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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 10, 2000.

I hereby appoint the Honorable JUDY BIGGERT 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 Mr. Cheek, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the ''James W. McCabe, Sr. Post Office Building''.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office''.

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office''.

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the ''Henry McNeal Turner Post Office''.

H.R. 3909. An act to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the ''Henry W. McGee Post Office Building''.

H.R. 3985. An act to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, as the ''Vicki Coceano Post Office Building''.

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew 'Mack' Robinson Post Office Building''.

H.R. 4169. An act to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the ''Barbara F. Vucanovich Post Office Building''.

H.R. 4447. An act to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the ''Samuel H. Lacy, Sr. Post Office Building''.

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolefield Avenue in Baltimore, Maryland, as the ''Judge Robert Bernard Watts, Sr. Post Office Building''.

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the ''Dr. Flossie McClain Dedmond Post Office Building''.

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building.''

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the ''Alan B. Shepard, Jr. Post Office Building''.

H.R. 4534. An act to designate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building''.

H.R. 4554. An act to designate the facility of the United Sates Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the ''Joseph F. Smith Post Office Building''.

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the ''Reverend J.C. Wade Post Office''.

H.R. 4658. An act to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the ''J.L. Dawkins Post Office Building''.

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the ''William S. Broomfield Post Office Building''.

H.R. 4975. An act to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the ''Frank R. Lautenberg Post Office and Courthouse''.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is respected:

NOTICE

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

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S. 1756. An act to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2804. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office''.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

S. Con. Res. 145. Concurrent resolution expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capitol.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

U.S. SHOULD BE RESPONSIVE TO ISRAELI POSITION IN MIDDLE EAST CONFLICT

Mr. FRANK of Massachusetts. Madam Speaker, I am here to express my disagreement with the decision of the President of the United States to have the United States abstain on a resolution that was unfairly critical of the State of Israel in the U.N. Security Council. I recognize that the administration worked hard using the threat of a veto to make that resolution less obnoxious, but it was still mistaken, and I want to express why I think so.

It was mistaken on two levels. First of all, on its own terms it was unfair. Yes, Israeli forces and Jewish residents of Israel have in this terrible turmoil, some of them, done things they should not have done. Violence is not easily controllable. But there have also been terrible acts of violence, unjustified and provoked, on the part of the Palestinians, and, in Lebanon, on the part of Hezbollah, and a resolution which puts all the blame on one side when there are mistakes made on both sides is wrong.

But it is even more inaccurate and inadequate because it focuses too much on the tactical and not on the central point. The central point is that the government of Israel has been for the past year engaged in the most forthcoming peace offers in the history of the Middle East, and the tragedy is that this outreach on the part of the Israeli government to make peace on several fronts has been so overwhelmingly rejected.

We had the spectacle of an Israeli withdrawal in Lebanon which the Arab states had long called for being treated almost as if it were a further error by Israel. The effort by Israel to be conciliatory there brought the worst kind of brutal reaction.

With regard to the Palestinians, let us be clear what the situation is. Fifty-two years ago, when the U.N. declared that there should be two states in the area, a Jewish state and a Palestinian state, the overwhelming reaction of the Arabs was to reject that and to seek to destroy the Jewish state. Over the ensuing years, Israel was forced time and again to defend itself. In the course of that effort, it grew. It grew to try to get more defensible borders; but in every case, it was acting in self-defense.

What then happened was the government of Prime Minister Barak decided to build on previous peacemaking efforts of the government of Begin and of others and tried to make an ultimate agreement with the Palestinians, and the Barak government went further in its offer than anyone thought it was possible for the Israeli society to support. Israel is a democracy, and you need public support. But they obviously felt, those in power in Israel, and I commend them for it, that it was worth some extra push to try to get peace.

Unfortunately, the result apparently was not simply a rejection of the specific offer with the wholly unrealistic demand that a democratically elected government of Israel give up physical and legal sovereignty over parts of Jerusalem, an impossibility, but also now with an assault on the government of Israel by the Palestinians, which we are told is motivated by a distrust of the peace process, by a denial of Israel's legitimacy.

We are not here talking about tactical issues. We are not talking about a reaction by the decision of Ariel Sharon to be provocative, and I wish he had not decided to be provocative, but he had a legal right to do that, and certainly the reaction to it is not now a reaction to Ariel Sharon's visit; it is a manifestation of great hostility on the part of much of the Arab world to the very existence of Israel, and that is the ultimate tragedy.

Some in Israel and elsewhere thought the Barak government went too far in its efforts. I think the current situation vindicates them in this sense: it may well be that what we are seeing is an outburst of hostility towards the very existence of Israel as a Jewish state that was there and was going to come in any case. Had it come a couple of years ago, there would have been people saying, well, the Israelis should have been willing to try to make peace.

When it comes now, with the Barak government having been so forthcoming, so conciliatory, and, remember, we are talking here about a state which was forced to defend itself in a war, which gained some territory in those self-defense wars, and is now voluntarily giving up much of that territory, I do not think there is an example in history of a nation forced to defend itself and picