. MCHUGH).

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

Madam Speaker, I had not intended to speak today on this rule because I think it is a good one, a fair one. But in the hopes of perhaps injecting some reality and facts into the debate tomorrow, I want to rise and just make a few points.

First of all, my friend from Minnesota, and he is my friend, spoke about the good faith of the Department of Agriculture's policy and development of 1(b). And frankly, that is the problem. It was a total lack of good faith by the Secretary that brings us to this point here today.

How do I know? Well, frankly, as they listened as we have heard today to so many farmers, the hearing record shows that in response to the 1(a)/1(b) proposal, 4,217 total comments were received. Of those, 3,579 supported 1(a). How many supported 1(b)? 436. Eighty-five percent of the hearing record supported 1(a). The lack of good faith is evident.

Not only that, Madam Speaker, we must remember that the Secretary's own dairy price structure committee, the internal organization, the experts in the Department of Agriculture assigned to make these kinds of decisions supported 1(a), as well.

The other thing I wanted to mention is we have heard about market orientation in Eau Claire, Wisconsin and such. It may not be nice to hear but the facts are H.R. 1402 as well as 1(b), in fact, change and make adjustments to the current system so that the Eau Claire pricing system is no longer applicable. And, in fact, under 1(b), 408 counties in 10 States will have class 1 differentials equal to or lower than Eau Claire, Wisconsin.

So it is not an issue of Eau Claire and it is not an issue of market orientation because, indeed, both of the plans operate in essentially the same way.

Lastly, modest reforms, \$200 million. The Congress spoke as to the wisdom of this policy when we debated the 1996 farm bill. As my colleague from Vermont so eloquently stated, we spoke when we wrote to the Secretary of Agriculture on this issue. We have to now take the matter back into our hands into this, the people's House, where the answers lie. We have to pass this rule and support H.R. 1402.

Mr. REYNOLDS. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

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

Madam Speaker, we continue to hear how Wisconsin dairy farmers got a raw deal back in the 1985 farm bill and how

the dairy farmers in other parts of the country are doing better at their expense. But it is interesting, the Department of Agriculture records show dairy farmers' take-home pay is higher in Wisconsin than in the majority of farmers in the rest of the country.

I urge all of us to support this bill, to support fair play for dairy farmers in all 50 States by voting for the option 1(a) proposal in H.R. 1402.

Ms. SLAUGHTER. Madam Speaker, I believe we have heard from everybody from Wisconsin on our side, and I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, I urge my colleagues to support this fair rule and the underlying bill, 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

The votes will be taken in the following order:

H.R. 2116, by the yeas and nays;

H.R. 1431, by the yeas and nays; and

H.R. 468, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

VETERANS' MILLENNIUM HEALTH CARE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill H.R. 2116, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 2116, as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 46, not voting 18, as follows:

[Roll No. 427]

YEAS—369

Abercrombie	Barrett (WI)	Blagojevich
Aderholt	Bartlett	Bliley
Allen	Barton	Blumenauer
Archer	Bateman	Blunt
Armey	Becerra	Boehlert
Bachus	Bentsen	Boehner
Baird	Bereuter	Bonilla
Baker	Berkley	Bonior
Baldacci	Berman	Bono
Baldwin	Berry	Borski
Ballenger	Biggert	Boswell
Barcia	Bilbray	Boucher
Barr	Bilirakis	Boyd
Barrett (NE)	Bishop	Brady (PA)

Brady (TX)	Hastings (FL)	Napolitano
Brown (FL)	Hastings (WA)	Neal
Brown (OH)	Hays	Nethercutt
Bryant	Hayworth	Ney
Burr	Hefley	Northup
Burton	Herger	Norwood
Callahan	Hill (IN)	Nussle
Calvert	Hill (MT)	Oberstar
Camp	Hillery	Obey
Campbell	Hilliard	Ortiz
Canady	Hinojosa	Ose
Cannon	Hobson	Owens
Capps	Hoeffel	Oxley
Capuano	Hoekstra	Packard
Cardin	Holden	Pastor
Carson	Hooley	Pease
Castle	Horn	Pelosi
Chabot	Hostettler	Peterson (MN)
Chambliss	Hulshof	Peterson (PA)
Chenoweth	Hutchinson	Petri
Clyburn	Hyde	Phelps
Coble	Insee	Pickering
Coburn	Isakson	Pickett
Collins	Istook	Pitts
Combest	Jackson (IL)	Pombo
Condit	Jackson-Lee	Pomeroy
Cook	(TX)	Porter
Cooksey	Jenkins	Portman
Costello	John	Price (NC)
Cox	Johnson (CT)	Pryce (OH)
Coyne	Johnson, E. B.	Quinn
Cramer	Johnson, Sam	Radanovich
Crane	Jones (NC)	Rahall
Cubin	Jones (OH)	Ramstad
Cummings	Kanjorski	Rangel
Cunningham	Kaptur	Regula
Danner	Kasich	Reyes
Davis (FL)	Kildee	Reynolds
Davis (IL)	Kilpatrick	Riley
Davis (VA)	Kind (WI)	Rivers
Deal	Kingston	Rodriguez
DeFazio	Klecza	Roemer
DeGette	Klink	Rogan
DeLauro	Knollenberg	Rogers
DeLay	Kolbe	Rohrabacher
DeMint	Kuykendall	Ros-Lehtinen
Deutsch	LaFalce	Roybal-Allard
Diaz-Balart	LaHood	Royce
Dickey	Lampson	Ryan (WI)
Dicks	Lantos	Ryun (KS)
Dixon	Largent	Sabo
Doggett	Larson	Salmon
Dooley	Latham	Sanchez
Doolittle	LaTourrette	Sandlin
Doyle	Leach	Sawyer
Dreier	Lee	Schaffer
Duncan	Levin	Schakowsky
Dunn	Lewis (CA)	Scott
Edwards	Lewis (GA)	Sensenbrenner
Ehlers	Lewis (KY)	Sessions
Ehrlich	Linder	Shadegg
Emerson	Lipinski	Shaw
English	Lofgren	Shays
Eshoo	Lucas (KY)	Sherman
Etheridge	Lucas (OK)	Sherwood
Evans	Luther	Shimkus
Everett	Maloney (CT)	Shows
Ewing	Manzullo	Shuster
Farr	Markey	Simpson
Fattah	Martinez	Sisisky
Finler	Mascara	Skeen
Fletcher	Matsui	Skelton
Foley	McCarthy (MO)	Smith (MI)
Ford	McCollum	Smith (NJ)
Frank (MA)	McCrery	Smith (TX)
Frost	McDermott	Smith (WA)
Gallegly	McHugh	Snyder
Ganske	McInnis	Souder
Gejdenson	McIntosh	Spence
Gekas	McIntyre	Spratt
Gephardt	McKeon	Stabenow
Gibbons	Meehan	Stark
Gilchrist	Meek (FL)	Stearns
Gillmor	Metcalf	Stenholm
Gonzalez	Mica	Strickland
Goode	Millender-	Stump
Goodlatte	McDonald	Stupak
Goodling	Miller (FL)	Sununu
Gordon	Miller, Gary	Talent
Goss	Miller, George	Tancredo
Graham	Minge	Tanner
Granger	Mink	Tauscher
Green (TX)	Mollohan	Tauzin
Green (WI)	Moore	Taylor (MS)
Greenwood	Moran (KS)	Taylor (NC)
Gutierrez	Moran (VA)	Terry
Gutknecht	Morella	Thomas
Hall (OH)	Murtha	Thompson (CA)
Hansen	Myrick	Thornberry

Thune	Vitter	Whitfield
Thurman	Walden	Wicker
Tiahrt	Walsh	Wilson
Toomey	Watkins	Wise
Trafficant	Watt (NC)	Wolf
Turner	Watts (OK)	Woolsey
Udall (CO)	Waxman	Wu
Udall (NM)	Weldon (FL)	Wynn
Upton	Weldon (PA)	Young (AK)
Vento	Weller	Young (FL)
Visclosky	Wexler	

NAYS—46

Ackerman	Kennedy	Payne
Andrews	King (NY)	Rothman
Conyers	Kucinich	Roukema
Crowley	Lazio	Sanders
Delahunt	LoBiondo	Sanford
Engel	Lowe	Saxton
Forbes	Maloney (NY)	Serrano
Fossella	McCarthy (NY)	Slaughter
Franks (NJ)	McGovern	Sweeney
Frelinghuysen	McNulty	Tierney
Gilman	Meeks (NY)	Towns
Hinchee	Menendez	Waters
Holt	Nadler	Weiner
Houghton	Olver	Weygand
Hoyer	Pallone	
Kelly	Pascrell	

NOT VOTING—18

Bass	Fowler	Paul
Buyer	Hall (TX)	Rush
Clay	Hunter	Scarborough
Clayton	Jefferson	Thompson (MS)
Clement	McKinney	Velazquez
Dingell	Moakley	Wamp

□ 1836

Messrs. LOBIONDO, PAYNE, ANDREWS, SAXTON, KING, NADLER, WEYGAND, ENGEL, TOWNS, DELAHUNT, MCGOVERN, WEINER, ACKERMAN, OLVER, and TIERNEY changed their vote from "yea" to "nay."

Mr. GEJDENSON changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE.) Pursuant to clause 8 of rule XX, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1431, 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 New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1431, 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 309, nays

106, answered "present" 1, not voting 17, as follows:

[Roll No. 428]

YEAS—309

Abercrombie	Gallegly	Millender-
Aderholt	Ganske	McDonald
Andrews	Gekas	Miller (FL)
Archer	Gephardt	Miller, Gary
Army	Gibbons	Miller, George
Bachus	Gilchrest	Mink
Baker	Gillmor	Mollohan
Ballenger	Gilman	Moore
Barcia	Goode	Moran (KS)
Barr	Goodlatte	Moran (VA)
Barrett (NE)	Goodling	Morella
Bartlett	Gordon	Murtha
Barton	Goss	Myrick
Bateman	Graham	Nethercutt
Becerra	Granger	Ney
Bentsen	Green (TX)	Northup
Berman	Green (WI)	Norwood
Berry	Greenwood	Nussle
Biggert	Gutierrez	Obey
Bilbray	Gutknecht	Ortiz
Bilirakis	Hall (OH)	Ose
Bishop	Hall (TX)	Owens
Blagojevich	Hansen	Oxley
Bliley	Hastings (FL)	Packard
Blunt	Hastings (WA)	Pastor
Boehlert	Hayes	Pease
Boehner	Hayworth	Peterson (PA)
Bono	Hefley	Petri
Boswell	Herger	Pickering
Boyd	Hill (IN)	Pickett
Brady (TX)	Hill (MT)	Pitts
Brown (FL)	Hinojosa	Porter
Bryant	Hobson	Portman
Burr	Hoekstra	Price (NC)
Burton	Horn	Pryce (OH)
Callahan	Hostettler	Quinn
Calvert	Houghton	Radanovich
Camp	Hulshof	Rahall
Campbell	Hutchinson	Ramstad
Canady	Hyde	Rangel
Cannon	Isakson	Regula
Capps	Istook	Reyes
Castle	Jackson-Lee	Reynolds
Chabot	(TX)	Riley
Chambliss	Jenkins	Rodriguez
Coble	John	Rogan
Coburn	Johnson (CT)	Rogers
Collins	Johnson, Sam	Rohrabacher
Combest	Jones (NC)	Ros-Lehtinen
Condit	Jones (OH)	Roukema
Cook	Kaptur	Roybal-Allard
Cooksey	Kasich	Royce
Cox	Kelly	Ryun (KS)
Coyne	Kildee	Salmon
Cramer	Kilpatrick	Sanchez
Crane	King (NY)	Sandlin
Cubin	Kingston	Sawyer
Cummings	Knollenberg	Saxton
Cunningham	Kolbe	Schaffer
Danner	Kucinich	Scott
Davis (FL)	Kuykendall	Sensenbrenner
Davis (VA)	LaFalce	Serrano
Deal	LaHood	Sessions
DeLay	Lampson	Shadegg
DeMint	Lantos	Shaw
Deutsch	Largent	Sherman
Diaz-Balart	Latham	Sherwood
Dickey	LaTourette	Shimkus
Dicks	Lazio	Shows
Dixon	Levin	Shuster
Dooley	Lewis (CA)	Simpson
Doolittle	Lewis (KY)	Sisisky
Doyle	Linder	Skeen
Dreier	Lipinski	Skelton
Duncan	LoBiondo	Smith (MI)
Dunn	Lofgren	Smith (NJ)
Edwards	Lucas (KY)	Smith (TX)
Ehlers	Lucas (OK)	Smith (WA)
Ehrlich	Maloney (NY)	Souder
Emerson	Manzullo	Spence
English	Martinez	Spratt
Eshoo	Mascara	Stabenow
Etheridge	McCollum	Stenholm
Everett	McCrery	Strickland
Ewing	McHugh	Stump
Farr	McInnis	Sununu
Foley	McIntosh	Sweeney
Forbes	McIntyre	Talent
Fossella	McKeon	Tancredo
Frank (MA)	McNulty	Tanner
Franks (NJ)	Meek (FL)	Tauscher
Frelinghuysen	Metcalf	Tauzin
Frost	Mica	Taylor (MS)

Taylor (NC)	Visclosky	Wexler
Terry	Vitter	Whitfield
Thomas	Walden	Wicker
Thompson (CA)	Walsh	Wilson
Thune	Watkins	Wise
Thurman	Watt (NC)	Wolf
Tiahrt	Watts (OK)	Woolsey
Toomey	Waxman	Wynn
Trafficant	Weldon (FL)	Young (AK)
Turner	Weldon (PA)	Young (FL)
Upton	Weller	

NAYS—106

Ackerman	Gonzalez	Oberstar
Allen	Hilleary	Olver
Baird	Hilliard	Pallone
Baldacci	Hinchev	Pascarell
Baldwin	Hoefel	Payne
Barrett (WI)	Holden	Pelosi
Bereuter	Holt	Peterson (MN)
Berkley	Hooley	Phelps
Blumenauer	Hoyer	Pombo
Bonilla	Inslee	Pomeroy
Bonior	Jackson (IL)	Rivers
Borski	Kanjorski	Roemer
Boucher	Kennedy	Rothman
Brady (PA)	Kind (WI)	Ryan (WI)
Brown (OH)	Klecza	Sabo
Capuano	Klink	Sanders
Cardin	Larson	Sanford
Carson	Lee	Schakowsky
Chenoweth	Lewis (GA)	Shays
Clyburn	Lowey	Slaughter
Conyers	Luther	Snyder
Costello	Maloney (CT)	Stark
Crowley	Markey	Stearns
Davis (IL)	Matsui	Stupak
DeFazio	McCarthy (MO)	Thornberry
DeGette	McCarthy (NY)	Tierney
Delahunt	McDermott	Towns
DeLauro	McGovern	Udall (CO)
Doggett	Meehan	Udall (NM)
Engel	Meeke (NY)	Vento
Evans	Menendez	Waters
Fattah	Minge	Weiner
Filner	Moakley	Weygand
Fletcher	Nadler	Wu
Ford	Napolitano	
Gejdenson	Neal	

ANSWERED "PRESENT"—1

Johnson, E. B.

NOT VOTING—17

Bass	Fowler	Rush
Buyer	Hunter	Scarborough
Clay	Jefferson	Thompson (MS)
Clayton	Leach	Velazquez
Clement	McKinney	Wamp
Dingell	Paul	

□ 1844

Messrs. HINCHEY, BROWN of Ohio, NADLER, WEINER, PETERSON of Minnesota, and Mrs. LOWEY changed their vote from "yea" to "nay."

Mrs. NORTHUP and Mr. FRANK of Massachusetts changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 468, 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 Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 468, 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 410, nays 2, not voting 21, as follows:

[Roll No. 429]

YEAS—410

Abercrombie	DeMint	Jenkins
Ackerman	Deutsch	John
Aderholt	Diaz-Balart	Johnson (CT)
Allen	Dickey	Johnson, E. B.
Andrews	Dicks	Johnson, Sam
Archer	Dixon	Jones (NC)
Army	Doggett	Jones (OH)
Bachus	Dooley	Kanjorski
Baird	Doolittle	Kaptur
Baker	Doyle	Kasich
Baldacci	Dreier	Kelly
Baldwin	Duncan	Kennedy
Ballenger	Dunn	Kildee
Barcia	Edwards	Kind (WI)
Barr	Ehlers	King (NY)
Barrett (NE)	Ehrlich	Kingston
Barrett (WI)	Emerson	Klecza
Bartlett	Engel	Klink
Barton	English	Knollenberg
Bateman	Eshoo	Kolbe
Becerra	Etheridge	Kucinich
Bentsen	Evans	Kuykendall
Bereuter	Everett	LaFalce
Berkley	Ewing	LaHood
Berman	Farr	Lampson
Berry	Fattah	Lantos
Biggert	Filner	Largent
Bilbray	Fletcher	Larson
Bilirakis	Foley	Latham
Bishop	Forbes	LaTourette
Blagojevich	Ford	Lazio
Bliley	Fossella	Leach
Blumenauer	Frank (MA)	Lee
Blunt	Franks (NJ)	Levin
Boehlert	Frelinghuysen	Lewis (CA)
Boehner	Frost	Lewis (GA)
Bonilla	Gallegly	Lewis (KY)
Bonior	Ganske	Linder
Bono	Gejdenson	Lipinski
Borski	Gekas	LoBiondo
Boswell	Gephardt	LoFgren
Boucher	Gibbons	Lowey
Boyd	Gilchrest	Lucas (KY)
Brady (PA)	Gillmor	Lucas (OK)
Brady (TX)	Gilman	Luther
Brown (FL)	Gonzalez	Maloney (CT)
Brown (OH)	Goode	Maloney (NY)
Bryant	Goodlatte	Manzullo
Burr	Goodling	Markey
Burton	Gordon	Martinez
Calvert	Goss	Mascara
Camp	Graham	Matsui
Campbell	Granger	McCarthy (MO)
Canady	Green (TX)	McCarthy (NY)
Cannon	Green (WI)	McCollum
Capps	Greenwood	McCrery
Capuano	Gutierrez	McDermott
Cardin	Gutknecht	McGovern
Carson	Hall (OH)	McHugh
Castle	Hall (TX)	McInnis
Chabot	Hansen	McIntosh
Chambliss	Hastings (FL)	McIntyre
Clyburn	Hastings (WA)	McKeon
Coble	Hayes	McNulty
Coburn	Hayworth	Meek (FL)
Collins	Hefley	Meeks (NY)
Combest	Herger	Menendez
Condit	Hill (IN)	Metcalf
Cook	Hill (MT)	Mica
Cooksey	Hilleary	Millender-
Costello	Hilliard	McDonald
Cramer	Hinchev	Miller (FL)
Crane	Hinojosa	Miller, Gary
Coyne	Hobson	Miller, George
Coyne	Hoefel	Minge
Cramer	Hoekstra	Mink
Crane	Holden	Moakley
Crowley	Holt	Mollohan
Cubin	Hooley	Moore
Cummings	Horn	Moran (KS)
Cunningham	Houghton	Moran (VA)
Danner	Hoyer	Morella
Davis (FL)	Hulshof	Murtha
Davis (IL)	Hutchinson	Myrick
Davis (VA)	Hyde	Nadler
Deal	Inslee	Napolitano
DeFazio	Isakson	Neal
DeGette	Istook	Nethercutt
Delahunt	Jackson (IL)	Ney
DeLauro	Jackson-Lee	Northup
DeLay	(TX)	

Norwood	Ryan (WI)	Tauscher
Nussle	Ryun (KS)	Tauzin
Oberstar	Sabo	Taylor (MS)
Obey	Salmon	Taylor (NC)
Olver	Sanchez	Terry
Ortiz	Sanders	Thomas
Ose	Sandlin	Thompson (CA)
Owens	Sawyer	Thornberry
Oxley	Saxton	Thune
Packard	Schaffer	Thurman
Pallone	Schakowsky	Tiahrt
Pascrell	Scott	Tierney
Pastor	Sensenbrenner	Toomey
Payne	Serrano	Towns
Pease	Sessions	Trafficant
Pelosi	Shadegg	Turner
Peterson (MN)	Shaw	Udall (CO)
Peterson (PA)	Shays	Udall (NM)
Petri	Sherman	Upton
Phelps	Sherwood	Vento
Pickering	Shimkus	Visclosky
Pitts	Shows	Vitter
Pombo	Shuster	Walden
Pomeroy	Simpson	Walsh
Porter	Skeen	Waters
Price (NC)	Skelton	Watkins
Pryce (OH)	Slaughter	Watt (NC)
Quinn	Smith (MI)	Watts (OK)
Radanovich	Smith (NJ)	Waxman
Rahall	Smith (TX)	Weiner
Ramstad	Smith (WA)	Weldon (FL)
Rangel	Snyder	Weldon (PA)
Regula	Souder	Weller
Reyes	Spence	Wexler
Reynolds	Spratt	Weygand
Riley	Stabenow	Whitfield
Rivers	Stark	Wicker
Rodriguez	Stearns	Wilson
Roemer	Stenholm	Wise
Rogan	Strickland	Wolf
Rogers	Stump	Woolsey
Rohrabacher	Stupak	Wu
Ros-Lehtinen	Sununu	Wynn
Rothman	Sweeney	Young (AK)
Roukema	Talent	Young (FL)
Roybal-Allard	Tancredo	
Royce	Tanner	

NAYS—2

Hostettler Sanford

NOT VOTING—21

Bass	Fowler	Portman
Buyer	Hunter	Rush
Chenoweth	Jefferson	Scarborough
Clay	Kilpatrick	Sisisky
Clayton	McKinney	Thompson (MS)
Clement	Paul	Velazquez
Dingell	Pickett	Wamp

□ 1851

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). 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.

STEWART B. MCKINNEY HOMELESS EDUCATION ASSISTANCE IMPROVEMENTS ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, being without a home should not mean being without an education. Yet, that is what homelessness has meant for far too many of our children and youth today;

red tape, lack of information, and bureaucratic delays that result in their missing school and missing the chance at a better life.

That is why I rise today to introduce the McKinney Homeless Education Assistance Improvements Act of 1999. This legislation reflects the best ideas of some of the most dedicated people throughout Illinois and nationwide: homeless advocates, educators and experts at the U.S. Department of Education.

When we say the word "student," what kind of individual do we envision? More than likely, the images of a youngster sitting at a desk, taking an exam, or sitting at the kitchen table doing his homework. What we do not imagine is a student who is homeless, living in a shelter or living in a car. Yet, an estimated 1 million children and youth will experience homelessness this year, a situation that has a devastating impact on their educational advancement.

Congress recognized the importance of school to homeless children by establishing in 1987 the Stewart B. McKinney Education of Homeless Children and Youth Program. This program is designed to ensure that homeless children have the opportunity to enroll in and attend and succeed in school, and it has made a positive difference. Yet, today, more than 10 years after the passage of that important program, inadequacies in the Federal law inadvertently are acting as barriers to the education of homeless children.

There is no better time for Congress to renew our commitment to homeless children. As the 106th Congress pushes to reauthorize our federal K through 12 education programs, we must act to ensure that all homeless children remain in school so that they acquire the skills needed to escape poverty and lead productive lives.

This legislation will incorporate into federal law provisions and practices that remove the educational barriers faced by homeless youth. Several of these provisions are derived from the Illinois Education for Homeless Children State Act, which many consider to be a model for the rest of the Nation. This bill will ensure that a homeless child is immediately enrolled in school. Our bill helps to ensure that red tape does not make children miss school.

The bill also allows homeless children to remain enrolled in the school they originally attended or to enroll in the one that is currently nearest to them. Homeless families move frequently because of limits on length of shelter stays, extended searches for affordable housing or employment, or to escape an abusive situation. It allows the States to select a liaison to provide resource information and resolve disputes relating to homelessness. Because many schools do not currently have a point of contact for homeless students, these children frequently go unseen and unserved.

Finally, this bill strengthens the quality of local programs by making subgrants more competitive and by enhancing State and local coordination. This bill also strengthens the quality and collection of data on homeless students at the Federal level. This is particularly crucial as the lack of a uniform method of data collecting has resulted in unreliable national data and a likely underreporting of the numbers of homeless students.

Mr. Speaker, Congress must take advantage of this window of opportunity to renew its commitment to helping provide homeless children with a quality education. I am a strong supporter of local control of education and believe the McKinney Homeless Education Improvements Act of 1999 meets this principle while making the best use of limited federal resources.

Regrettably, homelessness is and will likely be for the immediate future a part of our society. However, being homeless should not limit a child's opportunity to learn.

In closing, let me take a moment to thank Illinois State Representative Cowlshaw, as well as Sister Rose Marie Lorentzen and Diane Nilan and the Hesed House in Aurora, Illinois for bringing this issue to my attention and for their tireless work on behalf of the homeless. I also want to thank Barbara Duffield with the National Coalition for the Homeless for her help in putting together this bill; and the gentleman from California (Mr. OSE), the gentlewoman from New York, (Ms. SLAUGHTER), and the gentlewoman from Illinois (Ms. SCHAKOWSKY), my friends and colleagues, for being original cosponsors.

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

Mr. Speaker, I insert the following letters for printing in the RECORD.

MARYLAND STATE
DEPARTMENT OF EDUCATION,
Baltimore, MD, August 20, 1999.

Hon. JUDY BIGGERT,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BIGGERT: I am writing to support your efforts to strengthen the McKinney Education for Homeless Children and Youth Act by amending it to include provisions from the Illinois State Education for Homeless Children Act.

In particular, the Illinois provisions relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration homelessness, would be of great benefit to homeless children in Maryland. These issues still challenge our public schools as they try to meet the educational needs of homeless children and youth. A stronger federal law based on the Illinois law would assist the efforts of schools, service providers, and families in Maryland to ensure homeless children and youth's access to and success in school.

In Maryland, The State Board of Education will publish on August 27, 1999 in the Maryland's Register, a set of regulations to cover programs for Homeless children. These regulations provide a standard that all school systems in Maryland must follow.

I thank you for your leadership on this critical issue. Please do not hesitate to contact me should you have any questions or need more information.

Sincerely,

WALTER E. VARNER,
*Specialist, Homeless Education and Neglected
and Delinquent Programs, State Coordinator
for Homeless Education.*

DEPARTMENT OF EDUCATION,
Des Moines, IA, August 17, 1999.

Hon. JUDY BIGGERT,
*U.S. House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE BIGGERT: I am writing to support your efforts to strengthen the McKinney Education for Homeless Children and Youth Act by amending it to include provisions from the Illinois State Education for Homeless Children Act.

In particular, the Illinois provisions relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration homelessness, would be of great benefit to homeless children in Iowa. These issues still challenge our public schools as they try to meet the educational needs of homeless children and youth. A stronger federal law based on the Illinois law would assist the efforts of schools, service providers, and families in Iowa to ensure homeless children and youth's access to and success in school.

Presently, Iowa is experiencing just over twenty-six thousand homeless individuals per year and 53% of those are children. We do not have enough support under the McKinney Act to assist all the communities wanting to improve services for the homeless. We are now very busy trying to assist schools to develop school improvement plans that address the homeless. More and more needs are surfacing as we work on this issue. We are trying to direct existing resources to assist the homeless and also develop new resources.

I thank you for your leadership on this critical issue. Please do not hesitate to contact me should you have any questions or need for more information.

Sincerely,

Dr. ROY MORLEY,
Iowa Dept. of Education.

TEXAS HOMELESS NETWORK,
Austin, TX, August 18, 1999.

Hon. JUDY BIGGERT,
*U.S. House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE BIGGERT: I am writing to support your efforts to strengthen the McKinney Education for Homeless Children and Youth Act by amending it to include provisions from the Illinois State Education for Homeless Children Act.

Texas has significantly strengthened its state laws regarding the enrollment of children in homeless situations, but we believe there is still room for improvement. In particular, the Illinois provisions relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration homelessness, would be of great benefit to homeless children in our state. These issues still challenge a number of our public schools as they try to meet the educational needs of homeless children and youth. A stronger federal law based on the Illinois law would assist the efforts of schools, service providers, and families in Texas to ensure homeless children and youth's access to and success in school.

The Texas Homeless Network is actively involved in helping local homeless service providers across the state form active, effective coalitions that meet the needs of those

experiencing homelessness. In my work with both established and forming coalitions, I have seen and heard reports that homelessness is on the rise for families and unaccompanied youth, in spite of Texas' robust economy. A recent estimate by the Texas Office for the Education of Homeless Children and Youth puts the number of school age children in homeless situations at over 125,000 per year. A little over \$2 million in McKinney funds is available to assist these children, but it is simply not enough.

I thank you for your leadership on this critical issue and applaud your efforts to assist children and families in the most dire circumstances. Please do not hesitate to contact me should you have any questions or need more information.

Sincerely,

KATHY REID,
Executive Director.

COALITION ON HOMELESSNESS
AND HOUSING IN OHIO,
Columbus, OH, August 19, 1999.

Hon. JUDY BIGGERT,
*U.S. House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE BIGGERT: I would like to take this opportunity to voice support for your efforts to strengthen the McKinney Education for Homeless Children and Youth (EHCY) Act, by amending it to include provisions based upon the Illinois State Education for Homeless Children Act. Homeless children's access to education has significantly improved as a result of the McKinney EHCY program, however, many obstacles persist. Obstacles to the enrollment, attendance, and success of homeless children in school still exist, nearly twelve years after the EHCY Act was established.

The provisions of the Illinois law relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration of homelessness, would be of great benefit to homeless children in the State of Ohio.

The aforementioned issues continue to challenge our public schools, as they try to meet the educational needs of homeless children and youth. A stronger EHCY Act built around the Illinois law, would go a long way toward assisting the efforts of schools, service providers, and families in Ohio to ensure that homeless children and youth have access to a quality education.

In Ohio, as in most other states, children are by most accounts the fastest growing segment of the homeless population. The State Department of Education estimates that in 1998, some 27,000 children in the twelve McKinney funded districts experienced homelessness. The numbers for the non-McKinney funded school districts are just as staggering. It is estimated that as many as 90,000 school-aged children in these districts experienced homelessness in 1998. In the coming years, these figures are likely to increase if proactive steps are not taken now. This is why your efforts to strengthen the Education for Homeless Children and Youth Act are of the utmost importance. "School is one of the few stable, secure places in the lives of homeless children and youth; a place where they can acquire the skills needed to help them escape poverty."

Again, thank you for your leadership on this critical issue. Please do not hesitate to contact me should you have any questions or require additional information.

Respectfully,

RICK TAYLOR,
Supportive Housing Director.

□ 1900

HURRICANE FLOYD

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentleman from North Carolina (Mr. MCINTYRE) is recognized for 5 minutes.

Mr. MCINTYRE. Mr. Speaker, eastern and southeastern North Carolina have been decimated by the recent hurricanes which have come through our area. Thousands of homes are under water as we speak right now, or have been destroyed. Roads are closed. The State's agriculture industry has been severely hit, and our beautiful beaches have been eroded.

Congress' help is greatly needed in order for the citizens of our State to begin rebuilding their lives once more. I urge my colleagues not to delay in working with us from the North Carolina delegation and our colleagues up and down the East Coast to pass a relief package.

Let me give the Members a sense of what has happened alone in my district, the Seventh Congressional District of North Carolina, the southeastern part of our State where this terrible storm came ashore, Hurricane Floyd, last week when we adjourned to go and work with our citizens in this part of our country.

Brunswick County has estimated damage amounts of more than \$100 million for the 200 homes along the ocean. Local landfills have been closed. Piers have been destroyed.

In Columbus County, 2,300 homes have water and septic problems. There has been extensive damage to sweet potato and corn crops.

In Duplin County, millions of hogs, turkeys, and chickens have been lost, creating severe environmental concerns. The southern area of this county has had several incidents of stranded persons requiring helicopter and boat assistance. Rescue workers have been working around the clock, and are experiencing danger to themselves. There have been reports of persons in the flood area with guns threatening others. Two thousand acres of the tobacco crops for our farmers have also been lost while still in the field.

People's homes have become islands in all three of these counties, Brunswick, Columbus, and Duplin, that I have just described.

In New Hanover County, Wilmington, North Carolina, near where the storm came ashore at Cape Fear near Bald Head Island, contamination of surface water has occurred from the heavy rainfall. The county in that area recommends no swimming or other bodily contact with all coastal and inland water areas until further notice. Residents in many areas have to boil or drink bottled water. There have been contaminated wells.

People have been stranded in rural areas. Even Interstate 40, one of our premier new superhighways in eastern North Carolina, has been closed because of heavy flooding. Eighty feet of

beach have been lost in areas such as Bald Head Island near Cape Fear.

In Robeson County, my home county, and in my hometown, Lumberton, North Carolina, damage estimates have been at \$20 million.

Bladen and Pender Counties have suffered almost immeasurable damage with regard to people's homes, businesses, farms, and livestock. The Black River has caused extensive flooding from this terrible storm.

Sampson and Cumberland Counties have also suffered from this vicious storm, especially with regard to agriculture.

Other needs throughout this area include more than 400 roads that have been impassable due to flooding, nearly 600 sections of highway washed out, ten bridges and drainage systems destroyed, many more under water and not yet accessible, and 600 pipelines damaged.

Water and sewage systems have bacteria, nitrates, and other pollutants that have contaminated them and many wells in the area. We are facing agricultural losses of more than \$577 million in crops and \$230 million in rural development needs. Forestry, 40,000 acres of trees have been blown down or destroyed, and 400,000 acres of our forest area is flooded. More than 30,000 homes have been flooded. Nearly 6,500 people are still in shelters.

The problems for health include raw sewage and animal waste. We have found dead animals on dry land attracting diseases and attracting flies, spreading disease. Our rivers and estuaries are facing raw and untreated sewage.

Our beaches, of course, have obviously faced significant erosion, thus adding and complicating the problem of future damage, as this area alone in the last 3 years has unfortunately seen five hurricanes.

This is a disaster of truly gargantuan proportions. The quick response by State and Federal emergency agencies has been tremendous. Once we know the full extent of the damage which we are even now assessing, it will be imperative that our fellow colleagues join us here in the U.S. Congress together to pass an emergency relief bill to address the devastation to our fellow American citizens, and especially those who have suffered such dire consequences in North Carolina.

We need help. I reach out to my colleagues from across the Nation. I rushed out of here last Wednesday as the hurricane was getting ready to strike. As I went home and saw again the devastation that our area and our homeland has faced in North Carolina, we are asking for help.

We are grateful for those who have responded personally with time and treasure and talent, for the help that we have seen come across the country, from electrical power workers to rescue workers to those in military positions to those who have given of their own food, and sent water to people who

do not even have clean water to drink, much less to bathe in. This is a disaster that has affected everyone.

We ask for help, we ask for common sense, and we ask for encouragement to help those who have suffered so much.

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 Extension of Remarks.)

THE MINING INDUSTRY IS SUFFERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, America's mining industry is suffering. The obvious culprits are predictable in a market economy. They include rising costs, declining profits, and increasing competition. However, there is one more obstruction that is not predictable, surmountable, or logical. That is, the United States Department of the Interior.

Even though mining is a basic national economic activity supplying strategic metal and minerals essential to agriculture, construction, and manufacturing, it may be dealt a fatal blow by the agenda of a hostile Washington bureaucracy. Instead of moving to bolster the mining industry, the Department of the Interior is hastening mining's demise.

Several recent opinions by the Department of the Interior's Solicitor herald a new era of bureaucratic bullying by unelected, unaccountable Federal administrators.

The first, unilateral, untouchable decision by Solicitor Leshy reinterprets the 1916 Organic Act, allowing the National Park Service to block mining activity if it can prove waters flowing into the park will be impacted. This will have the immediate effect of ending all prospecting for lead in southwest Missouri, which accounts for 85 percent of all U.S. lead production.

The second, more far-reaching and devastating Solicitor opinion reinterprets the Magna Carta mining law, the 1872 Mining Act. In this instance, the Solicitor reversed over 125 years of history and precedent with the stroke of a pen, declaring the 1872 Mining Law restricts the number of 5-acre millsites to one per lode claim. Previously, the 1872 law allowed as many five-acre millsites as necessary for the safe and practical operation of a mine. If left unchanged, this opinion will effectively end mine operation and public land exploration nationwide.

Although the decision is currently blocked by legislative action, there is no guarantee that our prohibition will remain in place.

Unfortunately, Mr. Speaker, matters get worse. The Bureau of Land Management, BLM, another Interior Department agency, has issued new hardrock mining regulations, in direct violation of congressional intent.

The BLM was directed by Congress to postpone new directives until a report by the National Academy of Sciences was issued regarding the need to revise 43 CFR, subpart 3809, concerning hardrock mining operations. Of course, the BLM pushed forward, lacking demonstrable need, with proposed regulations that will go into effect November 1 of this year.

Incorporating flawed science and flouting the will of Congress, these regulations may end any chance for mining to exist in America.

While Congress is considering a stay on this blatant power grab, we should take a moment to consider the commonsense recommendations the General Assembly of the State of Colorado has expressed in Colorado's House Joint Resolution 99-1023, sponsored by State Representative Carl Miller and State Senators Ken Chlouber and Doug Lamborn.

I submit for the RECORD the official position of the State of Colorado regarding BLM's proposed revisions to hardrock mining regulations.

Furthermore, I urge my colleagues to act favorably upon the instruction offered by the great State of Colorado.

House Joint Resolution 99-1023 is as follows:

HOUSE JOINT RESOLUTION 99-1023

Whereas, The mining industry is vital to the economy of Colorado, with direct and indirect contributions to the state's economy that exceed \$7.7 billion annually; and

Whereas, Hardrock miners are the highest paid industrial workers in Colorado, earning average annual wages of approximately \$60,000; and

Whereas, The producers of gold, silver, lead, zinc, molybdenum, gypsum, and other minerals located under the general mining laws provide a source of high paying jobs in rural areas of Colorado whose economies are highly dependent upon resource extraction; and

Whereas, Lower mineral commodity prices and other economic factors continue to challenge this industry making it important that state and local governments fashion regulatory programs that are cost effective and yet sufficient to regulate the environmental impacts of hardrock mining activities on public and private lands; and

Whereas, The "Federal Land Policy and Management Act of 1976" requires that mineral activities on federal lands protect the environment and prohibits any mining activity that would result in unnecessary and undue degradation of these areas; and

Whereas, The Bureau of Land Management within the United States Department of the Interior implements the mandate of federal law through regulations codified at 43 C.F.R. subpart 3809, and these laws and regulations are among the many laws that require mineral producers to protect air, water, cultural,

historic, fish, wildlife, and other resources; and

Whereas, The division of minerals and geology in the Colorado department of natural resources, through a cooperative agreement with the Bureau of Land Management, is the lead agency responsible for regulating mining activity on both public and private lands; and

Whereas, Colorado effectively regulates mining operations pursuant to the "Colorado Mined Land Reclamation Act", part 1 of article 32 of title 34, Colorado Revised Statutes, that sets forth very comprehensive permitting, bonding, environmental management, monitoring, and reclamation requirements for hardrock mining activities on both public and private lands; and

Whereas, The Colorado General Assembly strengthened this law in 1993 requiring that mining operators using certain toxic chemicals in mineral extraction meet more stringent standards before receiving authorization to mine; and

Whereas, The United States Department of the Interior, through the Bureau of Land Management, has announced its intention to propose revisions to 43 C.F.R. subpart 3809, that would preempt, conflict with, and duplicate the very effective state program now in place, and replace, it with a plenary federal program that may well lessen the environmental protections available under state law; and

Whereas, In 1998 the United States Congress enacted legislation directing the National Academy of Sciences to perform a study of the adequacy of state and federal laws governing hardrock mining on public lands and submit its findings and recommendations before the Department of the Interior's Bureau of Land Management may finalize changes to regulations under 43 C.F.R. 3809; and

Whereas, Notwithstanding the express mandate of Congress, the Bureau of Land Management proposed revisions to the regulations promulgated under 43 C.F.R. subpart 3809, in February, 1999, before the National Academy of Sciences has concluded, much less submitted, its study and recommendations, and the Bureau of Land Management has failed to consider the National Academy of Sciences' findings or process in fashioning the various regulatory revisions currently awaiting public comment; and

Whereas, Any changes to the regulations promulgated under 43 C.F.R. subpart 3809 must be based upon sound science and compelling policy reasons, and must take into account the findings and recommendations of the National Academy of Sciences' study before the Bureau of Land Management submits its proposal for public comment, yet the comment period on the proposed rules is set to expire on May 10, 1999, before the National Academy of Sciences completes its study of existing laws; now, therefore,

Be it Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

1. That the General Assembly calls upon the United States Department of the Interior and the Bureau of Land Management to withdraw the current proposal to amend the federal regulations, 43 C.F.R. subpart 3809 and published at 64 F.R. 6422 on February 9, 1999, governing hardrock mining activity.

2. That the General Assembly calls upon the Bureau of Land Management to await completion of the study currently underway by the National Academy of Sciences of the adequacy of hardrock mining regulations, which must be completed prior to July 31,

1999, and that the Bureau of Land Management refrain from publishing any further changes to the existing rules before it has fully considered the results of the study.

3. That the General Assembly calls upon the Bureau of Land Management, if it decides that further revisions to 43 C.F.R. subpart 3809 are necessary, to fully explain in the preamble to the new regulations how it fashioned its proposals in response to the anticipated findings and conclusions of the National Academy of Sciences' study and give the public at least 90 days to comment on the proposed changes.

4. That the General Assembly opposes changes to 43 C.F.R. subpart 3809 that would preempt the existing Colorado regulatory program or that would duplicate permitting and other requirements.

5. That the General Assembly calls upon the United States Department of the Interior to consider that the mining industry is one of the most heavily regulated industries in the United States and that unreasonable delays in obtaining permits are a significant disincentive to the location of new mines or expansion of existing mines in the United States.

6. That the General Assembly opposes the concept developed as a result of 43 C.F.R. subpart 3809 of using the "Most Appropriate Technology and Practices" which allows the Bureau of Land Management to dictate what type of equipment and technologies are employed by mining operators. Using the "Most Appropriate Technology and Practices" would replace the existing regulatory scheme that requires mining operators to meet performance standards, but allows the individual operators to decide how the individual operator will meet environmental standards.

7. That the General Assembly calls upon the Bureau of Land Management to consider the economic impact on mining and the communities dependent upon mining in Colorado and other states.

8. That the Bureau of Land Management specifically consider the conclusions in the Fraser Report that found that Colorado and many other states were ranked low in investment attractiveness due, in part, to the burden that government regulation imposes on the industry. Colorado received a score of only 24 out of a possible 100 in the Fraser Report.

9. That the General Assembly calls upon the Congress of the United States to impose a moratorium on any appropriations for the continuation or completion of the current rulemaking until the Department of the Interior withdraws the current rulemaking and agrees to fully consider the findings and recommendations of the National Academy of Sciences' study.

Be it further resolved, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the President of the United States, the Vice-president of the United States, the Secretary of the United States Department of the Interior, the Director of the Bureau of Land Management, and each member of the Colorado Congressional delegation.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to call attention to a dev-

astating storm that hit eastern North Carolina just in the last few days. People in North Carolina urgently need the help of this Congress to respond to one of the worst disasters to hit our State in recent memory.

Hurricane Floyd devastated much of eastern North Carolina from I-95 east, and some even west of it. Much of it was in my district, but some was in four other congressional districts in eastern North Carolina.

Tonight people are in shelters. Their homes are under water. For some of those people, they have lost everything that they own. Some of them are living on the edge. Others have lost their crops, all their crops for this year.

I have had the occasion to visit farms. I went into homes today, I went into one home of a lady where everything she had was on the street. She was inside her house seated in a lawn chair. That was all she had left. She had lost everything she had.

I went to a businessman who had worked all of his life, today. He had five feet of water from a stream that was not in the flood plain. He had paid his taxes all of his life, and tonight he has lost everything, but he was there cleaning out his business.

It is time for this Congress to face up to our obligations. We have helped people around the world. We have helped others in America. We now call on this Congress to help the people in North Carolina and along the Eastern Seaboard who have suffered one of the worst disasters in recent years.

Some parts of our State had as much as 20 inches of water. Tonight that water is still rising in eastern North Carolina. Some Members may have seen on national TV the carcasses of dead animals floating, and homes under water. It is not over. As many as 1 million poultry may be dead and floating, and they are saying now there may be 100,000 or more hogs.

Some of the finest prime farmland in America is in eastern North Carolina. There happens to be a large portion in my district, and a large portion in the district of the gentlewoman from North Carolina (Mrs. CLAYTON), the gentleman from North Carolina (Mr. MCINTYRE) who spoke a few moments ago, and the gentleman from North Carolina (Mr. JONES).

Just yesterday we had the opportunity to travel over eastern North Carolina with the President and a number of his cabinet members, the gentleman from North Carolina (Mr. PRICE), the gentlewoman from North Carolina (Mrs. CLAYTON), and others. We saw the utter destruction and the anguish on people's faces. Yet, they still have hope. They are waiting for us to act.

The latest numbers I have show that we have over 40 people that are now known dead. Yesterday we heard, as

the gentlewoman will remember, in one of the conversations that people went out in the boat checking houses and heard a knock on the roof. They cut a hole in the roof of a house and rescued 11 people and saved their lives. We may find many others who are dead.

That is unfortunate, but the loss in agricultural commodities and to the farm life of our farmers is extensive.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. ETHERIDGE. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, it was a source of encouragement to our State for the President to come to North Carolina yesterday, as the gentleman has said, and to have Secretary Rodney Slater there from the Department of Transportation, to have our small business administrator, Ms. Alvarez, with us; to have, from the Department of Agriculture, the chief of the National Resources Service, Pearlle Reed.

The President brought a message of hope and of solidarity, pointing out that we are all in this together. This is the kind of disaster that makes us realize we are all one community.

As the gentleman said, the agricultural aspect of this is particularly devastating. The U.S. Department of Agriculture there on the scene in North Carolina has come up with some preliminary figures, now well over \$1 billion in damage estimates. That includes everything from housing to community facilities to watershed protection efforts to emergency conservation programs and crop disaster assistance. It comes to \$1.19 billion, the estimates from North Carolina at this moment. And of course the water has not even receded yet.

Mr. ETHERIDGE. Mr. Speaker, that number does not even approach the number, if we look at the houses that are lost, the businesses that are under water, and it is still rising.

□ 1915

HURRICANE FLOYD

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, one aspect of this that is going to confront us in the weeks ahead is the environmental disaster that this represents. When we were in the helicopter flying down to Tarboro where the President spoke and where we met with community leaders and people who have been displaced by this disaster, we went to a shelter where people were talking about how difficult it was. They are, of course, happy to be alive; but it is tough in those shelters. The kids get restless. The situation is uncertain. People have no home to go back to in many cases.

But going down there, looking from the air, the unholy stew of hog waste overflowed and municipal systems being overflowed and storage tanks, gasoline storage tanks being uprooted, spilling, it is an awful environmental disaster. The people cannot drink this water. People cannot, of course, have any drainage or any sewage systems.

So it is a disaster that is going to be with us for a long time to come. The cleanup is going to take a long time. It is going to be very expensive. We are going to need our colleagues here to help us with disaster assistance. As this agricultural aid goes through, this very definitely needs to be a part of it.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman will yield, this photograph here I think is one of the photographs taken in eastern North Carolina. The gentlewoman from North Carolina (Mrs. CLAYTON) is here with us, and she was with us yesterday as we went down to Tarboro. I went back today and visited Wilson, parts of Wilson, and into Rocky Mount again and Smithfield.

But in Tarboro yesterday, it was heartening to see people's courage, but it was also heart wrenching to see what they had gone through, the whole town of Smithfield, Tarboro with no water, no sewer, no telling when it will be back up because water has not yet gone down.

Mrs. CLAYTON. Mr. Speaker, if the gentleman from North Carolina (Mr. PRICE) will yield to me, I agree and thank my colleagues for coming to the floor, and I just thank my colleagues for what they are doing so often.

I also visited Wilson today and visited Halifax. I have a map of the 301 that at least a home of 5,000 feet could get in. The railroad was having to be rerouted. The water for schools. I saw at least 50 homes destroyed. I am just coming back from Wayne County where the water has not crested yet.

They are wondering how much they are going to release from the Neuse on Wednesday. They are fearful that the water is going to crest tomorrow. If it released 6,000 cubic feet of water, that goes where? It goes to Wayne County. So we want our colleagues to understand this.

Mr. ETHERIDGE. Mr. Speaker, on the news this morning in Goldsboro, I heard this morning on the news along that point, 14 feet flood stage. The Neuse was supposed to crest today without any release of water right at 30 feet, more than twice flood stage. Water is everywhere. I agree.

Mr. PRICE of North Carolina. Mr. Speaker, reclaiming my time, people talk about 100-year flood. In some areas, this is a 500-year flood. There are areas flooded now that in no one's memory have ever been flooded before. It is unbelievable the extent of devastation, far beyond what could have reasonably been predicted.

Mrs. CLAYTON. Mr. Speaker, I want to just share with my colleagues, the word came from Greenville today that it had to cut all the water off. There

are about 65,000 people that pump there; they were going to lose their utilities. Again, they have not crested. They expect to crest tonight.

What it reaffirms is that we are so interdependent on each other. Someone always lives downstream from somewhere else. So those who are living downstream are beginning to see the manifestation of what it means to have the water come.

There are just thousands of people who are in shelters in Halifax. In fact, there are about 6,000 in Pitt County, about 5,000 in Edgecombe County. I visited today in Wilson, as the gentleman did. Some of the people in Wilson are actually taking people from Greene county as well as Pitt. We find neighbors helping neighbors.

We want to convey to our colleagues we need that same sense of compassion and generosity. By the way, this flood goes all the way to New Jersey.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, there are heart-rending tales. We spoke with many, many people in Tarboro who have gone through things no one should ever have to endure in losing their homes, losing their possessions, and, in some cases, losing the lives of family members.

But it is also at the same time inspiring to see the way people are working together and to see the spirit and the spunk. Also, I think we should pay tribute here, I think we all feel this, to the cooperative effort that governmental agencies are making.

Our governor, Jim Hunt, has been tireless in his work. Our Secretary of Crime Control and Public Safety, Richard Moore, has been on the scene. State agencies, local law enforcement, the National Guard, and the Federal Government is holding up its end of the bargain.

I must say the work of the Small Business Administration and FEMA. James Lee Witt was with us there yesterday, and he is working with us at this moment on how we can craft a disaster assistance package.

So we are very grateful for what has already happened, but we are going to have to be in this for the long haul.

Mr. ETHERIDGE. Mr. Speaker, if the gentlewoman from North Carolina will yield just a moment on that point, not only are we getting tremendous help, but I think FEMA has done an outstanding job. I would echo that. James Lee Witt has been outstanding. All of our agencies at every level. But a lot of our individuals have come forth to do so much.

I was in Rocky Mount, a district that the gentlewoman from North Carolina

(Mrs. CLAYTON) and I share. Thirty of the public service people in Rocky Mount were out helping others. They had no home to go home to. They were out helping.

Same thing was true in Tarboro yesterday. Two business people, Bob Barnhill who owns a construction company, and Steve Woodsworth, who has another business, they were there providing food and shelter and helping seniors, moving them out in Tarboro out of the Arbermal building when their homes had water in them. But they were there helping.

People of North Carolina have responded, but we still have a long way to go before we are through this. As the gentlewoman said, people are in shelters, are going to be there for several more days before they can even go to temporary quarters.

Mrs. CLAYTON. Mr. Speaker, let me just read a couple of statements that I have, because the pictures reflect that.

In the driving wind and rain last Thursday morning, Mr. Ben Mayo attempted to save his family. Concerned by the rapid rise of the river, he ushered his family of four out of bed and loaded them into a small boat. Reaching out to his neighbors, he also loaded eight of them into the same small boat. The boat capsized. Six of the persons from the boat were able to reach higher ground.

But Mr. Ben Mayo, his wife, his daughter, and granddaughter, Teshika Vines, were swept away by the raging waters.

I had a picture of her because the picture came in our local paper, right, on her horse.

Mr. Mayo's body was later found stuck in a drain pipe. But little Teshika, shown here on a pony, has yet to be found.

The water, an element that we all rely upon to preserve life took a life away.

In North Carolina, we are facing the worst natural disaster in the history of our State.

But like all of my colleagues have said, this traumatic and devastating story is replaying itself over and over. But conversely to that, people's generosity, if there is anything redemptive about this taking of life and this disaster, it is the generosity of people coming together, the governments working together to make that.

We want to convey that we in North Carolina want to join with our colleagues in Maryland or New Jersey or New York who also were devastated by this, and that we do need to craft a bill that would be responsive in a comprehensive way so that we can not only take care of the disaster in terms of the housing and the business but also the health needs that are just so traumatic.

We do not even begin to understand what it means to have more than a million chickens in the water, more than 100,000 hogs, horse farms, goat farms, all of these. I was in Wilson and

the Department of Health director warning people about the water, but also warning people about the rodents and the snakes, the mosquitos that we will have happen and the disease.

So we are in for a long haul. What we want to commend people for is their generosity, but we also want to encourage their patience, because it will take patience with people working together. We want to push our governments to be as responsive as possible. But we know we cannot restore them as quickly. So temporary housing is needed.

Mr. Speaker, in the driving wind and rain last Thursday morning, Mr. Ben Mayo attempted to save his family. Concerned by the rapid rise of the river, he ushered his family of four out of bed and loaded them into a small boat.

Reaching out to his neighbors, he also loaded eight of them into that same small boat. The boat capsized. Six of the persons from the boat were able to reach higher ground. But, Ben Mayo, his wife, his daughter and granddaughter, Teshika Vines, were swept away by the raging waters.

Mr. Mayo's body was later found, stuck in a drainpipe. Little Teshika, shown here on a pony, has yet to be found.

The water, an element that we all rely upon to preserve life, took her life away. In North Carolina we are facing the worst natural disaster in the history of our state.

The winds and water of Hurricane Floyd hit land some days ago, and have left a swath of death and destruction and despair, unprecedented in North Carolina history. Towns have become rivers, and rivers have become towns. Thirty-six are known dead. Many more are unaccounted for, still missing.

A State of Emergency has been declared in 26 counties, and the President has issued a disaster declaration for 60 counties. The Tar, Neuse, Cape Fear and Lumber Rivers are all above the flood stage.

Thousands of homes remain underwater. Evacuation orders were issued in seven counties. More than 300 roads, in 43 counties are closed, and that's down from the original 500 that were closed.

Power remains out in nearly 50,000 households, down from the 1.5 million who were initially without electricity. Water and sewer systems are in disrepair. Shelters are housing thousands of citizens.

One hundred thousand hogs have been lost, 2.4 million chickens and 500,000 turkeys. Disease and contamination is a real and dangerous threat as animal carcasses clutter the roads.

Coffins, dredged up by the flooding, have been seen floating in Goldsboro and Wilson. According to the Charlotte Observer, Floyd is the worst flood in North Carolina, in 500 years.

Rivers have become towns. Towns have become rivers. Yet, among all of this tragedy, there are bright spots.

The President has released another \$528 million to FEMA, to address immediate needs. And, we appreciate the efforts of FEMA to provide "Meals Ready to Eat," Ice, blankets, water and emergency generators.

We also appreciate the hundreds of individuals, on the ground, who are helping out. The Red Cross has opened 49 shelters. The Salvation Army has 31 mobile kitchens. Yet, much more help and support will be needed.

That is why, Mr. Speaker, I intend to join with Members of Congress from other impacted states to try to send a legislative package for further relief to the President for signing.

As part of that package, we need to update the law so that farmers can be treated on equal footing with other families and businesses. We will also need more resources, and that will also be a part of the legislative package.

The people of North Carolina are resilient, and we will bounce back from this situation. But, we will need the help of all Americans.

The winds will go, the rain will go, the rivers will crest, the clean-up will begin and the restoration will take place. The spirit of North Carolina will return, Mr. Speaker, with your help and the help of our colleagues.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROTHMAN) is recognized for 5 minutes.

Mr. ROTHMAN. Mr. Speaker, first allow me to convey my sincerest condolences and sympathies to the people of North Carolina. This has been such a terrible natural disaster, unprecedented in anyone's memory. I can only imagine the suffering that the people of North Carolina have already experienced and what lies ahead for them. Our prayers are with my colleagues and the people they represent, and we will do our part here in this body to assist my colleagues in assisting them.

But, Mr. Speaker, I want to talk a little bit about the effect of Floyd's fury that was felt in my State of New Jersey. We are now in the process of rebuilding our lives in the Garden State, lives that almost without exception were touched by Floyd.

In my district alone, it was not just the people who live near bodies of water. Virtually every single body of water, whether it was a lake or a stream or river overflowed its banks in unprecedented ways. There are countless tens of thousands of homes all through my district where basements were flooded, first levels were flooded, no, not much loss of life, thank God, but tremendous suffering, heartache, loss of worldly possessions, yes, but thank goodness not much loss of life.

But our people will be spending a great many weeks and months rebuilding their lives as they try to come to terms with what happened in the wake of Floyd.

I will tell my colleagues what they say the amount of damage in New Jersey just in northern New Jersey alone, \$500 million worth of damage.

In addition to the flooding of the homes and businesses and towns washed out, phone service was out. In my neck of the woods in northern New Jersey, a million people were without phone service beyond just their own little towns, more than a million people. Thirty-five thousand people had no phone service whatsoever.

There was no wireless cell phone service which we rely on a great deal in

northern New Jersey, no fax machines, no ATM machines.

Now my colleagues can say, well, why did this happen. We had families who were unable to check in on their loved ones, whether children checking in on their parents or vice versa if they lived out of town. We had patients unable to find their doctors, doctors unable to reach their patients. We had businesses unable to communicate with their customers, the customers with their businesses, suppliers with businesses.

How could this have happened? Well, I have asked that we undertake a Federal inquiry into how a vital industry, a vital utility such as the phone company, could have permitted or how they handled in fact Floyd's aftermath with so many million people and more without phone service for 3, 4, 5 days.

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Tens of millions of dollars were lost in terms of business alone, notwithstanding all of the heartache and emotional isolation felt by so many in my communities.

Well, the switching facility is apparently located near a body of water that had flooded and overflowed its banks in 1977. We are going to learn more about the details, but it is critical that in the year 1999 we find out why there was no redundancy, no duplication of switching devices, which would have prevented all together this tremendous lack of telephone service and the lack of disruption and damage to people's lives and businesses.

I am meeting with representatives from the phone company tomorrow. And we have a great many dedicated men and women who work for the telephone companies who did their utmost to prevent disruption, but I am afraid that there may need to be a new way of thinking on behalf of those planning for the worst. Y2K, the year 2000, is coming upon us. There are always the potentialities for accidents or, God forbid, terrorist incidents. If we are not prepared in the metropolitan area of New York and New Jersey for these kinds of disasters, natural and human-kind, what can we look forward to around the country? That is why we are conducting a federal investigation and will hold hearings on what could have been done to prevent that kind of tragedy.

As my time runs out, I just want to say to the people of New Jersey that we are fighting here in Congress for them, and I ask my colleagues to join me.

Mr. Speaker, I ask unanimous consent to proceed for an additional minute.

The SPEAKER pro tempore (Mr. ADERHOLT). The Chair is unable to recognize that request.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SISISKY) is recognized for 5 minutes.

Mr. SISISKY. Mr. Speaker, I commend my friend, Congresswoman CLAYTON, for taking time to discuss these terrible floods.

I saw her on television with the President when they visited some of the devastated areas in North Carolina.

Late last week, I visited southeast Virginia with our Governor, where we witnessed identical devastation.

I have to confess, I've never seen anything like it. To be faced with back-to-back drought and flood is simply overwhelming.

But our job is to see that these rural areas, communities, families, and businesses are not overwhelmed.

That is going to be a very big job.

Most of the rivers in and along my district are either right at flood stage or significantly over.

The upper Nottaway River was just below flood stage at Rawlings.

But by the time it got to the town of Stony Creek, 25 miles away, it was twelve feet above flood stage.

West of Petersburg, in Matoaca, the Appomattox was holding steady right at flood stage.

The Meherrin River was right at flood stage in Lawrenceville, but over two feet above flood stage by the time it got to Emporia.

I think most of you have seen news reports from Franklin, in the center of my district, where the Blackwater River crested about sixteen feet over flood stage and left most of the city completely under water.

And the effects of this flood have hurt communities like Portsmouth in ways that defy description.

Thankfully, the water is back on, and the same goes for communities in the Petersburg area.

With all this flood water spilling into water treatment facilities, not only were we warned to boil water, Portsmouth was warned to not drink the water even if it was boiled.

I think all of you know, it's one thing to lose electricity. That's bad enough.

But it's a whole different animal to lose your water over an extended period of time.

And in addition to electricity and water, we lost many major highways. Well over two hundred roads, along with interstates, were closed across southside Virginia.

And they stayed that way over the weekend as we waited for rivers and streams to crest, and then subside, so crews could remove debris.

Interstates 64 and 95 were closed, preventing travel to Hampton Roads and North Carolina.

The major highway across my district, U.S. 460, was under several feet of water in several locations.

Interstate 264 was open around Portsmouth, but with some ramps closed due to flood water.

Even highways that are open, like U.S. Routes 13 and 17, were closed at the Carolina border.

And in counties and communities where you can at least get around: Suffolk, Surry, Sussex, Southampton and Greenville, traffic was limited so cleanup crews could get in to make essential repairs.

Many streets in Chesapeake are still flooded.

I'm not going to belabor this any more—but as of today, the Internet list of closed roads is five pages long.

On top of that, we've got phone systems out and simply can't always call, even to check on loved ones.

That brings me to one thing I've got to say: Thank you and God bless all the emergency workers, from the Federal Emergency Management Agency folks and other Federal employees, to the State agencies, especially the National Guard—from the logistics operations to the helicopter pilots, and the VA Department of Transportation, to the local sheriffs and police and fire departments and rescue squads.

And I would also be remiss not to mention Red Cross and the hundreds of volunteers working with them and similar organizations.

I'm afraid we sometimes take these people for granted, but I doubt that anyone in Southside or North Carolina will ever make that mistake again.

Mr. Speaker, if the rain ever stops, we'll need to think about the future.

Drying out and restoring homes and communities will take time and a lot of hard work.

If the Federal, State and local partnership we've seen in the face of this emergency continues over the long term, we'll be in good shape.

One thing we need to do is make sure that in addition to the families, homeowners and businesses in our cities and towns, we remember the devastation this inflicts on rural areas and farmers and agribusiness.

It is my understanding that a Presidential Disaster Declaration carries far more weight than a Secretarial Declaration.

And I'm talking USDA, not FEMA.

I have already contacted the White House to request that areas affected by these floods receive all Federal assistance possible.

If that means we need a full-scale Presidential Disaster Declaration from USDA, that's what I want.

After the President went down there yesterday, I'm sure they would have done that anyway.

But this thing is just so big, so unbelievable, we need to do all we can to help these people get back on their feet.

As I said, this will take a lot of work over a long period of time, but now is the time to begin.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I would be happy to yield a moment to my colleague from New Jersey if he has more to add.

Mr. ROTHMAN. Mr. Speaker, I thank my friend and colleague, the gentleman from New Jersey (Mr. HOLT).

I just wanted to say that we have people without drinking water who must boil their drinking water and still people without power or phone service. So this is, as my colleague knows, because he has spent so much time over the last few days working on this, this is a real tragedy. The local people, the police, fire, ambulance, emergency services, the people in the power companies and phone companies have done their best to rally.

Mr. Speaker, I thank my colleague for the time. Together, we in Congress can help these people and rebuild our communities.

Mr. HULSHOF. My colleague is absolutely right, and I thank him for those remarks, and I am sure the people of New Jersey appreciate it.

Our hearts do go out to victims in other States. New Jersey has been hard hit. Many States in the East have been hard hit. As the flood waters receded across New Jersey, the death toll from Hurricane Floyd increased in our State. Surging flood waters caused hundreds of millions of dollars of damage and claimed four lives.

As officials struggled to cope with the thousands of refugees and families left to deal with contaminated drinking water and total devastation, in many cases, of their homes, we also have to deal with highway closures and lingering phone and power outages, which interfere with the ability to deal with the problems that families face.

Eight of the counties hardest hit by Floyd have been declared federal disaster areas, including three counties in my district in Central New Jersey, including Middlesex, Mercer, and Somerset Counties. In a number of places the flooding exceeded the boundaries of the hundred-year flood.

Over the past few days, I have seen firsthand the damage that the hurricane has caused. In Lambertville, for example, I toured the middle school, where water had flowed through the school. Mud covered the floors. There were floating school supplies and overturned and floating desks through the building. Officials there told me they expect the cleanup effort to cost up to \$1.5 million just in that one school.

In Branchburg, I have watched as families shoveled mud from their living areas, their shops, their basements, their belongings ruined, and homes permanently damaged. There was water everywhere but none to drink, as flooding contaminated drinking water sources. Still many people are without drinking water. They are advised to boil water. More than 200,000 residents in my district were found without water.

The scenes of devastation, however, did bring forth tails of heroic rescues. Many men and women devoted many exhausting hours to the rescue efforts, and they are to be commended. In this time of devastation, it gives us some comfort to think of the men and women of New Jersey who thought first of their neighbors. This inextinguishable spirit of the citizens of New Jersey has burned brightly in the days of this disaster, and it will continue to burn brightly. But that will not restore the damage caused by Hurricane Floyd.

There will be time in the coming weeks to talk about lessons learned from the flooding, and there are lessons to be drawn from this, lessons about the effect of loss of open space on flooding. But for now our attention goes to assisting the victims of the flood and to extolling the work of the rescue and repair efforts of those involved in those efforts.

While the federal disaster declaration is a substantial step forward in helping

central New Jerseyans start to put their lives back together, more assistance is necessary. I urge my colleagues to join me in supporting a legislative package to provide relief to the citizens that have been hurt and whose lives have been turned upside down by Hurricane Floyd.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Well, Mr. Speaker, it is a sobering time to be here on the floor and to listen to my colleagues describe the natural disaster that has occurred all along the East Coast from Hurricane Floyd. On behalf of the people of Iowa that I represent, and the entire State of Iowa, we extend our condolences and our sympathies.

We remember very well 6 years ago when we had the floods of the century in our State. I represent Des Moines, Iowa, and we were without water, drinkable water for over 3 weeks. So we understand the problems that people are having, and our hearts go out to the families of people who were lost in this terrible storm.

My State received a lot of help from States around the country, including those on the East Coast. I am sure that we have plans to reciprocate that generosity, and we certainly received our share of federal help in terms of FEMA disaster aid when we had our floods, and I will certainly support helping our neighbors on the East Coast with their terrible problems as well.

Mr. Speaker, I want to speak a little bit about managed care reform tonight. I was very pleased when on this Friday past the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), said that we will have a debate here in the House of Representatives the week of October 3. I would say that it is about time.

We had a very abbreviated debate last year on patient protection legislation. Really only had about an hour of debate on each of the bills. It was not a debate that did this House a lot of credit, and I hope that the debate we will have in 2 weeks will be a much better one and a fair one as well.

I do not expect that it will be easy for those of us who want to see comprehensive managed care reform pass the House. I suspect we will see a lot of amendments. There will be a lot of debate on alternatives. But I firmly believe that a vast majority of the Members of the House of Representatives want to pass a strong patient protection piece of legislation.

We watched the debate that occurred in the other House a few months ago, and a large number of us were very disappointed that the other House did not pass a more substantive bill. We are going to get our chance here in the next couple of weeks.

Why is this important? Well, for months I have been coming to the floor at least once a week to talk about the need for managed care reform. I have talked about a lot of different cases. And as I think about the people that have appeared before my committee, the Committee on Commerce, or that have appeared before other committees, victims of managed care abuses, I think about a family from California, where a father and his children came. Their mother was not with them because she had been denied treatment by her HMO, and it had cost her her life.

I think about a young woman who fell off a cliff, just 60 or so miles from Washington. She lay at the foot of that cliff with a broken skull, broken arm, and broken pelvis. She was air-flighted to a hospital, and then the HMO denied payment because she had not phoned for prior authorization.

I think about a young mother who was taking care of her little infant, a 6-month-old boy, who had a temperature of 104 or 105. And she did all the things she was supposed to with her HMO. She phoned the HMO. And the HMO spokesperson said, well, we will authorize you to take little Jimmy to an emergency room, but the only one we are going to authorize is 60, 70 miles away.

So little Jimmy's mother and father were driving him to a hospital. They had only been authorized to go to one hospital. They had to pass three other hospital emergency rooms enroute, and then he had a cardiac arrest and his mother tried to keep him alive as his dad was driving frantically to the emergency room.

They got him to the emergency room and a nurse runs out, and the mother leaps out of the car with her little baby and screams, Help me, help me. The nurse starts mouth-to-mouth resuscitation, and they put in the IVs and they start the medicines. They managed to save his life. But because of that HMO's decision, they were not able to save all of him. He ended up with gangrene of his hands and his feet and they had to be amputated. All because of that decision that that HMO made that prevented them from going to the nearest emergency room.

My colleagues, under federal law, that health plan which made that medical decision is responsible for nothing other than the cost of his amputations.

Yes, Mr. Speaker, I remember a lot of people who came before our committee and other committees. I remember a young woman who, with her husband sitting next to her, broke down in tears in describing how when, she had been pregnant, towards the end of her pregnancy, and she had a high-risk pregnancy, her doctor said that she needed to be in the hospital so that they could monitor her little baby, who was yet unborn. And the HMO said, Oh no, no, that is not medically necessary. You don't need that. We are not going to pay for it. You go on home. You go home, and we will get you a nurse to

sit with you part of the day. And at a time when the nurse was not there, the baby went into fetal distress and died.

And I can remember Florence Corcoran crying before our committee. But, Mr. Speaker, under federal law, that HMO which made that decision on medical necessity, they are liable for nothing.

There are lots of reasons and lots of people that have come before us, before Congress, in the last few years that have pointed out the need to do some real managed care reform. I remember one lady in particular who appeared before our committee. Her name was Linda Peeno. She was a claims reviewer for several health care plans, and she told of the choices that plans are making every day when they determine the medical necessity of treatment. I am going to tell my colleagues her story.

She started out by saying, I wish to begin by making a public confession. In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred, I was rewarded for this. It brought me an improved reputation in my job and contributed to my advancement afterwards. Not only did I demonstrate I could do what was expected of me, I exemplified the "good company" employee. I saved a half a million dollars.

Well, Mr. Speaker, her anguish over harming patients as a managed care reviewer had caused this woman to come forth and bear her soul in a tearful and husky-voiced account. And the audience, I remember very well, Mr. Speaker, the audience started to shift uncomfortably, because there were a lot of representatives from the managed care industry sitting there listening. And the audience grew very quiet. And the industry representatives averted their eyes. And she continued.

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She said,

Since that day, I have lived with this act and many others eating into my heart and soul. For me a physician is a professional charged with the care of healing his or her fellow human beings. The primary ethical norm is "do no harm." I did worse, she said, I caused death.

She went on, she said,

Instead of using a clumsy bloody weapon, I used the simplest, cheapest of tools, my words. This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance soothed my conscience.

She was like that voice at the other end of the line of that young mother phoning about her child. "Like a skilled soldier," she said,

I was trained for this moment. When any moral qualms arose, I was to remember I was not denying care; I was only denying payment.

Well, Mr. Speaker, I put this proviso in that. For the vast majority of these

people, when an HMO denies payment, that is a denial of care because most people cannot afford the care if their insurance company denies it.

She went on.

At the time, this helped me avoid any sense of responsibility for my decisions. But now I am no longer willing to accept the escapist reasoning that allowed me to rationalize that action. I accept my responsibility now for that man's death, as well as for the immeasurable pain and suffering many other decisions of mine caused.

At that point, Ms. Peeno described many ways managed care plans deny care. But she emphasized one in particular, Mr. Speaker, and that is going to be an issue that is going to be debated here in about 2 weeks; and that issue is one of the crucial issues of managed care reform, and that is the right to decide what care is medically necessary.

Under Federal law, employer plans can decide what is medically necessary. This is what Ms. Peeno had to say about that.

There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessities denials. Even when medical criteria is used, it is rarely developed in any kind of standard, traditional clinical process. It is rarely standardized across the field. The criteria are rarely available for prior review by the physicians or the members of the plan.

Then she closed with this statement that brought chills to a lot of people's spines because she invoked something that happened about 50 years ago. She said,

We have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry.

Well, Mr. Speaker, I have spoken many times on this floor about how important it is for patients to have care that fits what we would call "prevailing standards of medical care." Let me give my colleagues one example.

One particularly aggressive HMO defines "medical necessity" as the "cheapest, least expensive care."

So what is wrong with that, my colleagues say? Well, before I came to Congress, I was a reconstructive surgeon and I took care of a lot of children born with birth defects, like cleft lips, cleft palates. A cleft palate is a hole that goes right down the roof of the mouth. The child is born with this defect. They cannot eat properly. Food comes out their nose. They cannot speak properly because the roof of their mouth is not together.

The standard treatment for that, the prevailing standard of care, is a surgical repair. But under this HMO's definition of "medical necessity," they say the cheapest, least expensive care is what we define as "medically necessary."

Do my colleagues know what that could mean? That could mean that they could say, hey, this kid does not get an operation. We are just going to provide him with a little piece of plastic to shove up into that hole in the

roof of his mouth. After all, that will kind of help keep the food from going up into his nose.

Of course he will not be able to learn to speak properly. It would be a piece of plastic like an upper denture, and that certainly would be cheaper than a surgical repair. But I tell me colleagues what, Mr. Speaker, that does not speak much to quality.

Well, on this floor in a couple of weeks we are going to see a bill introduced by my colleague and friend, the gentleman from Ohio (Mr. BOEHNER) from Ohio, and I guarantee my colleagues that it will have in it a definition of "medical necessity" that will allow an HMO to continue to define "medical necessity" in any way that it wants to.

I would advise my colleagues to maybe talk to the mother of this little boy who no longer has any hands or feet about definitions of "medical necessity" or speak to this family from California whose mother is no longer alive because the plan arbitrarily defined "medical necessity" in a way that did not fit prevailing standards of care. Or maybe they ought to speak to Florence Corcoran about how now she does not have a beautiful, little baby because of a decision that her HMO made on "medical necessity."

Mr. Speaker, common sense proposals to regulate managed care plans do not constitute a rejection of the market model of health care. In fact, they are just as likely to have the opposite effects. I think if we pass strong, comprehensive, common sense managed care reform that we will be preserving the market model because we will be saving it from its most destructive tendencies.

Surveys show that there is a significant public concern about the quality of HMO care; and if these concerns are not addressed, Mr. Speaker, I think it is likely that the public will ultimately reject the market model. But if we can enact true managed care reform, such as embodied in the Norwood-Dingell-Ganske-Berry bill, then consumer rejection of the market model is less likely.

Mr. Speaker, this is not a novel situation. Congress has stepped in many times in the past to correct abuses in industries. That is why we have child labor laws and food and drug safety laws. That is why Teddy Roosevelt broke up the trusts. Those laws, in my opinion, help preserve a free enterprise system. And Congress would not be dealing with this issue were it not for past Federal law.

For a long time Congress had left health insurance regulation to the States; and, by and large, they have done a good job. But Congress passed a law called the Employee Retirement Income Security Act some 25 years ago in order to simplify pension management and, almost as an afterthought, employer health plans were included in the exemption from State law. Unfortunately, nothing was substituted for

effective oversight in terms of quality, marketing, or other functions that State insurance commissioners or legislatures have effectively done. That that lack of oversight, coupled with lack of responsibility for the medical decisions that they make, has resulted in the abuses for people like little Jimmy Adams or Florence Corcoran or a number of others.

Under current Federal ERISA law, if they receive their insurance from their employer and they have a tragedy, like their little boy loses his hands and feet because of an HMO decision, their health plan, their HMO, is liable for nothing, nothing, other than the care of cost of the treatment, i.e., the cost of the amputations. Congress made this law 25 years ago. Congress should fix it.

The bipartisan Managed Care Reform Act of 1999 would help prevent a case like little Jimmy Adams and it would help make health plans responsible for their actions. To my Republican colleagues, I call out.

We talk about people being responsible for their actions. We think a murderer or a rapist should be responsible for his actions. We think an able-bodied person should be responsible for providing for his family and for his children. Well, my fellow Republicans, HMOs should be responsible for their actions, too. Let us walk the talk on responsibility when it comes to HMOs just as we do for criminals and for deadbeat fathers.

Now, the opponents to real managed care reform always try to inflate fears that the legislation is going to cause premiums to skyrocket, that people would be priced out of coverage. I say to that, not so.

Studies have shown that the price of managed care reform would be modest, probably less than \$35 a year for a family of four. In fact, the chief executive officer of my own Iowa Blue Cross/Blue Shield Wellmark plan told me they are implementing HMO reforms and they do not expect to see any premium increases from those changes.

Now, the HMO industry last year spent more than \$100,000 per congressman lobbying on this issue and they have been running ads all around the country in the last 2 months. Well, take their numbers with a grain of salt. The industry took an estimate of last year's Patients' Bill of Rights, which was scored by the CBO at a 4-percent cumulative increase over 10 years, but the industry in its ads reported the increase as if it were 4 percent annual instead of 4 percent over 10 years.

The HMO industry also conveniently ignored page 2 of the Congressional Budget Office summary, which said that only about two-thirds of that 4 percent over 10 years would be in the form of raised premiums.

HMOs predict our consequences if Congress passes a bill like the bipartisan managed care bill. They say lawsuits will run rampant. They say costs will skyrocket. They say managed care will shrink. And I say, baloney.

These Chicken Littles remind me of the opponents to the clean water and clean air regulations a decade ago. They all said the sky will fall, the sky will fall if that legislation passed. Instead, today we have cheap air, and we have clean water except for those victims of the hurricane right now.

Let us look at the facts. In the State of Texas, after a series of highly publicized hearings during which numerous citizens told of injury or death resulting of denial of treatment from their HMOs, the Texas Senate passed a strong HMO reform bill making HMOs liable for their decisions by a vote of 25-5. The Texas House of Representatives passed the bill unanimously, and Governor George W. Bush allowed it to become law. And he told me recently, he said, You know what Greg, I think that law is working pretty darn good.

Recently the House Committee on Commerce heard testimony from Texas that refutes those dire predictions by the HMO industry. A deluge of lawsuits? There has been one lawsuit in 2 years since passage of the Texas Managed Care Liability Act.

That lawsuit, Plocica versus NYLCare, is a case in which the managed care plan did not obey the law and a man died. This case exemplifies accountability at the end of the review process. Mr. Plocica was discharged from the hospital suffering from severe acute clinical depression. His treating psychiatrist told the plan that he was suicidal and he needed to stay in the hospital until he could be stabilized. Texas law required an expedited review by an independent review organization prior to discharge, but such a review was not offered to the family or to the man.

Mr. Plocica's wife took him home. That night he drank half a gallon of antifreeze, and he died a horrible painful death because of that HMO's decision.

Now, this case shows that an external review and liability go hand-in-hand. Without the threat of legal accountability, HMO abuses like those that happened to Jimmy Adams and Mr. Plocica will go unchecked. But the lesson from Texas is also that lawsuits will not go crazy.

In fact, when HMOs know that they are going to be held accountable, there will be fewer tragedies like this. And just as there has not been a vast increase in litigation, neither has there been a skyrocketing increase in premiums in Texas.

The national average for overall health costs increased 3.7 percent in 1992, while the Dallas and Houston markets were well below average at 2.8 percent and 2.4 percent respectively. Other national surveys show Texas premium increases to be consistent with those of other States that do not have the extensive patient protection legislations that were passed by the Texas legislature. And the managed care market in Texas certainly has not dried up.

In 1994, the year prior to the Texas managed care reforms, there were 30

HMOs in Texas. Today there are 51. In a recent newspaper article, ETNA CEO Richard Huber referred to Texas as "the filet mignon" of States to do business in when he was asked about ETNA's plan to acquire Prudential that has a large amount of Texas business.

None of these facts support the HMO's accusations that Texas patient protection laws would negatively impact on the desire of HMOs to do business in Texas.

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Mr. Speaker, it is time for Congress to get off its duff and fix this problem that it created, and I call on my Republican colleagues to join with us in a bipartisan effort in a couple weeks here to pass this bill.

Mr. Speaker, let me talk for a few minutes about the uninsured, because we are going to hear a lot of debate in 2 weeks about various provisions on the uninsured and how we should not pass patient protection legislation, we should really be dealing with the uninsured.

Now I think, Mr. Speaker, that we definitely need to do something about the uninsured in this country, and let me give you some thoughts on this:

First of all, who is the uninsured? Well, there are about 43 million people without any form of health insurance in this country. About 25 percent of the uninsured are under the age of 19, 25 percent are hispanic, 25 percent are legal noncitizens, 25 percent are poor, which is noteworthy because 46 percent of the poor do not have Medicaid even though they qualify for Medicaid; and these groups overlap so that if you are below the age of 19, you are Hispanic, you are poor and a legal noncitizen, your chances of being uninsured are very, very high.

A significant percentage, however, are not poor. They have incomes of more than two times the national poverty level, and these people tend to be aged 19 to 25. Fewer than 15 percent, Mr. Speaker, fewer than 15 percent of those older than 25, are uninsured, uninsured.

So, if we know these facts, a few solutions kind of leap out at us on how to fix this problem of the uninsured.

First, there are 11 million uninsured children living in this country. One-quarter of the uninsured, about 5 million of these people, qualify for Medicaid, or they qualify for the Children's Health Insurance Program. But they are not enrolled. Hispanic Americans represent 12 percent of the under-65 population, but 24 percent of the uninsured. The income of many Hispanics qualify them for Medicaid, but they, too, frequently are not getting the coverage that they qualify for.

Why is this? Well, Mr. Speaker, a lot of times it is because the Government has not made it particularly easy to access the system. In my own State of Iowa, the application is not only long, but a Medicaid recipient must report

his income each month in order to get Medicaid. In Texas, to be eligible for Medicaid, the uninsured must first apply in person at the Department of Human Services, which is usually located way off the beaten track and way out of range of public transportation.

If even one of the receipts to prove eligibility is forgotten, the applicant has to spend another day traveling and waiting in line. In California the uninsured person who is poor must first fill out, and get this, a 25-page application for Medicaid, often in a language they can barely speak or barely read, and many times English is a second language.

So, Mr. Speaker, the first thing we can do to reduce the number of uninsured is to make sure that the poor who qualify for Medicaid are covered. How do you do that? Simplify forms, reach to Hispanic and other ethnic communities, oversee the CHIP program to see why more people who qualify are not taking advantage. In many cases, Mr. Speaker, it is as simple as the fact that the people who qualify do not even know about the programs.

Now are we going to hear much debate on the floor of Congress here in 2 weeks on doing these things? Or are we going to see some debate on some truly screwy ideas that could hurt the risk pool, and I will talk about that in a minute.

Well, what about those who are aged 19 to 23? Many of these people are in college. This is a healthy group. It should not be expensive to cover. Some colleges say they can cover these young people for only \$500 a year for a catastrophic coverage. That is a small price to pay compared to tuition. Why have we not made a commitment to health care coverage for this group? Maybe we should look at tying student loans to health coverage, and I believe that tax policy also determines to some extent whether an individual has health insurance.

Businesses get 100 percent deductibility for providing health care to employees. Individuals purchasing their own insurance get about 40 percent. That is not fair; let us fix it.

In trying to address the uninsured, however, Congress should be careful not to increase the number of uninsured through unintended consequences of potentially harmful ideas such as I am sure we are going to debate on the floor in about 2 weeks, ideas like health marts and association health plans.

Let me explain my concern, and I hope my colleagues are listening to this:

Under court interpretations of the Employee Retirement Income Security Act of 1974, State insurance officials cannot regulate health coverage by self-insured employers. This regulatory loophole, as I have said before, created many of the problems with association health plans. The benefit of being able to create a favorable risk pool motivated many to self-insure; but since

they were exempt from State insurance oversight, many of these association health plans became insolvent during the 1970s and the early 1980s and left hundreds of thousands of people without coverage.

Some of these plans went under because of bad management and financial miscalculations, and others were simply started by unscrupulous people whose only goal was to make a quick buck and get out without any concern about the plight of those who were covered under those association plans.

I would encourage my colleagues to read Karl Polzer's article, Preempting State Authority to Regulate Association Plans, Where It Might Take Us. It is in National Health Policy Forum, October 1997.

Mr. Speaker, we have said this before many times on the floor: those who do not know history are bound to repeat it. Those rash of failures for association health plans led Congress in 1983 to amend ERISA to give back to States the authority to regulate self-insured, multiple-employer welfare associations or association health plans. Only self-insured plans established or maintained by a union or a single employer remained exempt from insurance regulation; and now there are those who want to ignore the lessons of the past and repeat the mistakes of pre-1983. If anything, some mismanaged and fraudulent associations continue to operate. Some associations try to escape State regulation by setting up sham union or sham employer associations; self-insure and then they claim they are not an EWA.

To quote an article by Wicks and Meyer entitled, Small Employer Health Insurance Purchasing Arrangement, Can They Expand Coverage?, it says: "The consequences are sometimes disastrous for people covered by these bogus schemes."

Well, Mr. Speaker, if anything, Congress should crack down on these fraudulent activities. We should not be promoting them, but we are going to have a debate on this floor in 2 weeks where there are going to be people standing here in this well promoting those screwy ideas. I would encourage them to go back and look at history and not repeat the mistakes that were corrected in 1983.

Wicks and Meyer summarized the two big problems with expanding ERISA exemption to more association health plans.

First, if they bring together people who have below-average risk and exclude others and are not subject to State small-group rating rules, then they draw off people from the larger insurance pool, thereby raising premiums for those who remain in the pool. Mr. Speaker, I hope my colleagues are listening. If they vote for association health plans' expansion, your vote could result in an increase of premiums for many individuals in your States.

Second, if they are not subject to appropriate insurance regulation to pre-

vent fraud and ensure solvency and long-run financial viability, they may leave enrollees with unpaid medical claims and no coverage for future medical expenses. Mr. Speaker, that would not help the problem of the uninsured.

Mr. Speaker, I recently asked a panel of experts that appeared before the Committee on Commerce if they agreed with these concerns about association health plans; and they unanimously did, and that panel even included proponents of association health plans.

Mr. Speaker, let us pass real HMO reform. Let us learn from States like Texas. After all, is it not Republicans who say the States are the laboratories of democracy? Well, let us address the uninsured by making sure that those who qualify for the safety net are actually enrolled; and, yes, let us have equity in health insurance tax incentives, but let us also be very leery and wary of repeating past mistakes with ERISA.

Now we are also going to have a debate on the floor here about some substitutes, and I just want to commend my Republican colleagues from Oklahoma (Mr. COBURN) and Arizona (Mr. SHADEGG). They have been forthrightly for health plans being held liable for their negligence, and all of us who have worked on this issue appreciate that. However, I want to advise my colleagues that there is a provision in their bill, H.R. 2824, that is very problematic, and it goes like this:

"Before a patient could go to court, an external appeal entity would have to certify whether a personal injury had been sustained or whether an HMO was the proximate cause of injury." A finding for the HMO ends the lawsuit, according to this provision. A finding for the patient would not prevent the patient from making the same argument in court.

So therefore, before a patient could hold a managed care company responsible for wrongfully denying care, he or she would first have to go through an internal appeal, an external review and a secondary external review. That is not a very timely process for a sick patient. And furthermore, the Supreme Court has recently made clear that the Seventh Amendment means the right to have a jury decide all factual issues. In the case *Feltner v. Columbia Pictures Television*, in the Coburn-Shadegg bill the external entity would decide the elements of horror, the proximate cause and the breach of due care. In short, the entire case except damages.

Well, the Supreme Court in a decision, *Grandfinanciere, S.A., v. Nordberg*, ruled that Congress may not evade the Seventh Amendment simply by transferring the adjudication of private claims from federal courts to tribunals like this one that do not have juries; and furthermore, the gentleman from Oklahoma (Mr. COBURN) envisions those tribunals to be composed of doctors who probably would not be expert in State or federal law.

So why should this be a problem for anyone in this body? Well, let me give my colleagues an example.

Many in Congress are interested in the rights of the unborn. Case law is developing in State courts on pre-birth and even pre-conception torts, and a majority of States allow for the recovery of pre-birth injuries.

Now these sensitive policy decisions are being made by State legislatures and State courts in case law. They should not be left to private bodies who are not accountable to anyone, which is what would happen under this provision of the Coburn-Shadegg bill. There would be nothing to prevent an external appeal entity from reverting to the notion that a fetus is not a person, and therefore there was no personal injury for birth defects or other harm occurring before birth.

And furthermore, this medical eligibility scheme would be imposed on non-ERISA plans. It is unfair to patients. That provision is one sidedly in favor of HMOs, and it is unconstitutional; and when you get a chance, vote against that provision, and I would point out about 14 States where case law confirms the Supreme Court decisions as well.

Mr. Speaker, 275 groups have cosponsored H.R. 2723, the Bipartisan Managed Care Consensus Reform bill. I will insert the list of these endorsing organizations into the RECORD:

SUPPORT FOR H.R. 2723 IS GROWING
EXPONENTIALLY

WHY DON'T YOU JOIN THE MEMBERS OF THE FOLLOWING 275 GROUPS BY COSPONSORING H.R. 2723 TODAY?

Academy for Educational Development; Adapted Physical Activity Council; Allergy and Asthma Network-Mothers of Asthmatics, Inc.; Alliance for Children and Families; Alliance for Rehabilitation Counseling; American Academy of Allergy and Immunology; American Academy of Child and Adolescent Psychiatry; American Academy of Emergency Medicine; American Academy of Facial Plastic and Reconstructive Surgery; American Academy of Family Physicians; American Academy of Neurology; American Academy of Ophthalmology; American Academy of Otolaryngology-Head and Neck Surgery; American Academy of Pain Medicine; American Academy of Pediatrics; American Academy of Physical Medicine & Rehabilitation; American Association for Hand Surgery; American Association for Holistic Health; American Association for Marriage and Family Therapy; American Association for Mental Retardation; American Association for Psychosocial Rehabilitation; American Association for Respiratory Care; American Association for the Study of Headache; American Association of Clinical Endocrinologists; American Association of Clinical Urologists; American Association of Hip and Knee Surgeons; American Association of Neurological Surgeons; American Association of Nurse Anesthetists; American Association of Oral and Maxillofacial Surgeons; American Association of Orthopaedic Foot and Ankle Surgeons; American Association of Orthopaedic Surgeons; American Association of Pastoral Counselors; American Association of People with Disabilities; American Association of Private Practice Psychiatrists; American Association of University Affiliated Programs for Persons with

DD; American Association of University Women; American Association on Health and Disability; American Bar Association, Commission on Mental & Physical Disability Law; American Board of Examiners in Clinical Social Work; American Cancer Society; American Chiropractic Association; American College of Allergy and Immunology; American College of Cardiology; American College of Foot and Ankle Surgeons; American College of Gastroenterology; American College of Nuclear Physicians; American College of Nurse-Midwives; American College of Obstetricians and Gynecologists; American College of Osteopathic Surgeons; American College of Physicians; American College of Radiation Oncology; American College of Radiology; American College of Rheumatology; American College of Surgeons; American Council for the Blind; American Counseling Association; American Dental Association; American Diabetes Association; American EEG Society; American Family Foundation; American Federation of State, County, and Municipal Employees; American Federation of Teachers; American Foundation for the Blind; American Gastroenterological Association; American Group Psychotherapy Association; American Heart Association; American Liver Foundation; American Lung Association/American Thoracic Society; American Medical Association; American Medical Rehabilitation Providers Association; American Medical Student Association; American Medical Women's Association, Inc.; American Mental Health Counselors Association; American Music Therapy Association; American Network of Community Options And Resources; American Nurses Association; American Occupational Therapy Association; American Optometric Association; American Orthopaedic Society for Sports Medicine; American Orthopsychiatric Association; American Orthotic and Prosthetic Association; American Osteopathic Academy of Orthopedics; American Osteopathic Association; American Osteopathic Surgeons; American Pain Society; American Physical Therapy Association; American Podiatric Medical Association; American Psychiatric Association; American Psychiatric Nurses Association; American Psychoanalytic Association; American Psychological Association; American Public Health Association; American Society for Dermatologic Surgery; American Society for Gastrointestinal Endoscopy; American Society for Surgery of the Hand; American Society for Therapeutic Radiology and Oncology; American Society of Anesthesiology; American Society of Cataract and Refractive Surgery; American Society of Dermatology; American Society of Echocardiography; American Society of Foot and Ankle Surgery; American Society of General Surgeons; American Society of Hand Therapists; American Society of Hematology; American Society of Internal Medicine; American Society of Nephrology; American Society of Nuclear Cardiology; American Society of Pediatric Nephrology; American Society of Plastic and Reconstructive Surgeons, Inc.; American Society of Transplant Surgeons; American Society of Transplantation; American Speech-Language-Hearing Association; American Therapeutic Recreation Association; American Urological Association; Americans for Better Care of the Dying; Amputee Coalition of America; Anxiety Disorders Association of America; Arthritis Foundation; Arthroscopy Association of North America; Association for Ambulatory Behavioral Healthcare; Association for Education and Rehabilitation of the Blind and Visually Impaired; Association for Persons in Supported Employment; Association for the Advancement of Psychology; Association for the Education of Community

Rehabilitation Personnel; Association of American Cancer Institutes; Association of Education for Community Rehabilitation Programs; Association of Freestanding Radiation Oncology Centers; Association of Maternal and Child Health Programs; Association of Subspecialty Professors; Association of Tech Act Projects; Asthma & Allergy Foundation of America; Autism Society of America; Bazelon Center for Mental Health Law; California Access to Specialty Care Coalition; California Congress of Dermatological Societies; Center for Patient Advocacy; Center on Disability and Health; Child Welfare League of America; Children & Adults With Attention Deficit/Hyperactivity Disorder; Citizens United for Rehabilitation of Errands; Clinical Social Work Federation; Communication Workers of America; Conference of Educational Administrators of Schools and Programs for the Deaf; Congress of Neurological Surgeons; Consortium of Developmental Disabilities Councils; Consumer Action Network; Consumers Union; Cooley's Anemia Foundation; Corporation for the Advancement of Psychiatry; Council for Exceptional Children; Council for Learning Disabilities; Crohn's and Colitis Foundation of America; Diagenetics; Digestive Disease National Coalition; Disability Rights Education and Defense Fund; Division for Early Childhood of the CEC; Easter Seals; Epilepsy Foundation of America; Evangelical Lutheran Church in America; Eye Bank Association of America; Families USA; Family Service America; Federated Ambulatory Surgery Association; Federation of Behavioral, Psychological & Cognitive Sciences; Federation of Families for Children's Mental Health; Friends Committee on National Legislation; Goodwill Industries International Inc.; Guillain-Barre Syndrome Foundation; Helen Keller National Center; Higher Education Consortium for Special Education; Huntington's Disease Society of America; Infectious Disease Society of America; Inter/National Association of Business, Industry and Rehabilitation; International Association of Jewish Vocational Services; International Association of Psychosocial Rehabilitation Services; International Dyslexia Association; Joseph P. Kennedy, Jr. Foundation; Learning Disabilities Association; Lupus Foundation of America, Inc.; Medical College of Wisconsin; National Alliance for the Mentally Ill; National Association for Medical Equipment Services; National Association for Rural Mental Health; National Association for State Directors of Developmental Disabilities Services; National Association for the Advancement of Orthotics and Prosthetics; National Association of Children's Hospitals; National Association of Developmental Disabilities Councils; National Association of Medical Directors of Respiratory Care; National Association of People with AIDS; National Association of Physicians Who Care; National Association of Private Schools for Exceptional Children; National Association of Protection and Advocacy Systems; National Association of Psychiatric Treatment Centers for Children; National Association of Public Hospitals and Health Systems (Qualified Support); National Association of Rehabilitation Research and Training Centers; National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Special Education; National Association of State Mental Health Program Directors; National Association of the Deaf; National Black Women's Health Project; National Breast Cancer Coalition; National Center for Learning Disabilities; National Coalition on Deaf-Blindness; National Committee to Preserve Social Security and Medicare; National Community

Pharmacists Association; National Consortium of Phys. Ed. And Recreation For Individuals with Disabilities; National Council for Community Behavioral Healthcare; National Depressive and Manic-Depressive Association; National Down Syndrome Society; National Foundation for Ectodermal Dysplasias; National Hemophilia Foundation; National Mental Health Association; National Multiple Sclerosis Society; National Organization of Physicians Who Care; National Organization of Social Security Claimants' Representatives; National Organization on Disability; National Parent Network on Disabilities; National Partnership for Women & Families; National Patient Advocate Foundation; National Psoriasis Foundation; National Rehabilitation Association; National Rehabilitation Hospital; National Therapeutic Recreation Society; NETWORK: National Catholic Social Justice Lobby; NISH; North American Society of Pacing and Electrophysiology; Opticians Association of America; Oregon Dermatology Society; Orthopaedic Trauma Association; Outpatient Ophthalmic Surgery Society; Pain Care Coalition; Paralysis Society of America; Paralyzed Veterans of America; Patient Advocates for Skin Disease Research; Patients Who Care; Pediatric Orthopaedic Society of North America; Pediatrix Medical Group; Neonatology and Pediatrics Intensive Care Specialist; Physicians for Reproductive Choice and Health; Physicians Who Care; Pituitary Tumor Network; Public Citizen* (Liability Provisions Only); Rehabilitation Engineering and Assistive Technology Society of N. America; Renal Physicians Association; Resolve; The National Infertility Clinic; Scoliosis Research Society; Self Help for Hard of Hearing People, Inc.; Service Employees International Union; Sjogren's Syndrome Foundation Inc.; Society for Excellence in Eyecare; Society for Vascular Surgery; Society of Cardiovascular & Interventional Radiology; Society of Critical Care Medicine; Society of Gynecologic Oncologists; Society of Nuclear Medicine; Society of Thoracic Surgeons; Spina Bifida Association of America; The Alexandria Graham Bell Association for The Deaf, Inc.; The American Society of Dermatopathology; The Arc of the United States; The Council on Quality and Leadership in Support for People with Disabilities (The Council); The Endocrine Society; The Paget Foundation for Paget's Disease of Bone and Related Disorders; The Society for Cardiac Angiography and Interventions; The TMJ Associations, Ltd.; Title II Community AIDS National Network; United Auto Workers; United Cerebral Palsy Association; United Church of Christ; United Ostomy Association; Very Special Arts; World Institute on Disability.

Mr. Speaker, 275 endorsing organizations, nearly all the patient advocacy groups in the country: American Cancer Society, National MS Society. I could go down the list. Nearly all the consumer groups in the country, Consumers Union. You look through the whole list of this; nearly all the provider groups, the physicians, the nurses, the physical therapists, the podiatrists, the opticians. And you know what? This is a patient protection bill.

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There is nothing in this bill that provides an advantage for a provider, other than being able to be an advocate for your patient.

This is about letting people solve problems with their HMOs in a timely fashion, through a due process, that

gives them a chance to reverse an arbitrary decision of medical necessity by their plan. We should not hesitate about having HMOs be responsible for their decisions.

Surveys show that there is a significant public concern about the quality of HMO care. Despite millions of dollars of advertising by HMOs over the last 8 years, a recent Kaiser survey showed no change in public opinion. Seventy-seven percent favor access to specialists; 83 percent favor independent review; 76 percent favor emergency coverage; and more than 70 percent favor the right to sue an HMO for medical negligence; and 85 percent of the public thinks that Congress should fix these HMO problems.

Mr. Speaker, in a few weeks we are going to get a chance, I hope in a fair way, to debate managed care reform, patient protection legislation. It is none too soon. While we have been dillydallying around for a couple of years now, patients have been injured because of arbitrary decisions by HMOs; and some of them have lost their lives. We need to address this issue soon, and we can do it in a bipartisan fashion. And I would encourage Members on both sides of the aisle to fight off the poison pill amendments that we are going to see under the rule, fight off the substitutes, some of which will be like the ones from the Senate which are really HMO protection bills, and join with us, 275 endorsing groups, millions and millions of people out in the country who are calling on Congress to pass H.R. 2723, the bipartisan consensus managed care reform bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1875, INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

Mr. HASTINGS of Washington (during the special order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106-326) on the resolution (H. Res. 295) providing for consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington (during the special order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106-327) on the resolution (H. Res. 296) providing for consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, which was referred to the House Calendar and ordered to be printed.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I must say that I am so pleased to be following the special order of my colleague, the gentleman from Iowa (Mr. GANSKE), because he addressed the same issue that I would like to address this evening and that is the need for HMO reform and the need to bring legislation to the floor of this House which we refer to as the Patients' Bill of Rights because it provides protection for Americans who are patients who happen to be members of HMOs or managed care organizations; and those protections are needed right now.

They were needed a long time ago, but it is really time that the Republican leadership of the House of Representatives allow this bill to come to the floor to be debated, and I believe it will pass overwhelmingly.

I must say, I have been on this floor many times over the last year, or even beyond, asking that the Republican leadership allow the opportunity for the Patients' Bill of Rights to come to the floor, and we were told last Friday for the first time that the Speaker has set the week of October 4, approximately 2 weeks from now, for that opportunity.

Although I have to say that I am suspicious of the way that this will be brought to the floor and the procedure and the rules that will be followed; and I know that my colleague, the gentleman from Iowa (Mr. GANSKE), mentioned that as well. I must say that I am pleased that we will be debating HMO reform and that one of the bills that we have been promised by the Speaker that will be brought to the floor is the Patients' Bill of Rights.

I really need to emphasize this evening, as I have so many other times on the floor and this well, that there are differences between the various managed care reform proposals that have been proposed here and that even though it is true that the Republican leadership now says that they will allow debate on the Patients' Bill of Rights, they have also made it quite clear that they are going to favor bills other than the Patients' Bill of Rights and that there may and certainly will be an effort to pass alternative legislation to the Patients' Bill of Rights.

I need to urge my colleagues not to fall into the trap of thinking that anything other than the new bipartisan Patients' Bill of Rights is acceptable, not only to us but to the American people.

I wanted to point out that it has been very interesting. Really, just last Wednesday, I guess, September 13, in the New York Times, there was an article that talked about how the GOP leadership was very cool on our patients' rights plan and how they were

sort of scouring and looking at all kinds of ways of avoiding passage of the Patients' Bill of Rights. And I just wanted to, if I could, either summarize or read through some of the interesting aspects of this article because, as we know back in August, just before the summer break, in the first part of August, this was on August 6, just before we left for the summer recess, at that point the Speaker indicated that he was going to allow a Republican group, a group of Republicans, to put together a bill that he and the Republican leadership would find acceptable in terms of HMO reform.

There was no question in my mind that this was a bill, this was an effort by the Republican leadership, to essentially bypass or kill the bipartisan Patients' Bill of Rights that had been drafted by my colleague, the gentleman from Georgia (Mr. NORWOOD); the gentleman from Michigan (Mr. DINGELL), who has long been an advocate and who formulated the original Patients' Bill of Rights; the gentleman from Iowa (Mr. GANSKE); myself; and others, who had basically come up with a bipartisan Patients' Bill of Rights that would have achieved real HMO reform. At the time on August 6, the Speaker said, well, I am not in favor of that bill, the Patients' Bill of Rights, but I will let the gentleman from Oklahoma (Mr. COBURN) and a few other Members of Congress on the Republican side see what they can come up with for us to consider in September that perhaps the Republican leadership would support.

As we know, and I am again referring to this article in the New York Times, when the gentleman from Oklahoma (Mr. COBURN), who is a physician from Oklahoma, and the gentleman from Arizona (Mr. SHADEGG), who is a Republican Member, disclosed the text of their bill last week when we came back after the August break, Speaker HASTERT had no comment. Senior House Republicans, including the chairmen of several committees and subcommittees, expressed grave reservation about the bill that theoretically they had asked the gentleman from Oklahoma (Mr. COBURN) and others to put together as their alternative to the Patients' Bill of Rights.

The gentleman from Texas (Mr. ARMEY), who is the House majority leader, described the Coburn-Shadeegg bill as the least worst way to do the wrong thing, and he said the provisions of the bill authorizing patients to sue HMOs for injuries caused by the negligence of a health plan still bothered him.

The gentleman from Virginia (Mr. BLILEY), the chairman of our House Committee on Commerce, said he too was reluctant to create a new right to sue.

Basically, what we see here is the Republican leadership once again backing off a bill which theoretically they had asked their own Members to put together, and the reason clearly was be-

cause they saw the Coburn-Shadeegg bill as too much like the Patients' Bill of Rights, the bipartisan Patients' Bill of Rights, particularly with regard to the liability provisions.

Now we read, or we find out, that even though the Speaker has said that he is going to allow managed care reform to come to the floor on the week of October 4, that not only will the Patients' Bill of Rights be an option, not only will the Coburn-Shadeegg bill be an option, but it is very possible that another bill, which I think really expresses what the leadership wants, and this is the bill that came out of the House Committee on Education and the Workforce, and it was sponsored by the gentleman from Ohio (Mr. BOEHNER), basically what his bill does is, I think, take a piecemeal approach to HMO reform that is totally unacceptable and shows very dramatically where the Republican leadership is going on the important issue of HMO reform.

I think what is going to happen, and we are basically seeing indications of that, is that the House Republican leadership will endorse the Boehner bill and try to get that through the rules that they will use to bring this legislation to the floor as the bill that we finally vote on as opposed to the Patients' Bill of Rights or even the bill that the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Arizona (Mr. SHADEGG) have come up with.

I want to stress this evening that if that is what happens, if in fact the procedures that come out of the Committee on Rules that are set forth and the procedures by which we debate HMO reform on this floor the week of October 4 basically allow the Boehner bill to be the order of the day and that is the bill that the leadership supports, then we will have achieved nothing effectively in terms of HMO reform and this whole effort to try to come up with something that will help and protect the average American will have actually done the opposite, and HMO reform will be killed.

I just want to explain, if I could briefly, where the Boehner bill is such a bad bill by comparison to the Patients' Bill of Rights that my colleague, the gentleman from Iowa (Mr. GANSKE), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), and so many others of us who care about HMO reform have put forward on a bipartisan basis.

The Boehner bills leave out most Americans. The bills cover only people who obtain health insurance through their employer. The bills fail to extend needed patient protections to the millions of people that purchase health insurance individually; and what we are basically saying, and the Boehner bills do not do, is that the protections that we are seeking through the Patients' Bill of Rights, those protections should apply to all health plans, regardless of

whether it is employer sponsored, whether it is individually purchased, whether it is ERISA, whether it is Medicare, whatever it happens to be, all health plans should have these same basic protections from HMOs or managed care.

The other thing and this is most important, if we look at the Boehner bills, they pretend to secure patients' rights but they contain no way to enforce those rights other than the weak penalties currently available under ERISA, and enforcement is so important. It is not that those of us who support the Patients' Bill of Rights want everybody to sue. In fact, the example in Texas, which is one State that has passed, as the gentleman from Iowa (Mr. GANSKE) has mentioned, a very progressive Patients' Bill of Rights in Texas, where there is the ability to sue now and there has been for 2 years, only one or two lawsuits have actually been filed. Because once those patient protections are in place, there is no reason to file a lawsuit because there are basic protections under the law.

So what we are saying is, even though we would provide for a right to sue, even though we would have an external review and a procedure for that, it is only because we want the practical enforcement to be there, to guard against the abuses of HMOs.

What the Boehner bills do is it is basically a very narrow, piecemeal approach. For example, H.R. 2043, which is supposed to protect against the so-called gag clauses, does not prohibit plans from retaliating against doctors who discuss the plan's financial incentives. One of the worst offenses right now with HMOs is the fact if the plan does not cover a particular procedure, the doctor is gagged and cannot say anything about that procedure. A lot of HMOs right now have that kind of rule, gagging, not allowing a doctor to say what procedure a person needs because they will not cover it. What a terrible thing, and there is no protection against that in the Boehner bills.

Let me just give a few other indications of the inadequacies in the Boehner bills and why I dread the fact that the House leadership, the Republican leadership, may try to have this be the final product of this debate the week of October 4.

The Boehner bills require direct access to physicians only for routine OB-GYN care. They do not allow persons with chronic or serious medical conditions to have direct access to specialists. Nor do the Boehner bills permit persons with conditions requiring ongoing care to obtain standing referrals to a needed specialist. The bills do not include a requirement that a plan have a provider network with a sufficient number and variety of providers who are available and accessible in a timely manner. In addition, there is no requirement that a plan cover the services of a specialist who is not in the plan's network if the network lacks the provider expertise or capacity to treat the enrollee's condition.

One of the biggest concerns that I hear from my constituents with HMOs is inadequate access to specialists. We need to provide for that and that is what the Patients' Bill of Rights does. That is what the Boehner bills do not do.

□ 2030

Continuity of care. The Boehner bills do not protect patients from abrupt changes in ongoing treatment when their provider is dropped from the plan's network or their employer changes health plans. They have no provision to limit excessive provider financial incentives arrangements. This is another big complaint. Right now, there are incentives in a lot of HMOs for one's doctor not to provide health care in many cases, or not to provide treatment in certain instances, because there is a financial incentive if he provides less care. Now, this is not always true, but it is one of the abuses that we find from time to time, and we do not want it to be there; we want to make sure it does not happen, that there is no such financial incentive.

Another thing in the Boehner bills: emergency care. One of the biggest complaints I hear about HMOs is that if I have to go to an emergency room because I feel the necessity, I have chest pain, I feel I have to go to a hospital, oftentimes I need prior authorization, or I can only go to an emergency room for a hospital that is maybe 50 miles away instead of the one that is down the street. Well, that has to be changed. But H.R. 2045, one of the Boehner bills, fails to insure that people can obtain emergency care when and where the need arises without fear of excessive charges.

Under this bill, if a plan and the emergency room physician disagree on what emergency care is necessary, the patient can be stuck holding the bill. I use the example of severe pain. Severe pain does not count as an emergency if an individual with severe chest pains risks having to pay for services out of pocket, or if he or she goes to an emergency room without getting prior authorization. So again, one does not have protection that one can make sure that if one has severe pain and thinks they are having a heart attack, they can go to an emergency room down the street and they do not have to worry about prior authorization.

I just want to mention one more thing about the Boehner bills because I think the enforcement aspect is so important. What we are saying about the patients' bill of rights and really the two things that are the hallmark of the patients' bill of rights, the bill that should pass this House, and I hope that it does, one is the definition of "medical necessity," what is necessary, what kind of operation is necessary, how long one has to stay in the hospital, whether one has a particular procedure or a particular operation. That definition of what is "medically necessary" is made by the physician and

the patient, not by the insurance company.

The second hallmark of the patients' bill of rights is that if one has been denied care, one can go to an outside panel or an outside review board that is not influenced by one's HMO and ultimately, if that fails, that one can bring suit in court.

Well, under the Boehner bills, H.R. 2089, they purport to create an independent external appeals system, but it is biased against the patients and allows the health plans to control virtually all aspects of the external review process. The bill requires external reviewers to uphold plans as long as the plans follow their own definitions, no matter how arbitrary the definitions. A plan could define "medical necessity" to be nothing more than care defined under whatever treatment guidelines and utilization protocols the plan adopts, even if the guidelines and protocols are not backed by any clinical evidence or good professional practice.

What we say in our patients' bill of rights is the decision about what is medically necessary is made by the doctor and the patients. How we effectuate that is that we use the standards of care that are applicable for that particular specialty. So if the Board of Cardiology has certain procedures which they consider the norm in the practice of cardiology, those are the procedures that apply in terms of determining what is medically necessary. But under the Boehner bills, it is up to the HMO to decide that. They do not have to make reference to the local Board of Cardiology; they do not have to make reference to any studies at all. They just define what is "medically necessary" on their own based, on whatever cost containment is beneficial to them, in many cases.

That is what we do not want. We do not want the external review process to be limited to what the HMO defines as medically necessary. Of course, we want to make sure that there is an outside external review, unbiased, not under the influence of the HMO, and that ultimately one has the right to sue.

Mr. Speaker, I could talk more this evening about what is important in our patients' bill of rights and why it is so much preferable to the Boehner bills and other bills that might come to the floor; but I think the most important thing is that if the Republican leadership is really serious about allowing the opportunity for a full and fair debate during the week of October 4 on patient protections, they have to craft the rule in such a way that there is a clear opportunity for us and for the majority of this House to support the patients' bill of rights. I am fearful that that is not going to happen.

I will be watching, as my colleague from Iowa mentioned, over the next few weeks to see what kind of rule comes out of the Committee on Rules, but we are going to be very careful to

monitor that, because if there is going to be a promise that we have an opportunity to bring real protections to this floor, then it has to be a promise that is fulfilled pursuant to the rules of this House. I hope that that is the case, and I will continue to look at it over the next 2 weeks.

ISSUES OF IMPORTANCE IN THE REPUBLIC OF ARMENIA

Mr. PALLONE. Mr. Speaker, I wanted to turn briefly, if I could tonight, to a couple of international issues unrelated to the issue of HMO reform. As many of my colleagues know, I am very much involved in both the Armenia caucus as well as the India caucus that we have here in the House of Representatives, and I wanted to take a few moments initially to talk about the anniversary, if you will, of Armenia's independence, and then I would like to talk a little bit about some issues relative to India that will be coming up in the next few weeks in the context, most likely, of some of the appropriations bills and conference reports that we will be considering here on the floor of the House.

Mr. Speaker, if I could turn initially to the Republic of Armenia. Today, Tuesday, September 21, is actually the eighth anniversary of the independence of the Armenian Republic, and it is celebrated by the citizens of Armenia, as well as people of Armenian descent here in the United States and around the world.

The United States, as the leader of the free world, has welcomed the arrival of Armenia into the family of democratic nations, and I am proud that this Congress has consistently voted to provide humanitarian and economic development assistance to help Armenia preserve democracy and the institutions of civil society and to continue the transition to a free market economy. I am proud that our administration has made a priority of achieving a negotiated settlement to the Nagorno Karabagh conflict, which is vital to bringing stability and economic integration to the southern Caucasus region.

However, I believe there is a lot more that America can do to help Armenia achieve its rightful place as a free nation with a secure future, and to do so is not only in Armenia's interests. The United States has a fundamental national interest in bringing about stability in the strategically located Caucasus region and in supporting those emerging nations like Armenia that share our values.

Mr. Speaker, I had the opportunity to visit the Republic of Armenia as well as Nagorno Karabagh and Azerbaijan with a bipartisan group of Members of Congress last month, in August. We saw firsthand the outstanding progress Armenia has made in fostering democracy and in promoting economic growth.

Mr. Speaker, the Republic of Armenia may be a very young country, but the Armenian nation is one of the

world's most ancient and enduring. The story of the Armenian people, a nation whose history is measured not in centuries, but in millennia, the first to adopt Christianity as its national religion, is an inspiring saga of courage and devotion to family and nation. It is also an epic story of a triumph of a people over adversity and tragedy.

Early in this century in one of history's most horrible crimes against humanity, 1.5 million Armenian men, women, and children were massacred by the Ottoman Turkish Empire. Every April, Members of this House join in commemoration of the Armenian genocide, and we can never relent, and will never relent, in our efforts to remind the world that this tragedy is a historic fact and to make sure that our Nation and the whole world community and, especially the Turkish nation, come to terms with and appropriately commemorate this historic fact.

After the collapse of the Ottoman Empire, the people of Armenia established an independent state on May 28, 1918. But unfortunately, the fledgling nation was not able to overcome the simultaneous pressures of the forces of Ataturk's Turkey and the Russian Communists. Ultimately, the lands of eastern Armenia were occupied by the Soviet Red Army, and Armenia became one of the Soviet Union's constituent republics in 1936.

During 5½ decades under Soviet rule, at least some Armenian cultural presence was maintained, even if the political shots were called in Moscow. However, the predominantly Armenian region of Nagorno Karabagh was placed under the jurisdiction of Azerbaijan under an arbitrary decision by the dictator Stalin.

Mr. Speaker, in the late 1980s, the tumultuous changes rocking the Soviet Union were strongly felt in Armenia. In 1988, a movement of support began for the Karabagh Armenians to exercise their right to self-determination. The movement for the freedom of Karabagh helped to rekindle the struggle for freedom for all the Armenian people.

That same year, a devastating earthquake struck northern Armenia and its destruction continues to be in evidence. In 1990, the Armenian National Movement won a majority of seats in the parliament and formed a government; and on September 21, this day, in 1991, 8 years ago, the Armenian people voted overwhelmingly in favor of independence in a national referendum.

Since then, Mr. Speaker, the Armenian people have worked to reestablish a state and a nation to create a society where their language, culture, religion, and other institutions are able to prosper. The progress made in 8 short years by the Republic of Armenia has been an inspiration, not only for the sons and daughters of the Armenian Diaspora, but for Armenians and freedom-loving people everywhere. Having survived the genocide and having endured

decades under the domination of the Soviet Union, the brave people of Armenia have endeavored to build a nation based on the principles of democracy and opportunities for all.

Mr. Speaker, as they have for so much of their history, the Armenian people have accomplished all of this against daunting odds. The tiny, landlocked Republic of Armenia is surrounded by hostile neighbors, Turkey and Azerbaijan, who have imposed blockades that have halted the delivery of basic necessities. Yet independent Armenia continues to persevere. While democracy has proven to be an illusive force in much of the Soviet bloc, Armenia held multiparty presidential elections last year; and on May 30 of this year, parliamentary elections were held once again.

As the founder and chairman, with the gentleman from Illinois (Mr. PORTER) of the Congressional Caucus on Armenian Issues, I consider U.S.-Armenia relations to be one of our key foreign policy objectives. Support for Armenia is in our practical interests. Helping to support stabilization is strategically important in an often unstable part of the world. Standing by Armenia is also consistent with Armenia's calling to support democracy and human rights and to defend free peoples throughout the world.

Mr. Speaker, I want to emphasize that the people of Armenia want good relations with their neighbors and the entire world community; and I believe the moral, political, and economic power of the U.S. could go a long way towards helping Armenia achieve that goal.

Finally, Mr. Speaker, I would like to say that the reality of daily life for the people of the Republic of Armenia continues to be difficult. I saw that, once again, with my colleagues when we visited Armenia in August. But the commitment to working for a better future is remarkably strong in all the men, women, and young people of Armenia, especially.

I just want to take this occasion to wish the Armenian people well on the occasion of their independence day and, more important, in their ongoing effort to establish a free republic so that their children may prosper in the homeland of their ancestors.

INDIA-U.S. RELATIONS

Mr. PALLONE. Mr. Speaker, I would like now to turn lastly to the issue, some of the issues relative to India-U.S. relations, and there are basically three topics that I would like to mention which I think are relevant, particularly in light of some of the appropriations bills that are now going to conference and which will be coming to the floor within the next week or two.

First, I did want to start out by saying with regard to India-U.S. relations that there has been, I noticed in the last week or two, since we came back from the August break, an effort by Pakistan once again to internationalize the Kashmir conflict by trying to

bring in the United States as a mediator. I think many of us know, my colleagues know, that India maintains that the Kashmir conflict should be addressed on a bilateral basis with Pakistan under established frameworks agreed to by both countries.

Now, thus far, the Clinton administration has widely resisted Pakistani attempts to internationalize the Kashmir conflict; and certainly that was the case after the last conflict where President Clinton specifically said that he was not going to act as a mediator and that the two nations basically had to sit down together and work out their differences. However, I understand that some of my colleagues, Democrats and Republicans, in the House are now circulating once again letters urging that the administration break with this long-standing precedent and intervene in this bilateral dispute in Pakistan.

□ 2045

I think such a development would not contribute to peace and stability in South Asia. Rather than seeking this what I consider reckless change of policy, it is important for Members of Congress to encourage the administration to maintain its current prudent approach.

I believe President Clinton's July 4 meeting with Prime Minister Sharif of Pakistan succeeded in bringing about a Pakistani withdrawal of troops from India's side of the line of control. I welcome that. There is absolutely no question that President Clinton played a major role in the ultimate withdrawal, if you will, of Pakistan back to the line of control, so now we have relative peace in Kashmir.

But, unfortunately, Pakistan is still trying to drag the United States into this conflict as an international mediator. This is really nothing more than a strategic ploy to enhance Pakistan's position in the conflict.

India has made it clear that it does not favor third party mediation. Pakistan has earned its recent international isolation, given its destabilizing actions in Kashmir. Pakistan must not be rewarded with gains at the negotiating table in light of its costly gambit in Kashmir, a policy that has militarily failed and has strategically failed. They should not be given some propaganda advantage by having this Congress suggest that the United States should intervene.

Mr. Speaker, as part of this special order I include for the RECORD the text of a letter I sent to President Clinton back in July before the break, where I urged him to resist Pakistan's efforts to bring the United States into its bilateral conflict with India.

I think this letter was appropriate in July, and it is still appropriate today.

The letter referred to is as follows:

JULY 7, 1999.

Hon. WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my support for your efforts to effectuate a withdrawal of Pakistani forces from India's side of the Line Of Control in Kashmir, and to respectfully urge that the Administration continue to resist Pakistan's efforts to internationalize its bilateral dispute with India by drawing in the United States as a mediator.

In the aftermath of your Independence Day meeting with Prime Minister Nawaz Sharif, I was very encouraged by the published reports indicating that Administration officials believe that yielding to Pakistan's desire to bring the U.S. in as an international mediator would be to side with Pakistan, given India's long-standing position that the issue should be resolved bilaterally.

I welcome your meeting with Prime Minister Sharif with the goal of getting Pakistan to withdraw its forces from India's side of the Line of Control (LOC). I was somewhat concerned by Mr. Sharif's characterization, in the Pakistani media, of the talks at the White House, suggesting that you will play a more active mediating role in Kashmir. I hope this was merely an exercise in spin control by Mr. Sharif. But I would urge that you and the Administration maintain the current, limited approach of achieving a Pakistani withdrawal, while allowing India and Pakistan to resolve the Kashmir issue on a bilateral basis, pursuant to the framework set forth in the Simla Accords and, more recently, in the Lahore Declaration. The bottom line is that India is fighting to defend its territory against an armed infiltration. Under those circumstances, the U.S. must maintain a clear policy of opposing armed aggression and not rewarding Pakistan with gains at the negotiating table.

I am also encouraged by indications that you will travel to South Asia later this year. For the reasons that I've stated above, it is important that the trip not be a vehicle for the U.S. to play a mediator role in Kashmir.

I have written to you previously urging that you visit India, the world's largest democracy. I cannot emphasize enough how valuable it would be in bringing the U.S. and India closer together.

Thank you for your attention to this matter and for your continued leadership on this and other urgent foreign policy priorities.

Sincerely,

FRANK PALLONE, Jr.

U.S. SENATE,
Washington, DC, July 21, 1999.

Hon. WILLIAM JEFFERSON CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We commend your timely intervention to help defuse the immediate crisis in Kashmir. Particularly important is your commitment to take a personal interest in encouraging the Prime Ministers of India and Pakistan to resume and intensify their dialogue, begun in Lahore in February, to resolve all issues between them, particularly Kashmir.

Kashmir is the most dangerous nuclear flashpoint in the world today. As President Richard Nixon noted 25 years ago, nuclear powers have never fought each other, but the clash between Muslim Pakistan and Hindu India over disputed Kashmir territory could erupt into the world's first war between nuclear powers. To avert this possibility, the dispute over Kashmir's unresolved status must be settled promptly and peacefully.

The United States should help break the stalemate over Kashmir to reduce the chance of nuclear war in the Asian subcontinent. Therefore, we urge you to: (1) consider ap-

pointment of a Special Envoy who could recommend to you ways of ascertaining the wishes of the Kashmiri people and reaching a just and lasting settlement of the Kashmir issue; and (2) propose strengthening the UN Military Observers Group to monitor the situation along the Line of Control.

We await your prompt response and stand ready to support these diplomatic initiatives.

Sincerely,

JIM JOHNSON.

ROBERT G. TORRICELLI.

The second issue I want to mention relative to India relates to the foreign operations appropriations bill, on which I believe tomorrow the House and Senate conferees will meet to hammer out the differences between the two bills in the two Houses with regard to the Foreign Operations Appropriations Act.

What I am asking is that the conferees not adopt a Senate provision which could affect India. Section 521 of the Senate fiscal year 2000 foreign operations bill reads or talks about special notification requirements.

It says in section 521 that, "None of the funds appropriated in this Act shall be obligated or intended for Colombia, India, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo, except as provided through the regular notification procedures of the Committee on Appropriations."

What this section does, what this Senate provision will do, is to require the administration to notify the House and Senate appropriations committees whenever the fiscal year 2000 foreign aid is allocated to India. The Committee on Appropriations, as required by law, would have 15 days to approve or disapprove the allocation.

But I would point out to my colleagues, Mr. Speaker, that this procedure is not imposed on all countries that receive U.S. foreign aid. It is used to closely monitor countries that receive U.S. foreign aid only if there is concern on the part of the Committee on Appropriations.

The House bill, the House Foreign Operations Act, contains a similar provision, but it does not include India as one of the countries that come under this provision. I want to commend the House appropriators for recognizing that there is no reason to include India along with these other countries that are mentioned.

I say that and I urge the conferees not to adopt the Senate language and to adhere to the House language because India is a democracy. India is a market economy. India has become increasingly close to the United States. It has a huge market for U.S. goods and trade.

I think it would be a mistake to label India as a pariah in this fashion for any limited U.S. assistance that the State Department or the USAID may try to provide to India through humanitarian or development assistance. We provide very little aid to India. It is relatively

insignificant. But the point is that India should not be painted as the sort of pariah these other countries that require this notification are.

I know some of my colleagues will say, well, Pakistan is included as one of these nations. But the fact that Pakistan is included on this list for prior notification does not mean that India should be included. If the recent conflict in Kashmir that I just pointed out showed anything, it was that India acted responsibly, whereas Pakistan instigated a military incursion that could have led to a wider war. Let us not reward, if you will, Pakistan by saying that India should be included on this notification list when there is absolutely no reason to do that.

In a similar vein, and lastly, with regard to U.S.-India relations this evening, Mr. Speaker, I wanted to mention the fiscal year 2000 defense appropriations bill, which is also in conference at this time.

There is a provision in the Senate bill that would suspend for 5 years certain sanctions against India and Pakistan. I support this provision wholeheartedly. There is no reason for us to continue these sanctions against both nations because the only country that is suffering for it is the United States, because of limitations on our exports and our trade and our business opportunities in India and Pakistan.

I want to say that while I strongly support the end of the sanctions and the suspension of the Glenn amendment sanctions against these two South Asian nations, there is another critical provision in the Senate language that would, in my opinion, be a grave mistake. That is the Senate language to repeal the Pressler amendment, which bans U.S. assistance to Pakistan.

I have already spoken out on the floor previously and explained the reasons why we should not repeal the Pressler amendment. Again, a lot of this goes back to what has been happening the last few months, the Kashmir conflict; the fact that Pakistan continues a policy of nuclear proliferation, which is not what India is doing.

We were reminded about why the Pressler amendment was needed because of the way that Pakistan carried out this war in Kashmir over the summer and instigated the war, many times with regular Pakistan army troops.

Pakistan has also repeatedly been implicated, along with China, Iran, and North Korea, in the proliferation of nuclear weapons and missile technology. India's nuclear program, by contrast, is an indigenous program, and India has not been involved in sharing in technology with unstable regimes.

I want to mention one more thing tonight that is new in this regard. That is that this month, in September, the CIA issued its annual national intelligence estimate on missile threats reported. In this annual report, they reported that Pakistan has obtained M-

11 short-range missiles from China and medium-range missiles from North Korea. The CIA's assessment is that both missiles may have a nuclear role, and there have been calls in Congress for new sanctions to be imposed on China in light of these latest revelations, a step that I would certainly be prepared to support.

But besides imposing sanctions on countries that transfer this type of technology, like China, I believe we should also hold the countries who receive these weapons systems accountable. We certainly should not reward countries like Pakistan by lifting the existing sanctions on military transfers in light of the information that has recently come to light in this CIA report.

So I would once again say, Mr. Speaker, that this is yet another reason why we should not support repeal of the Pressler amendment. I would say again that I hope that the conferees, and I would urge the conferees to not repeal the Pressler amendment, even as I support the idea of eliminating the Glenn amendment sanctions against both India and Pakistan.

ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House tonight to address my colleagues again on what I consider one of the most important topics facing Congress and the American people, and that is the problem of illegal narcotics in this country, not only the problem of illegal narcotics as it affects us as far as our role as Members of Congress in providing funding for various programs, but the effects of this dreaded plague on our country that have many significant dimensions.

Tonight I would like to again talk to the House about this topic and discuss a number of areas, and first of all provide my colleagues and the American people with an update on some of the recent happenings as to how drugs and illegal narcotics destroy lives and affect the lives of people, not only in my district but across this Nation.

I will talk a little bit about the situation and the policies that got us to where we are today with the problem of illegal narcotics. Then I would like to talk a little bit about Colombia, which is in the news.

The President of Colombia is now in the United States and addressed the United Nations. He has made proposals, along with this administration, about resolving some of the difficulties that relate directly to illegal narcotics trafficking in our neighbor to the south.

I would also like to talk a little bit about the history of the policy as it developed relating to Colombia, and some of the proposals that are on the table now to resolve the conflict that has

been created again by these failed policies.

But tonight I would like to start out by first providing an update to my colleagues on the cost of the problem of illegal narcotics. I always start at home and the news from my district.

I come from Central Florida. I represent the area just north of Orlando to Daytona Beach, probably one of the most prosperous areas in the Nation. We do have our problems: problems of growth, problems of expansion, problems of providing education. We are very fortunate that we have a very high education level, high income level, a very low unemployment level, so we are indeed one of the 435 districts of the country that has had fortune shine upon us in many ways.

We have also been the victim of the problem of illegal narcotics and hard drugs and the terror that they have rained not only, again, across the Nation, but on our district in Central Florida. Many people equate Orlando in Central Florida to Disney World and entertainment and fun. But unfortunately, we have been the victims, like, again, many other areas across the Nation, of the ravages of illegal narcotics.

Let me read from an Orlando Sentinel story just in the last few hours that was released. It says, "Deaths this past weekend brought the numbers of confirmed and suspected heroin-related deaths in Orange and Osceola Counties to 34." Orange and Osceola Counties are around the Orlando metropolitan area.

"At the current rate, Central Florida likely will break last year's record of 52 heroin-related deaths." Many of these deaths are among our young people. In fact, the 52 deaths in just Central Florida, in that little small geographic area, I found outnumber the number of deaths in some countries from heroin. It is really an astounding figure.

Again, unfortunately, Central Florida is not the only area that is experiencing both the numbers of deaths and the tragedies that we have experienced.

The article goes on and puts a human face on what happens in some of these cases. It says, "Early Friday a 12-year-old boy found his 46-year-old father lifeless at their home on Bayfront Parkway near Little Lake Conway," near the south of Orlando. "A packet of heroin, a syringe, a spoon and matches were found near the body, according to sheriff's records."

More news from my county, also on Friday. "A 34-year-old Orange County man collapsed from a suspected overdose of opiates, the Medical Examiner's Office reported. He died on Sunday," this past Sunday.

On Saturday, "A 30-year-old woman from Orlando died in a vacant house on Gore street." That is in the downtown area. "She collapsed about 8:30 a.m. after she had smoked crack cocaine, a friend told deputies."

Again, the misfortunes of Central Florida are felt across this Nation. We

have had over 14,000 drug-related deaths last year, and that is just the reported deaths in this country. Unfortunately, many deaths related to narcotics do not even get reported.

Let me point out, if I may, just a news article that appeared in the past month that was in the Los Angeles Times. This dealt with the bus crash that killed 22 people on Mothers Day. Twenty-two elderly individuals were killed in New Orleans, and it now is made public, according to this news report, that the driver, who died of a heart attack, used marijuana 2 to 6 hours before his full bus of mostly elderly women veered off a highway and smashed into a concrete abutment.

These elderly victims probably will not have it listed in their cause of death as being drug-related, but here we have an instance of supposed casual drug use and the taking of 22 lives.

□ 2100

Another instance that does put a human face on the tragedy of illegal narcotics must be the news report that we had in the last week coming out of Tampa. I know several years ago people from around our state and our area and the Nation were all bereaved when they heard the news of a 5-month old baby supposedly taken from its parents, Baby Sabrina the child was known in many media accounts.

It now appears that investigators had taped the family after the disappearance, and part of the conversation was released in the media. This is in the Orlando Sentinel, September 10, a few days ago. The conversation, according to a Federal prosecutor, included this quote, "I wished I hadn't harmed her. It was the cocaine." This statement was allegedly made in the recording by the father.

We see so many tragedies of child abuse, of child neglect, spouse abuse, deaths. I am not sure how this child, this infant's death will be listed in the final investigation. Again, these are alleged facts, but again surfacing as the problem of illegal narcotics.

The problem of illegal narcotics across our country reaches just every segment of activity. It is not just folks in the ghetto areas. It is not folks in the lower income, socioeconomic income. This problem of illegal narcotics use and its impact on our society is reaching all aspects of our American population.

There is a report from the Associated Press last week that I want to quote from. Seven in 10 people who used illegal drugs in 1997 had full-time jobs. This is a recent report that stated also, about 6.3 million full-time workers age 18 to 49 or 7.7 percent of the workers admitted in 1997 using illegal drugs in the preceding month. Workers in restaurants, bars, construction, and transportation were more likely than others to use drugs, the report said.

Forty-four percent of drug users were working for small businesses, those with fewer than 25 employees down

from 57 percent in 1994, but still the largest category.

So whether, again, we see social problems such as child abuse, such as murder, such as robbery, theft, we also see in common ordinary working Americans the problem of illegal narcotics use. That does have a dramatic impact.

In fact, the statistics are somewhere around a quarter of a trillion dollars. That is over \$250 billion in lost productivity, cost to society, cost to our judicial system, incarceration. In fact, today we have nearly 2 million Americans behind bars and there because of some drug-related offenses.

I know many people who I come into contact with say that we should release these folks because it is not good to have casual drug users behind bars. But, in fact, every statistic, every report that we have seen, every charge that we have looked behind finds that these aren't casual drug users that are in our Federal prisons and state prisons.

These, in fact, are individuals who have committed felonies while either under the influence of narcotics or committed a crime while attempting to secure money or drugs and committing illegal acts. So there is a real myth.

In fact, we had before my Subcommittee on Criminal Justice, Drug Policy and Human Resources one of the authors of a recent study in New York, which debunked the theory that we have people who are casual drug users, in fact, behind bars. In fact, the report indicated that one really had to try hard, one had to commit a number of felonies to be incarcerated in New York and behind bars and involved with illegal narcotics.

So the facts do not support that casual drug users are behind bars, that in fact serious offenses are committed, whether again it is murder, whether it is a crime to obtain drugs or cash. Again, there is tremendous costs on our society, somewhere around a quarter of a trillion dollars a year.

In addition to the problems that I have cited about illegal narcotics and some of the myths that surround illegal narcotics, I wanted to also talk about another myth that I heard repeatedly during the August recess and even during the past weeks.

I hear these media accounts that the drug war has failed, that the war on drugs is a failure. I do not think that people really understand what happened when we had a war on drugs and when we closed down the war on drugs.

It is absolutely incredible that people do not realize that during the Reagan administration, we began a real war on drugs. That was continued into the Bush administration when we had a real war on illegal narcotics.

What happened in 1993 with the election of the Clinton-Gore administration was basically a close down of the war on illegal narcotics, the war on drugs as we have known it. The phrase

was coined in the 1980s, and it was indeed a war on drugs. It was a multifaceted war against illegal narcotics.

I served as an aide in the U.S. Senate under Senator Paula Hawkins, and she was involved with the development of various laws, legislative strategies, working along with them, at that time the Vice President and members of the Reagan administration, in developing administrative approaches and programs to deal with, at that time, cocaine that was coming into the United States.

That program, in fact, those efforts and that war on drugs were, in fact, very successful. There was dramatic decrease in the use of illegal narcotics among our teens. The Vice President, at that time it was George Bush, created a task force on illegal narcotics.

The ANDEAN strategy was developed to interdict and to stop drugs at their source, which must really be the most cost effective way of stopping illegal narcotics. If we know where they are grown, if we know where they are produced, and we can stop them at the source, then in fact we can do it very cost effectively. That has been proven, and that has been done. It was done in the war on drugs in the 1980s, and in fact it worked.

Then, of course, we had national leadership which we have not had since 1993 on the issue of illegal narcotics. Even the First Lady she took a national lead, developed a program that was really ingrained in our young people. It was a simple message, "Just Say No."

The President appointed Drug Czars who helped formulate policy and programs that actually went after illegal narcotics. We had a tough enforcement policy. We had a tough interdiction policy. We began for the first time to utilize the military in the war on drugs. The Coast Guard was also employed and other United States resources committed in a war on drugs.

Now, all that stopped, for the most part, in 1993 with the beginning of the Clinton-Gore administration. Let me just put up this chart, if I may. This first chart does not show back before 1989, but as my colleagues can see in this chart, this is 12th grade drug use. It shows lifetime, annual, and also 30-day in these colors, use by 12th graders.

What is interesting is we can see from the start of the chart here in 1989 that there is a decline in drug use. This is, again, when we had a war on drugs, when we had a national message against illegal narcotics. Among our teenagers and our young people, if we took this chart out, we would see this dramatic decline to 1992, 1993.

Then we had the election of this President. No emphasis on national leadership. The first thing that this President did was in fact fire almost everyone. There were only a few folks left in the Drug Czar's office. In fact, the first thing President Clinton and Vice President GORE did was cut the staffing at the National Office of Drug

Control Policy. It was cut 80 percent. The exact figures, which are public record, are from 147 Drug Czar employees and staff to 25.

That was the beginning of the end of the war on drugs. There is a line here that delineates a success and the beginning of a failed policy. It could not be more graphic than this chart displays.

I will show some even more telling graphic descriptions of what has taken place in just a few minutes. But, again, the leadership was lost. The opportunity was lost.

What is interesting if we come back and look at this, the Democrats controlled the House, the United States Senate, and the White House in this period. They very purposely dismantled all of the war on drugs in a number of areas, and I will point each of them out.

But my colleagues can see, up until when the Republicans took over the House and the Senate in 1995 here, 1996 my colleagues see the first leveling off. We have seen that, under the leadership provided first by Mr. Zeliff, who lead the House effort to begin to restart the war on drugs, and then Speaker Hastert who was Chairman of the Subcommittee on National Security, Veterans Affairs and International Affairs. I served with the gentleman from Illinois (Mr. HASTERT) at that time.

We see this leveling off on the beginning of a decline with, again, the Republicans taking over the issue and providing the leadership and trying to get a war on drugs restarted. There is no question, again, but this multifaceted effort of eradication, interdiction, tough enforcement, and also education and treatment, and I will talk about the education program, too, that we have started, which is unprecedented, all of these things have made a difference in a restart. This is in a shutdown.

So anyone who tells my colleagues that we have had a war on drugs, please tell them that it stopped in 1993 with the Clinton-Gore administration.

Now, that chart is interesting to show what has happened among our young people. This chart is labeled International Spending. I brought this chart out tonight because it graphically shows again the end of the war on drugs in 1992, 1993.

This is where, again, the Democrats took over the House and the Senate and the White House. Of course they controlled the House before that, but they controlled all three bodies. They did incredible damage in a very short period of time.

This chart is labeled Federal Spending: International. Now, this is, this goes back to the source country programs, international programs are source country programs; that is, stopping drugs at their source and in the fields where they are grown and going into the country and working with the country in a very cost effective manner to stop illegal narcotics.

□ 2115

The war on drugs stopped in 1992, 1993. And if we look at the drug use, the chart went up this way as spending on international went the other way. So the war on drugs, my point is, stopped. Again there were not the programs that were started in the 1980s under President Reagan. And this would be the Andean strategies, the international strategies.

They cut the money and funding going into Colombia, and we will talk about the consequences of not assisting Colombia and the wrong policy adopted, the cost-effective programs of putting a few dollars into them. And these are actually very few dollars. If we look at 1991 and 1992, we are spending about \$660 million, \$650 million, in that range of dollars. In a \$17 billion drug budget, that is a very small amount.

Actually, if we look at what Clinton and GORE did, and again with the control of this Congress, they reduced spending greater than 50 percent. It gets down to \$290, which is certainly less than half of the \$633. So they reduced spending on international programs; cut these international program's spending to cost-effectively stop illegal narcotics at their source. So this is one part of the ending of the war on drugs, and exactly how they did it.

The next part would be interdiction. And first of all, we talked about international and source country programs stopping drugs very cost effectively with a few dollars; working with other countries and stopping them at their source. Our next opportunity to stop illegal narcotics is as they leave the source country. And we try to get the illegal drugs before they even get near our border.

Here again is a very telling chart. Again we can see in 1992, 1993, with the beginning of the Clinton-Gore administration, the interdiction programs. The war on drugs. If we want to talk about our war on drugs, it ended right in this 1993 period, just as the international programs ended, just as involvement in interdicting drugs at their source ended. Now, they cut the money, and that did a tremendous amount of damage. Because what it did was it allowed drugs to come from the source to our borders.

We had previously been using the military, the Coast Guard, other assets that we have out there anyway involved in stopping drugs before they reach our borders in a cost-effective manner. What was even more damaging, not only did the Democratic-controlled Congress and the White House do this damage in stopping the war on drugs, but they did even more damage. They adopted policies which have caused incredible damage. And there is no other way to describe it.

One of the policies they adopted, for example, was to stop information-sharing to our South American allies who were working with us, Colombia, Peru, and Bolivia. And the United States has

great capabilities, with U2, with surveillance, with forward-operating locations, to obtain information. We can tell when a plane takes off. We can track trackers on the ground. We can really get incredible amounts of intelligence and information about what is going on with illegal narcotics.

Well, one of the first shutdowns as far as policy in this war on drugs, and this is funding, closing down financially the war on drugs, was sharing that information with these countries. So we stopped some of that information sharing. We also stopped information that allowed these countries to identify these aircraft, warn these aircraft as they took off from these clandestine strips; and then these countries, some of them, adopted shutdown policies. They were to identify themselves. If they did not identify themselves, they were given warnings, warning shots were fired, and, finally, they were shot down.

Of course, with the Clinton-Gore administration, we destroyed the first part of the policy and then the second part of the policy. And just in Colombia in the last year have we begun to restore that effort. So when someone says that the war on drugs is a failure, the war on drugs was a success, and it started in the 1980s under Ronald Reagan and it went through George Bush. The shutdown on the war on drugs took place in 1992, 1993. The financial reports identify this. The charts, as far as drug use among our children, identify this.

This administration also destroyed what was known as the drug czar's office in dramatically cutting 80 percent of the staffing. Not only did they gut the drug czar's office, again closing down the war on drugs, but they appointed an individual by the name of Joycelyn Elders as the chief health officer of the United States. Not much more damage in the policy that I described, closing down on the war on drugs, could be done then to hire as a chief health officer for the country an individual who told our young people "just say maybe" to illegal drug use. Eventually, the individual was replaced, but a tremendous amount of damage was done.

And the damage, again, is right here. This is not a chart I just pulled out of a hat. We can see Joycelyn Elders, the close-down on the war on drugs, just say maybe, and the skyrocketing of illegal narcotics use among our teenagers. So, again, to people who say that the war on drugs has been a failure, I say there had been a war on drugs until 1993. Not only have we had a liberal approach from this administration on the subject of illegal narcotics, a total lack of national leadership, a close-down of the major problems, taking the military out of the war on drugs, stopping the cost-effective source country programs, if that was not enough damage in all of those ways; but they also had allies in this war on drugs.

I hear so many people say, well, let us legalize drugs. It does not matter. Let kids smoke dope; let people use heroin, have needle exchanges. We need to be more liberal, more tolerant. Everybody does it. A third of Americans have used some kind of illegal narcotics at some time. Just go ahead and do it. If it feels good, do it. This liberal policy has caused this situation that we are in now, with my area experiencing 52 heroin deaths this past weekend. I just cited three more drug overdoses, two heroin, one cocaine. We have epidemic methamphetamine use.

We had 14,000 Americans who died last year in drug-related deaths, and thousands and thousands more, as I pointed out just from a couple examples tonight, who have met their maker as a result of murder, mayhem, or whatever, committed under the influence of illegal narcotics. That alone is one reason to continue this effort.

But let me tell my colleagues the vision of America under this liberal policy of if it feels good, do it, and drugs are no harm, and needle exchange programs, and we have to make everybody happy on drugs. This weekend my wife and I had an opportunity to visit Baltimore. The ranking member, when I chaired the Subcommittee on Civil Service, is a fine gentleman, the gentleman from Maryland, (Mr. CUMMINGS), who represents Baltimore. I have had many discussions with him about his community. I really was impressed by Baltimore and the people that I saw when I was there Saturday. A wonderful community. It seems vibrant on the surface, but that does not tell all of the story. I have heard some of the problems described by the gentleman from Maryland (Mr. CUMMINGS) and the great empathy he has for his city. But Baltimore is a city, and fortunately the mayor, whose name is Schmoke, is leaving, but he adopted a liberal policy towards illegal narcotics.

This particular little chart was provided to me by a former United States drug enforcement administrator, Tom Constantine. He made this in a presentation to our subcommittee, my Subcommittee on Criminal Justice, Drug Policy and Human Resources. It is a very telling story about liberalization of illegal narcotics. And, again, it can set the stage for what can happen in countless other cities as they look towards liberalization and our country looks towards liberalization of illegal narcotics.

In 1950, the population of Baltimore was 949,000. In 1996, the population dropped to about two-thirds of that, to 675,000. In 1950, there were 300 heroin addicts in Baltimore, and that was one heroin addict per 3,100 individuals in that community. In 1996, there are 38,985 heroin addicts with a population of 675,000, or one out of 17. Now, this is the figure that Mr. Constantine showed and gave us. The gentleman from Maryland (Mr. CUMMINGS) has told me that he believes the figure is closer to 60,000 heroin addicts.

I have a news report from Time magazine of just last week, the beginning of September here, and let me read from that about the liberal approach, the liberal policy and what it can do, what it has done for Baltimore and what it can do for the rest of America:

"Maryland's largest city seems to have more razor wire and abandoned buildings than Kosovo. Meanwhile, the prevalence of open-air drug dealing has made 'no loitering' signs as common as stop signs. Baltimore, which has a population now of 630,000," it shrunk again, "has sunk under the depressing triple crown of urban degradation: middle income residents are fleeing at a rate of 1,000 a month; the murder rate has been more than three times as high as New York City's; and 1 out of every 10 citizens," there is the latest we have from 1999, "is a drug addict."

This Time article from just a week ago says: "Government officials dispute the last claim of 1 out of 10 citizens in Baltimore being a drug addict. It is more like," and I am quoting, "it is more like 1 in 8, says veteran city councilman Rikki Spector, and we've probably lost count."

This is a city that adopted a liberal narcotics policy, needle exchange, do it if it feels good. And if the results are not evident, I do not know what can be. Again, the toll in human tragedy in Baltimore is incredible. In 1950, there were 81 murders in the City of Baltimore with a population of nearly a million people.

□ 2130

In 1997, there were 312 murders in Baltimore. And again the estimates of drug users in that city are now one in eight by the estimate of one of their council members. This is again the pattern that people say we should go toward. The liberal policy to allow illegal narcotics and needle exchanges really promotes addiction and treatment. And again the social costs, the economic costs of this has to be dramatic but it could be if we tried hard enough repeated throughout the United States.

By contrast, we have the city of New York. In the 1980s, when I was a staffer for Senator Hawkins, I had an opportunity to work with an individual who is the Associate Attorney General of the United States. He was not well-known at that time. He was from New York. It was a fellow by the name of Rudy Giuliani. I remember sitting down many times with Rudy Giuliani, in fact flying to Florida with him.

Florida, as my colleagues may recall, in the 1980s had a terrible problem with illegal narcotics, which President Reagan and President Bush dealt with and developed policies toward. And the individual who helped develop some of those policies was the Associate Attorney General of the United States, Rudy Giuliani.

He was tough on illegal narcotics and crime in the early 1980s. He helped develop policies that changed the direction of crime and illegal drugs during

the Reagan administration. And again you saw the dramatic figures, the decline in drug use and abuse among our young people.

Rudy Giuliani, of course we all know, went on to be mayor of New York. As opposed to the Baltimore model, which was liberal, providing again almost accommodation to illegal drug use, the mayor of New York City, who was elected in recent history here, and we have got an entire history of the murder rate of New York City, but with the election of Rudy Giuliani, this graphically shows the decline in the city's murder rate.

And we will just take from 1990 to 1992, they were averaging about 2000 murders. Through a zero tolerance policy, through a tough enforcement policy, through again a conservative approach as opposed to the Baltimore liberal approach, we have seen in that period of time dramatic decreases. The murder rate in New York dropped dramatically. The number of murders dropped from an average of 2,000 now down to the 600 level.

In a dramatic reversal of crime, drug use, and in this instance murder, I do not think we could have a more graphic display of how a zero tolerance, tough enforcement, and I will also say alternative program, some of which we have looked at that New York has adopted more effective programs in treatment, giving those who are found with an offense the opportunity and access to treatment and other programs that we examined that are very effective. But it all starts from a conservative and tough enforcement policy as opposed to the Baltimore model.

So again we find this pattern repeated in the United States in jurisdictions where they have a tough zero tolerance policy, and we find the Baltimore model repeated, in fact, where we have a liberal policy.

In addition to talking about what took place with the Clinton-Gore Administration and the ending of the war on drugs and with the election of this President and Vice President, it is important that we not only look at successes and failures as far as our communities but what has taken place in the larger picture.

Right now, as I pointed out, visiting the United States is a close ally of the United States, president of Colombia, President Andres Pastrana. He is here asking assistance, and the reason he is here asking for assistance is because of the failed drug policy and foreign policy of this administration.

I pointed out the dramatic decreases in source country programs under the Clinton Administration. Let me put that chart back up if I can. Again, the most effective way to stop illegal narcotics, if possible, is to stop them at their source.

This administration and again this chart shows that this dramatically cuts spending in international or source country programs. No country suffered more as a result of those cuts

and that policy than the country of Colombia. Colombia is an international disaster zone. The statistics on Colombia make Kosovo look like a kindergarten operation.

Just in 1 year over 300,000 people were dislocated. Over a million have been dislocated from their homes in Colombia. The tragedy and total in deaths in Colombia is incredible. Over 40,000 individuals have been slaughtered in the civil war there just in the last decade. That includes 4,700 National Police, hundreds and hundreds of members of Congress, judges, Supreme Court members, journalists, prominent individuals who have spoken out have been slaughtered in Colombia.

Colombia could be a very remote problem for the United States if it did not have as a result of the conflict some serious consequences to our Nation.

First of all, as far as international security and strategic location, Colombia is at the heart and center of the Americas. A disruption in Colombia is a disruption in this hemisphere. Colombia was one of the most thriving economies of South America until the narco-terrorists or guerilla Marxist forces began their insurgency against the legitimately elected Government of Colombia and began the slaughter, which is now spreading even beyond the borders of Colombia. It is disrupted again not only with tens of thousands of deaths in Colombia, but the entire region has the potential for destabilizing Central America. Now some of the Marxist narco-terrorist guerillas are intruding further into Panama. Panama is at risk because the United States, as we know, has been kicked out of the canal zone. And that action will be complete in just a few more months.

All of our drug forward operations closed down May 1. All flights ended there. We have lost access to the naval ports and those went out on legitimate tenders and now Chinese interests control both of the ports in Panama. But one of the greatest threats to Panama now is the disruption in Colombia. So we have a disruption in our normal access to the canal and that strategic area of the hemisphere.

Additionally, we have the disruption of Colombia, which Colombia and that region supplies about 20 percent of the United States' daily oil supply. So from a strategic mineral and strategic resource to the United States as far as military accesses also in the war on illegal narcotics, Colombia is now a disaster zone.

How did we get into the mess in Colombia? That is an interesting history. Again in 1992, 1993, in closing down the war on drugs, one of the first victims of the Clinton-Gore Administration was Colombia. This administration, first of all, decertified Colombia in the war on drugs.

Now, Colombia may have deserved decertification, but having been involved in the development of that law,

the law is a simple law. It says that the State Department and the President will certify each year to Congress what countries are cooperating with the United States to stop the production and trafficking of illegal narcotics, a simple law. And if a country is decertified it is not eligible for foreign aid for trade and financial benefits, again a simple law linking their cooperation in the war on illegal drugs to our United States benefits, benefits of this government.

Having helped draft that law in the 1980s again when Ronald Reagan was president, it was a good law that helped tie our aid and our efforts to these countries and ask them for their assistance in combatting illegal narcotics, again in return for specific benefits.

The law was developed with a national interest waiver provision that the President of the United States could have used to make certain that Colombia got the assistance it needed to continue combatting illegal narcotics. Unfortunately, President Clinton, through bad foreign policy and a bad interpretation of the certification law, decertified Colombia without a national interest waiver. And what we saw was the beginning of the end of Colombia as we know it.

The disruption in that country went from a horrible situation to the current situation which may not be repairable. The failure to provide a few dollars then in strategic assistance is now bringing the United States on the verge of tremendous financial commitment requested by this administration to help bring stability to Colombia and that region.

We are now talking the latest figure we had when General McCaffrey appeared before my subcommittee probably talking close to \$1 billion in foreign assistance being requested.

But that is only the tip of the iceberg. Again, I have described tonight how we have not had a war on drugs, how we closed down the war on drugs. And no place has had a more direct impact as far as a failed policy or a closing down on the war on drugs than Colombia. Again, aid was cut off through a policy.

Also, as I mentioned, the strategic information that was provided to Colombia under the prior administrations in combatting illegal narcotics and even in combatting narco-terrorism and terrorist acts was withheld from Colombia.

Colombia, in 1992-1993, produced almost zero cocaine. It actually was a transit country. It was a country that processed from the coca from Peru and Bolivia, and that cocaine came into Florida and the United States in the 1980's.

In fact, let me put that little chart that shows the trafficking pattern from Colombia in the early 1990s.

□ 2145

Again cocaine was not grown, coca was not grown in Colombia before the

1990's in any quantities. It all came from Peru and Bolivia.

The policy of the Clinton-Gore administration managed to change that since 1993, and we have reports now in the last year. Colombia is now the largest producer of cocaine in the world. That, again, is a direct link to a policy of stopping assistance, resources, equipment getting to Colombia during this period.

In 1992 to 1993, Colombia produced almost zero poppies or the base product for heroin. The Clinton-Gore administration in, again, closing down the war on drugs and stopping the aid and assistance to Colombia has turned, in 6 or 7 years, Colombia into the largest source of heroin now in the United States.

Remember, in 1992 to 1993 there are almost no poppies or heroin produced in that country. Clinton-Gore administration stopped the aid, the assistance. That is why President Pastrana is here asking for that to be restarted.

The source of heroin, we know from this 1997 signature program; heroin can be traced just like DNA can trace a source through blood. We can trace through this heroin signature program the source almost to the fields where the heroin is grown. In 1997, 75 percent of the heroin entering the United States came from South America, almost all of that from Colombia. There is some Mexican, another 14 percent; and Mexico was also off the charts in 1992 to 1993. Almost all of the heroin was coming in through southeast Asia.

So in 6 or 7 years through a failed policy of this administration, we have managed to turn Colombia into the biggest producer of cocaine, the biggest producer of heroin, into an international disaster zone, 30 to 40,000 people killed, 5,000 police, complete disruption of the region, a million refugees in our own backyard; and this was done again through very direct policy decisions of the United States.

The cost, as we will see this week as President Pastrana meets with myself, with President Clinton, with other leaders in Washington, the initial price tag that we have been given is a billion dollars. In addition, we have been given a price tag; we will probably spend another fifth of a billion on replacing Panama, our forward-operating locations which we got kicked out of after our negotiators failed to come up with allowing our forward-surveillance drug flights to continue from that Howard Air Force base in Panama. So we are up to 1.2 billion to move, again 200 million probably, to move from Panama to Manta, Ecuador, and to the Curacao and Aruba stations in the Antilles region.

The cost of these failed policies continues to mount. We are left as a Congress with no other alternative but to probably pick up the pieces, try to put Humpty Dumpty back together again.

But the point of my special order tonight has been that indeed there are direct consequences when you close down

a war on drugs. Since 1993 with the Clinton-Gore administration there has not been a war on drugs. The source country programs have been cut. The interdiction programs using the military, the Coast Guard, other assets have been cut. The aid that was promised to Colombia repeatedly, not only after Congress begged the administration and approved funding for equipment and resources to go down to Colombia to fight the war on illegal narcotics and the narco-terrorists' disruption of that region, the equipment, the resources did not get there.

All of these actions, all of these failed policies have consequences. The price tag is now, as I said, 1.2 billion and mounting. We hope to hear from President Pastrana this week on his initiatives. He has taken some very strong initiatives to develop an anti-narcotics force. 50 U.S. personnel have been training that force; but he does need the equipment. The equipment sat on tarmacs here until just recently. Six Huey helicopters were finally delivered. Then to add insult to injury, when they were delivered, they were not delivered with all the equipment that made them usable in this effort.

We have heard repeatedly in the media that Colombia is now our third largest recipient of aid. The Congress, in fact, appropriated \$287 million under the leadership of the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House, who was chairman of the drug policy subcommittee that was then titled National Security and International Affairs. I inherited that responsibility. It is now Criminal Justice and Drug Policy. He started really the restart of the war on drugs with those funds.

What is absolutely amazing, in checking, most of that \$287 million still has not gotten to Colombia, and they are knocking at our door for more funds.

We do have a responsibility as a Congress to carefully review why the administration has not gotten the resources, why the policies of this administration have blocked equipment, resources, assistance to Colombia, how we have gotten ourselves into this international pickle. It would almost seem humorous if it did not have such incredibly damaging effects, and as I started out tonight speaking, the deaths in my hometown where a 12-year-old found his father dead from a heroin overdose, where another woman was found, a young woman in Orlando, dead of an overdose of cocaine.

Most people do not even realize the problem that we face with the heroin and the cocaine coming into the United States today. Ten to 15 years ago that heroin, that cocaine had a very low purity. Today it is deadly, 80 to 90 percent. It provides death and destruction. We must turn this situation around.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of official business.

Mrs. FOWLER (at the request of Mr. ARMEY) for today on account of a family medical emergency.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. MCINTYRE, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Mr. SISISKY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. GANSKE) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, September 22, and September 28.

Mr. EHRlich, for 5 minutes, September 22.

Mr. SCHAFFER, 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. 2490. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2587. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 22, 1999, 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:

4263. A letter from the Administrator, Food Safety and Inspection Service, Depart-

ment of Agriculture, transmitting the Department's final rule—Use of Soy Protein Concentrate, Modified Food Starch, and Carageenan as Binders in Certain Meat Products [Docket No. 94-015N] (RIN: 0583-AB82) received August 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4264. A letter from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Electronic Benefit Transfer Benefit Adjustments [Amdt No. 378] (RIN: 0584-AC61) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4265. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, USDA, Department of Agriculture, transmitting the Department's final rule—High-Temperature Forced-Air Treatments for Citrus [Docket No. 96-069-4] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4266. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—1998-Crop Peanuts, National Poundage Quota, National Average Price Support Level For Quota and Additional Peanuts, and Minimum Commodity Credit Corporation Export Edible Sales Price for Additional Peanuts (RIN: 0560-AF 81) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4267. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Fiscal Period Change [Docket No. FV99-955-1 IFR] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4268. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridate; Pesticide Tolerances for Emergency Exemptions [OPP-300905; FRL-6094-7] (RIN: 2070-AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4269. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Desmedipham; Extension of Tolerances for Emergency Exemption [OPP-300908; FRL-6096-7] (RIN: 2070-AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4270. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazonethyl; Extension of Tolerances for Emergency Exemption [OPP-300912; FRL-6097-8] (RIN: 2070-AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4271. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal, Loan Policies and Operations; FCB Assistance to Associations (RIN: 3052-AB80) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4272. A letter from the the Comptroller General, the General Accounting Office, transmitting a report of a deferral of budget authority, pursuant to 2 U.S.C. 686(a); (H. Doc. No. 106-126); to the Committee on Appropriations and ordered to be printed.

4273. A letter from the the Director, the Office of Management and Budget, transmit-

ting a request to make available emergency appropriations for the Federal Emergency Management Agency and the Small Business Administration for the needs of the victims of Hurricane Floyd; (H. Doc. No. 106-125); to the Committee on Appropriations and ordered to be printed.

4274. A communication from the President of the United States, transmitting a notification of an appropriation of budget authority for the Federal Emergency Management Agency's Disaster relief program; (H. Doc. No. 106-124); to the Committee on Appropriations and ordered to be printed.

4275. A letter from the Department of Defense, transmitting notification that the Commander of Air Combat Command is initiating a multi-function cost comparison of the base operating support functions at Beale Air Force Base (AFB), California, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

4276. A letter from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting a Plan For Full Utilization of Military Technicians (Dual Status) On and After September 30, 2007; to the Committee on Armed Services.

4277. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program [DFARS Case 98-D306] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4278. A letter from the Department of Defense, Acquisition and Technology, transmitting a report to Congress entitled "DoD Demonstration Program to Improve the Quality of Personal Property Shipments of Members of the Armed Forces"; to the Committee on Armed Services.

4279. A letter from the Secretary of Defense, transmitting the approved retirement of Admiral J. Paul Reason, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

4280. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers (Regulation T); List of Foreign Margin Stocks—received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4281. A letter from the Acting Assistant, Secretary, Department of Education, transmitting Final Regulations—Projects With Industry, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4282. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4283. A letter from the Secretary of Health and Human Services, transmitting the 1999 report of Health, United States, compiled by the National Center for Health Statistics, and the Centers for Disease Control and Prevention, pursuant to 42 U.S.C. 242m(a)(2)(D); to the Committee on Commerce.

4284. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Substantial Evidence of Effectiveness of New Animal Drugs [Docket No. 97N-0435] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4285. A letter from the Director, Regulations Policy and Management Staff, FDA,

Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 96F-0145] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4286. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 98F-0871] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4287. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 91F-0399] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4288. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, Sanitizers [Docket No. 99F-0459] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4289. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 89F-0338] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4290. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, FDA, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 99F-0299] received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4291. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6427-2] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4292. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards [ND-001-0006a; FRL-6426-5] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4293. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California [CA-81-167; FRL-6427-4] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4294. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, Ventura County Air Pollution Con-

trol District [CA 224-0166a; FRL-6425-5] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4295. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 217-0170a; FRL-6423-1] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4296. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides and Nitrogen Oxide Requirements at Municipal Waste Combustors [MA-35-1-6659a; A-1-FRL-6425-4] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4297. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Contracting by Negotiation [FRL-6428-3] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4298. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire General Conformity [NH039-7166a; A-1-FRL-6416-2] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4299. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 207-156; FRL-6409-4] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4300. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin [WI191-01-7322a; FRL-6414-7] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4301. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning [AD-FRL-6419-9] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4302. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan; Connecticut; Approval of National Low Emission Vehicle Program [R1-052-7211a; A-1-FRL-6417-5] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4303. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-6439-7] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6437-9] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Direct Final Rule Revisions to Emissions Budgets Set Forth in EPA's Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone for the States of Connecticut, Massachusetts and Rhode Island [FRL-6437-3] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulation: Consumer Confidence Reports; Correction [FRL-6437-6] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4307. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cherry Valley and Cotton Plant, Arkansas) [MM Docket No. 98-223; RM-9340; RM-9481; RM-9482] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4308. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Oraibi and Leupp, Arizona) [MM Docket No. 98-179; RM-9344] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4309. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Kensett, Arkansas; Somerton, Arizona; Augusta, Kansas; Wellton, Arizona; Center, Colorado; La Veta, Colorado; Walsenburg, Colorado; Taft, California; Cimarron, Kansas) [MM Docket No. 99-99, RM-9484; MM Docket No. 99-100, RM-9491; MM Docket 99-101, RM-9494; MM Docket No. 99-102, MM-9495; MM Docket No. 99-105, RM-9508; MM Docket 99-107, RM-9510; MM Docket No. 99-109, RM-9512; MM Docket No. 99-111, RM-9539; MM Docket No. 99-113, RM-9544] Received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4310. A letter from the Director, Office of the Congressional Affairs, Office of the State Programs, Nuclear Regulatory Commission, transmitting the Commission's final rule—State of Ohio: Discontinuance of Certain Commission Regulatory Authority Within the State—received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4311. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information (RIN: 3150-AG06) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4312. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: (HI-STAR 100) Addition (RIN: 3150-AG17) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4313. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4314. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a biographical sketch of potential nominee of Ambassador to the People's Republic of China; to the Committee on International Relations.

4315. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Report on Religious Freedom; to the Committee on International Relations.

4316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-132 "Closing of a Public Alley in Square 454, and Square 455, S.O. 98-194, Act of 1999" received September 3, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4317. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

4318. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

4319. A letter from the General Counsel, Executive Office of the President, transmitting the reports on vacancies in Senate confirmed positions; to the Committee on Government Reform.

4320. A letter from the Comptroller General, General Accounting Office, transmitting the Research Notification System Report through August 3, 1999; to the Committee on Government Reform.

4321. A letter from the Deputy Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Revisions to the Public Financial Disclosure Gifts Waiver Provision (RIN: 3209-AA00) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4322. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues where a refund or recoupment is appropriate, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4323. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for Lake Erie Water Snakes (*Nerodia sipedon insularum*) on the Offshore Islands of Western Lake Erie (RIN: 1018-AC09) received August 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4324. A letter from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—General Grant Administration Terms and Conditions of the Coastal Ocean Program [Docket No. 990713192-9192-01; I.D. No. 080399-D] (RIN: 0648-ZA67) received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4325. A letter from the Deputy Assistant Administrator, National Ocean Service, Estuarine Reserves Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Graduate Research Fellowships in the National Estuarine Research Reserve System for FY 2000 (RIN: 0648-ZA66) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4326. A letter from the Director, Bureau of Justice Assistance, transmitting a report of the Bureau of Justice Assistance entitled, "Fiscal Year 1998 Annual Report to Congress," pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

4327. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's Final Rule—Fair Housing Complaint Processing; Plain Language Revision and Reorganization [Docket No. FR-4433-F-02] (RIN: 2529-AA86) received September 15, 1999; to the Committee on the Judiciary.

4328. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Debt Collection (RIN: 2550-AA07) received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4329. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Compliance Procedures for Affirmative Fair Housing Marketing; Nomenclature Change; Final Rule (RIN: 2529-AA87) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4330. A letter from the Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 1998, pursuant to Public Law 88-449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

4331. A letter from the Director, Office of General Counsel & Legal Policy, Office of Government Ethics, transmitting the Department's final rule—Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations (RIN: 3209-AA00 and 3209-AA13) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4332. A letter from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations (RIN: 3209-AA07) received August 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4333. A letter from the Attorney Advisor, Office of the Chief Counsel, FHA, Department of Transportation, transmitting the Department's final rule—Truck Size and Weight; Definitions; Nondivisible [FHWA Docket No. FHWA-98-4326] (RIN: 2125-AE43) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4334. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Research and Special Programs Administration [Docket No. RSPA-98-4185 (HM-215C)] (RIN: 2137-AD15) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4335. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the

Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 97-NM-03-AD; Amendment 39-11271; AD 99-18-05] (RIN: 2120-AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4336. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes [Docket No. 99-CE-55-AD; Amendment 39-11280; AD 99-18-14] (RIN: 2120-AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4337. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes, and C-9 (Military) Airplanes [Docket No. 97-NM-49-AD; Amendment 39-11224; AD 99-15-05] (RIN: 2120-AA64) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4338. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kansas City, MO [Airspace Docket No. 98-ACE-34] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4339. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sikeston, MO [Airspace Docket No. 99-ACE-43] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4340. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the Orlando Class B Airspace Area, Orlando, FL; and Modification of the Orlando Sanford Airport Class D Airspace Area, Sanford, FL [Airspace Docket No. 95-AWA-4] (RIN: 2120-AA66) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4341. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Malden, MO [Airspace Docket No. 99-ACE-42] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4342. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29733; Amendment No. 1948] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4343. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Extensions of Application Period for Temporary Housing Assistance (RIN: 3067-AC82) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4344. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Factors Considered When

Evaluating a Governor's Request for a Major Disaster Declaration (RIN: 3067-AC94) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4345. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis—received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4346. A letter from the Acting Assistant Secretary for Import Administration, Department of Commerce, International Trade Commission, transmitting the Department's final rule—Regulation Concerning Preliminary Critical Circumstances Findings [Docket No. 9908128228-9228-01] (RIN: 0625-AA56) received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4347. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Sports Franchises—received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4348. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 7702 Closing Agreements [Notice 99-47] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4349. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1999 Section 43 Inflation Adjustment [Notice 99-45] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. LINDER: Committee on Rules. House Resolution 295. Resolution providing for consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions (Rept. 106-326). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 296. Resolution providing for consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906 (Rept. 106-327). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. LAHOOD, Mr. PAUL, Mr. NETHERCUTT, Mr. KUYKENDALL, and Mr. SHAYS):

H.R. 2883. A bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States; to the Committee on the Judiciary.

By Mr. BLILEY:

H.R. 2884. A bill to extend energy conservation programs under the Energy Policy and

Conservation Act through fiscal year 2003; to the Committee on Commerce.

By Mr. HORN (for himself, Mr. WAXMAN, Mr. WALDEN of Oregon, Mr. TURNER, Mrs. BIGGERT, and Mr. DAVIS of Virginia):

H.R. 2885. A bill to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency and quality of Federal statistics and Federal statistical programs by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards; to the Committee on Government Reform.

By Mr. HORN (for himself, Mr. BARRETT of Nebraska, Mr. POMEROY, Mr. BLILEY, Mrs. MINK of Hawaii, Mr. FROST, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. BARRETT of Wisconsin, and Mr. SANDLIN):

H.R. 2886. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 2887. A bill to amend the Federal Power Act to ensure that certain Federal power customers are provided protection by the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. BIGGERT (for herself, Mr. OSE, Ms. SLAUGHTER, and Ms. SCHAKOWSKY):

H.R. 2888. A bill to provide funds to assist homeless children and youth; to the Committee on Banking and Financial Services.

By Mr. CANNON:

H.R. 2889. A bill to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures; to the Committee on Resources.

By Mr. CROWLEY (for himself, Mr. BLAGOJEVICH, Mr. SERRANO, and Mr. ROMERO-BARCELÓ):

H.R. 2890. A bill to amend the Puerto Rican Federal Relations Act to transfer jurisdiction over Federal land in and around the island of Vieques to the Government of Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. DAVIS of Virginia (for himself and Mr. MORAN of Virginia):

H.R. 2891. A bill to provide reasonable and non-discriminatory access to buildings owned or used by the Federal Government for the provision of competitive telecommunications services by telecommunications carriers; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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 Ms. DUNN (for herself, Mr. INSLEE, Mr. METCALF, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. NETHERCUTT, Mr. DICKS, Mr. McDERMOTT, and Mr. SMITH of Washington):

H.R. 2892. A bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals; to the Committee on Commerce, and in addition to the Committee on Ways and Means,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY:

H.R. 2893. A bill to provide that adjustments in rates of pay for Members of Congress may not exceed any cost-of-living increases in benefits under title II of the Social Security Act; to the Committee on Government Reform, and in addition to the Committee on House Administration, 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. FOLEY:

H.R. 2894. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mrs. LOWEY, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. FARR of California, Ms. ESHOO, Mr. MCGOVERN, Mr. FALCONE, Ms. PELOSI, and Mr. SMITH of New Jersey):

H.R. 2895. A bill to impose an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have been implemented, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. MCCOLLUM, Mr. LAFALCE, Mrs. ROUKEMA, Ms. WATERS, Mr. BEREUTER, Mr. BAKER, Mr. LAZIO, Mr. BACHUS, and Mr. CASTLE):

H.R. 2896. A bill to combat money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. SHOWS, Ms. DELAURO, Mr. FROST, Ms. NORTON, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. FOLEY, Mr. MCGOVERN, Mr. UNDERWOOD, and Ms. SCHAKOWSKY):

H.R. 2897. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Commerce.

By Mrs. MINK of Hawaii:

H.R. 2898. A bill to amend the Internal Revenue Code of 1986 to reduce to age 21 the minimum age for an individual without children to be eligible for the earned income credit; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 2899. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. BOEHLERT, Mr. OLVER, Ms. DELAURO, Mr. HINCHEY, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. FARR of California, Mr. VENTO, Mr. KENNEDY of Rhode Island, Mr. MCGOVERN, Ms.

SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. MORAN of Virginia, Mr. LANTOS, and Mr. KUCINICH):

H.R. 2900. A bill to reduce emissions from electric powerplants, and for other purposes; to the Committee on Commerce.

By Mr. PITTS (for himself, Mrs. BONO, Mrs. MYRICK, Mrs. EMERSON, Mrs. NORTHUP, Ms. ROS-LEHTINEN, Mrs. CHENOWETH, Mr. DELAY, Mr. CANADY of Florida, Mr. DEMINT, Mr. FLETCHER, Mr. BARCIA, Mr. SMITH of New Jersey, and Mr. GARY MILLER of California):

H.R. 2901. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to abortion, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS (for himself and Mr. HINCHEY):

H.R. 2902. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986 with respect to amendments resulting in defined benefit plans becoming cash balance plans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. SAXTON:

H.R. 2903. A bill to assist in the conservation of coral reefs; to the Committee on Resources.

By Mr. SCARBOROUGH:

H.R. 2904. A bill to amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. VENTO, Ms. VELÁZQUEZ, and Mr. HINCHEY):

H.R. 2905. A bill to eliminate money laundering in the private banking system, to require the Secretary of the Treasury to take certain actions with regard to foreign countries in which there is a concentration of money laundering activities, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WATTS of Oklahoma (for himself, Mr. PAYNE, Mr. TANCREDO, Mr. MARKEY, and Mr. WOLF):

H.R. 2906. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; 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 Ms. WOOLSEY:

H.R. 2907. A bill to amend the child and adult care food program under the National School Lunch Act to revise the eligibility of private organizations under that program; to the Committee on Education and the Workforce.

By Mr. BEREUTER (for himself, Mr. LANTOS, Mr. GILMAN, Mr. GEJDENSON, Mr. HASTINGS of Florida, Mr. ROYCE, Mr. PAYNE, Mr. ACKERMAN, Mr. ROHR-ABACHER, Mr. SMITH of New Jersey, Mr. BERMAN, Mr. BROWN of Ohio, Mr. HOEFFEL, and Mr. ORTIZ):

H. Res. 297. A resolution expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

222. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 38 memorializing the U.S. Congress in ensuring that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from the public use of the McGregor Range land beyond 2001; to the Committee on Armed Services.

223. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 75 memorializing the United States Congress to qualify the contributions made by the State of Texas for eligible inpatient hospital services provided by contract in the Lower Rio Grande Valley for federal matching funds under the Medicaid disproportionate share hospital program; to the Committee on Commerce.

224. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 59 memorializing the Congress of the United States to pass legislation that improves the quality of life and economic and environmental well-being of the Gulf Coast; to the Committee on Resources.

225. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 142 memorializing the Congress of the United States to authorize and to urge the Governor of the State of Louisiana to support the development of the "Comprehensive Hurricane Protection Plan for Coastal Louisiana"; to the Committee on Transportation and Infrastructure.

226. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 141 memorializing the Congress of the United States to maintain its commitment to the veterans of America and their families; to the Committee on Veterans' Affairs.

227. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 102 memorializing the Congress of the United States to ensure the future of the Kerrville Veterans Administration Medical Center; to the Committee on Veterans' Affairs.

228. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 249 memorializing the Congress of the United States and urging the President of the United States to refrain from inclusion of mandatory Social Security coverage for presently noncovered state and local government employees in any Social Security reform legislation; to the Committee on Ways and Means.

229. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 7 memorializing the Congress of the United States to maintain its commitment to America's military retirees over the age of 65; jointly to the Committees on Armed Services and Government Reform.

230. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 2 memorializing the Congress of the United States to provide funding for infrastructure improvements between Texas and Mexico; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI (by request) introduced a bill (H.R. 2908) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. MCCOLLUM and Mr. JENKINS.

H.R. 88: Ms. SCHAKOWSKY, Mr. FILNER, Mr. LARSON, Mr. WU, Mr. MOORE, Mrs. MALONEY of New York, and Mr. BLAGOJEVICH.

H.R. 175: Mr. BARTLETT of Maryland and Mrs. WILSON.

H.R. 205: Mr. SANDLIN.

H.R. 220: Mr. WALDEN of Oregon.

H.R. 269: Ms. PELOSI.

H.R. 270: Ms. PELOSI, Mr. WEINER, Mr. PALLONE, and Mr. BROWN of Ohio.

H.R. 303: Mr. ENGEL.

H.R. 354: Mr. PETRI, Mr. CHABOT, and Mr. GARY MILLER of California.

H.R. 382: Mr. KUCINICH, Mr. ENGLISH, and Mr. SERRANO.

H.R. 425: Mr. DIXON.

H.R. 443: Ms. CARSON.

H.R. 488: Mr. CLYBURN.

H.R. 505: Mrs. MINK of Hawaii.

H.R. 516: Mr. TIAHRT.

H.R. 531: Mr. UPTON and Mr. HUTCHINSON.

H.R. 534: Mr. DICKS, Mr. BENTSEN, Mr. BRADY of Texas, Mr. BARCIA, Mrs. EMERSON, and Mr. SIMPSON.

H.R. 583: Mr. MALONEY of Connecticut.

H.R. 595: Mr. CUMMINGS.

H.R. 628: Ms. PRYCE of Ohio.

H.R. 648: Mr. DIAZ-BALART.

H.R. 692: Mr. SENSENBRENNER.

H.R. 701: Mr. SCARBOROUGH, Mr. LAHOOD, and Mr. CANADY of Florida.

H.R. 721: Mrs. CUBIN, Mr. WATTS of Oklahoma, Mr. SMITH of Michigan, and Mrs. MEEK of Florida.

H.R. 728: Mr. MCINNIS.

H.R. 730: Mrs. NAPOLITANO and Mr. UDALL of New Mexico.

H.R. 750: Mr. SNYDER, Mr. HORN, and Mr. BENTSEN.

H.R. 783: Mr. HASTINGS of Washington, Mr. LUTHER, and Mr. MOORE.

H.R. 798: Mr. BERMAN.

H.R. 826: Mr. ROMERO-BARCELO and Mr. EVANS.

H.R. 860: Mr. KENNEDY of Rhode Island.

H.R. 886: Mr. DEFAZIO.

H.R. 888: Mr. BERMAN, Ms. ESHOO, Mr. UDALL of New Mexico, Mr. WEINER, Mr. HALL of Ohio, Mr. DAVIS of Illinois, Mr. MARTINEZ, Mr. MALONEY of Connecticut, and Mr. KLINK.

H.R. 915: Mr. HOSTETTLER.

H.R. 920: Mr. MCGOVERN.

H.R. 932: Ms. LEE.

H.R. 1083: Mr. BERRY.

H.R. 1102: Mr. PETERSON of Minnesota.

H.R. 1115: Mr. LARSON, Mr. SESSIONS, Mr. TURNER, Mr. WAMP, Mr. DUNCAN, Mr. GIBBONS, Mr. BARTLETT of Maryland, Mr. HYDE, Mrs. LOWEY, Mr. BRYANT and Mr. STRICKLAND.

H.R. 1123: Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. WEINER, and Ms. SCHAKOWSKY.

H.R. 1129: Mr. DAVIS of Illinois.

H.R. 1144: Mr. FOLEY and Mr. SANDLIN.

H.R. 1187: Mr. MINGE and Mrs. FOWLER.

H.R. 1221: Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. GEJDENSON, Mr. MCINTOSH, Mr. WU, Mr. HUTCHINSON, and Mr. BACHUS.

H.R. 1222: Ms. KAPTUR.

H.R. 1237: Mr. FOLEY and Mr. PASCRELL.

H.R. 1274: Mrs. MORELLA, Mr. RAHALL, Mr. SMITH of New Jersey, and Ms. LEE.
 H.R. 1300: Mr. PICKETT, Mr. BOSWELL, Mr. PHELPS, Mr. GARY MILLER of California, Mr. SUNUNU, and Ms. MCCARTHY of Missouri.
 H.R. 1317: Mr. HOSTETTLER and Mr. SAM JOHNSON of Texas.
 H.R. 1322: Mr. DOYLE.
 H.R. 1358: Mr. LAHOOD and Mr. CRAMER.
 H.R. 1387: Mr. BARCIA and Mr. COYNE.
 H.R. 1388: Mr. WEXLER, Ms. BERKLEY, Mr. NETHERCUTT, and Mr. EVANS.
 H.R. 1413: Mr. GOODE.
 H.R. 1485: Mr. FORD.
 H.R. 1579: Mr. PACKARD, Mr. WOLF, Mr. SERMAN, Mr. HUNTER, Mr. EVANS, Mrs. THURMAN, Mr. MATSUI, Mr. DREIER, Mr. METCALF, Mr. HASTINGS of Florida, Mr. BOEHRER, Mrs. CAPPS, Mr. CHABOT, Mr. MORAN of Virginia, Mr. CASTLE, and Mr. WU.
 H.R. 1675: Mr. FATTAH.
 H.R. 1708: Mr. CANADY of Florida, Mr. DOYLE, and Mr. HOSTETTLER.
 H.R. 1760: Mr. ENGLISH., Mr. SMITH of New Jersey, Mr. MOORE, Mr. GREENWOOD, and Mr. LAZIO.
 H.R. 1777: Mr. DEFAZIO and Mr. OXLEY.
 H.R. 1788: Mr. SENSENBRENNER, Mr. PASCRELL, Mrs. MALONEY of New York, and Mr. MCGOVERN.
 H.R. 1795: Mr. BORSKI, Mr. HAYWORTH, Mr. MOAKLEY, Ms. STABENOW, Ms. LEE, Mr. ETHERIDGE, and Mr. SMITH of New Jersey.
 H.R. 1816: Mr. FRANK of Massachusetts, Mr. SHOWS, Mr. McNULTY, Mr. FORD, and Mr. DOYLE.
 H.R. 1837: Ms. WOOLSEY, Mr. DEMINT, Mrs. LOWEY, Mr. SHADEGG, Mr. STEARNS, and Mr. MURTHA.
 H.R. 1841: Mr. CAPUANO.
 H.R. 1842: Mr. UDALL of New Mexico.
 H.R. 1876: Mr. TURNER, Mr. MORAN of Kansas, Mr. MANZULLO, Mr. LEWIS of Kentucky, Mr. TRAFICANT, Mr. ROYCE, Mr. WATKINS, and Mr. PACKARD.
 H.R. 1885: Mr. CRAMER.
 H.R. 1899: Mr. HORN and Mr. PASCRELL.
 H.R. 1926: Mr. ENGEL and Mr. PACKARD.
 H.R. 1933: Mr. HASTINGS of Washington and Mr. RYUN of Kansas.
 H.R. 1998: Mr. TANCREDO.
 H.R. 2049: Mr. MORAN of Virginia.
 H.R. 2102: Mr. MENENDEZ.
 H.R. 2129: Mrs. NORTHUP, Mr. DOOLITTLE, Mr. FOLEY, and Mr. POMBO.
 H.R. 2130: Ms. STABENOW.
 H.R. 2171: Ms. MCCARTHY of Missouri.
 H.R. 2200: Mr. FRANK of Massachusetts, Mr. LAFALCE, and Mr. UNDERWOOD.
 H.R. 2221: Mr. WALDEN of Oregon.
 H.R. 2233: Mr. JEFFERSON and Mr. FROST.
 H.R. 2241: Mr. SMITH of Washington, Mr. LAHOOD, Mr. GUTIERREZ, Mr. BASS, Mr. TURNER, and Mr. WATT of North Carolina.
 H.R. 2247: Mr. GIBBONS and Mr. POMBO.
 H.R. 2258: Mr. FALEOMAVAEGA.
 H.R. 2260: Mr. LAZIO.
 H.R. 2262: Mr. LAZIO.
 H.R. 2263: Mr. LAZIO.
 H.R. 2264: Mr. LAZIO.
 H.R. 2282: Mr. TANCREDO.
 H.R. 2295: Ms. HOOLEY of Oregon.
 H.R. 2332: Mr. ROEMER, Mr. LATOURETTE, Mr. BARRETT of Wisconsin, Mr. LAFALCE, Mr. DINGELL, Mr. KLECZKA, Mr. BONIOR, Mr. GUTKNECHT, Mr. SABO, Mr. JACKSON of Illinois, Ms. STABENOW, and Mr. EHLERS.
 H.R. 2341: Mr. NEY, Ms. STABENOW, Ms. DELAURO, Mr. BARCIA, Mrs. KELLY, Mr. OLVER, Mr. THOMPSON of California, Mr. BARRETT of Wisconsin, Mr. LAFALCE, Mr. JACKSON of Illinois, Mr. FLETCHER, Mr. WEYGAND, Mr. TAUZIN, Mr. CHAMLISS, Mrs. JOHNSON of Connecticut, Mr. MASCARA, Mr. BILIRAKIS, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. STRICKLAND, Mr. GOSS, Mr. DINGELL, Mr. BONIOR, Mr. RANGEL, Mr. STARK, Mr. DOOLEY of California, Mr. HILL of Montana, Mrs.

JONES of Ohio, Mr. SHIMKUS, Mr. FARR of California, Mr. BLAGOJEVICH, Ms. HOOLEY of Oregon, Mr. RADANOVICH, and Mr. SMITH of Washington.
 H.R. 2357: Mr. BARCIA.
 H.R. 2366: Mr. BAKER, Mr. CUNNINGHAM, Mr. DEMINT, Mr. LEWIS of California, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. PITTS, Mr. TALENT, Mr. HILL of Montana, Ms. PRYCE of Ohio, Mr. HOBSON, Mr. GOODE, and Mr. MCCOLLUM.
 H.R. 2386: Ms. CARSON, Mr. LUTHER, Mr. NADLER, and Mr. FOLEY.
 H.R. 2413: Mr. EHLERS, Mr. COOK, Mr. EWING, and Mr. GUTKNECHT.
 H.R. 2419: Mr. WYNN, Mr. BILBRAY, Ms. HOOLEY of Oregon, Mr. GONZALEZ, Mr. PAUL, Mr. LEWIS of Kentucky, Mr. MCCARTHY of New York, Ms. GRANGER, Mr. HALL of Texas, Mr. BAKER, and Mr. FLETCHER.
 H.R. 2436: Mr. DELAY and Mr. BARTON of Texas.
 H.R. 2439: Mrs. MINK of Hawaii.
 H.R. 2451: Mr. NEY.
 H.R. 2453: Mr. GOODE.
 H.R. 2495: Ms. ESHOO and Mr. LANTOS.
 H.R. 2498: Mr. WALSH, Mr. GOODLING, Mr. INSLEE, and Mr. BURR of North Carolina.
 H.R. 2499: Mr. HOLT, Mr. FRANKS of New Jersey, and Mr. HINCHEY.
 H.R. 2538: Ms. SCHAKOWSKY and Mr. BERMAN.
 H.R. 2546: Mr. FROST, Mr. SANDLIN, and Mr. RUSH.
 H.R. 2576: Mr. SENSENBRENNER.
 H.R. 2593: Mr. MATSUI.
 H.R. 2619: Mr. KOLBE.
 H.R. 2628: Mr. RAHALL and Ms. GRANGER.
 H.R. 2631: Ms. CARSON.
 H.R. 2650: Mr. BROWN of Ohio.
 H.R. 2655: Mr. HILL of Montana.
 H.R. 2719: Mr. MCDERMOTT.
 H.R. 2720: Mr. GILMAN, Mr. KUYKENDALL, Mr. KILDEE, Mr. SAWYER, and Mr. KUCINICH.
 H.R. 2725: Mr. ALLEN.
 H.R. 2726: Mr. PICKETT, Mr. DOYLE, Mr. BARTLETT of Maryland, Mr. ENGLISH, Mr. NUSSLE, Mr. BRADY of Texas, Mr. FROST, Mr. KOLBE, and Mr. SUNUNU.
 H.R. 2728: Mr. COSTELLO, and Mr. SNYDER.
 H.R. 2750: Mr. HINCHEY and Mr. NEY.
 H.R. 2786: Mr. BURR of North Carolina and Mr. WYNN.
 H.R. 2809: Mr. KUCINICH, Mr. BROWN of Ohio, Mr. CONYERS, Mr. ANDREWS, and Ms. PELOSI.
 H.R. 2814: Mr. OSE, Mrs. BONO, and Mr. MCINNIS.
 H.R. 2828: Mr. WU, Ms. ESHOO, Ms. RIVERS, Mrs. MALONEY of New York, Mrs. CAPPS, Mrs. MEEK of Florida, Mr. LEVIN, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. DEGETTE, Ms. WOOLSEY, Mrs. NAPOLITANO, and Mr. RUSH.
 H.R. 2843: Mr. BOUCHER and Mr. JONES of North Carolina.
 H.R. 2882: Mr. FROST.
 H.J. Res. 55: Mr. MCINNIS.
 H.J. Res. 65: Mr. BILIRAKIS, Mr. BAKER, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. PETERSON of Minnesota, Ms. CARSON, Ms. BERKLEY, Mr. MORAN of Kansas, Mr. GILMAN, Mr. HALL of Texas, Mr. DINGELL, Mr. DOYLE, Mr. SHOWS, Mr. HANSEN, Mr. BUYER, Mr. MCKEON, Mr. HAYWORTH, and Mr. BALLENGER.
 H. Con. Res. 17: Mr. BARRETT of Wisconsin.
 H. Con. Res. 124: Mr. SCOTT, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Mr. SPRATT, Mr. BEREUTER, and Mr. WELDON of Pennsylvania.
 H. Con. Res. 132: Mr. SANDERS, Mr. GEORGE MILLER of California, and Ms. ESHOO.
 H. Con. Res. 139: Mr. BILIRAKIS, Mr. PICKETT, and Mr. SAM JOHNSON of Texas.
 H. Con. Res. 152: Mrs. MCCARTHY of New York, Mr. SHAYS, Mr. GUTIERREZ, Mr. BLAGOJEVICH, and Mr. OWENS.
 H. Con. Res. 166: Mr. MARTINEZ.

H. Con. Res. 186: Mr. DELAY, Mr. BARR of Georgia, Mr. ROGAN, Ms. ROS-LEHTINEN, Mr. GIBBONS, Mr. SCHAFFER, and Mr. HUTCHINSON.
 H. Res. 278: Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. SHOWS, Mr. SPENCE, Mr. KING, Mr. WATT of North Carolina, Mr. FORBES, Mr. LAZIO, Mr. KUYKENDALL, Mr. CAPUANO, Mr. COBURN, Mr. HINCHEY, Mr. TOOMEY, Mr. BENTSEN, Mr. EHRlich, Mr. FOLEY, Ms. HOOLEY of Oregon, Mrs. FOWLER, Mr. ETHERIDGE, Mr. FRANKS of New Jersey, Mr. MCINTYRE, Mr. CROWLEY, Mr. SANDLIN, Mr. FROST, Mr. NEY, Mr. THOMPSON of California, Mrs. NORTHUP, Mr. DOYLE, Mr. BROWN of Ohio, Mr. BLUNT, and Mrs. EMERSON.
 H. Res. 287: Mr. SHIMKUS, Mr. BENTSEN, Mrs. LOWEY, Mrs. KELLY, Mr. COOKSEY, Mr. GREENWOOD, Mr. FROST, Mr. WATTS of Oklahoma, Mr. GONZALEZ, Mrs. MINK of Hawaii, Mrs. NORTHUP, and Mr. SANDLIN.
 H. Res. 292: Mr. OLVER and Mr. DELAHUNT.

PETITIONS, ETC.

Under clause 3 of rule XII,
 49. The SPEAKER presented a petition of the Municipal Assembly of Morovis, relative to Resolution #6 petitioning the President of the United States to immediately withdraw the Navy from Vieques; which was referred to the Committee on Armed Services.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1875

OFFERED BY MR. DOGGETT

AMENDMENT NO. 1: Page 5, insert the following after line 13 and redesignate the succeeding paragraphs accordingly:

“(3) Paragraph (1) shall apply to a State only if such State, on or after the date of the enactment of the Interstate Class Action Jurisdiction Act of 1999, enacts a statute that—

“(A) is adopted in accordance with procedures established by that State's constitution for enactment of a statute;

“(B) does not conflict with that State's constitution, as interpreted by that State; and

“(C) declares that paragraph (1) shall apply to that State.

Page 7, insert the following after line 23 and redesignate the succeeding paragraphs accordingly:

“(1) APPLICABILITY TO STATES.—This section shall apply to a State only if such State, on or after the date of the enactment of the Interstate Class Action Jurisdiction Act of 1999, enacts a statute that—

“(A) is adopted in accordance with procedures established by that State's constitution for enactment of a statute;

“(B) does not conflict with that State's constitution, as interpreted by that State; and

“(C) declares that this section shall apply to that State.

H.R. 1875

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 2: Page 9, strike line 6 and all that follows through page 10, line 2, and insert the following:

(e) PROCEDURE AFTER REMOVAL.—Section 1447 is amended by adding at the end the following new subsection:

“(f) If, after removal, the court determines that any aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may not be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, it shall remand

that aspect of the action to the State court from which it was removed. In such event, that State court may certify the action or any part thereof as a class action pursuant to its State law and such action cannot be removed to Federal court unless it meets the requirements of section 1332(a)."

H.R. 1875

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a tobacco product.

"(B) As used in this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption."

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) TOBACCO PRODUCTS.—(A) This section shall not apply to any class action that is brought for harm caused by a tobacco product.

"(B) As used in this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption."

H.R. 1875

OFFERED BY: MR. NADLER

AMENDMENT NO. 4: Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

"(B) As used in this paragraph, the term 'firearm'—

"(i) has the meaning given that term in section 921(3) of title 18; and

"(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986."

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) FIREARMS OR AMMUNITION.—(A) This section shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

"(B) As used in this paragraph, the term 'firearm'—

"(i) has the meaning given that term in section 921(3) of title 18; and

"(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986."

H.R. 1875

OFFERED BY: MR. NADLER

AMENDMENT NO. 5: Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5) Paragraph (1) shall not apply to any class action that is brought for harm caused by any group health plan, health insurance issuer, health care provider, or health care professional, if the primary defendant in the action is a group health plan or health insurance issuer which has a substantial commercial presence in the State in which the action is brought."

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) HEALTH PLANS, HEALTH INSURANCE ISSUERS, ETC.—This section shall not apply

to any class action that is brought for harm caused by any group health plan, health insurance issuer, health care provider, or health care professional, if the primary defendant in the action is a group health plan or health insurance issuer which has a substantial commercial presence in the State in which the action is brought."

H.R. 1875

OFFERED BY: MS. WATERS

AMENDMENT NO. 6: Page 10, line 4, strike "The" and insert "(a) IN GENERAL.—The".

Page 10, lines 5 and 6, strike "date of the enactment of this Act" and insert "date certified by the Judicial Conference under subsection (b)".

Page 10, insert the following after line 6:

(b) CERTIFICATION BY JUDICIAL CONFERENCE.—The Judicial Conference of the United States shall certify in writing to the Congress the first date on or after the date of the enactment of this Act on which the number of vacancies of judgeships authorized for the United States courts of appeals, the United States district courts, and the United States Court of Federal Claims, is less than 3 percent of all such judgeships.

H.R. 1875

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 7: Page 7, line 10, strike "before or".

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 1: Page 4, line 9, strike "(c)" and all that follows through "the Director shall" on line 11 and insert the following:

"(c) REQUIREMENTS WITH RESPECT TO SPECIAL POPULATIONS.—There is established within the Agency an office to be known as the Office on Special Populations, which shall be headed by an official appointed by the Director. The Director, acting through such Office, shall".

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 2: Page 4, line 14, insert "in inner-city areas and" after "health services".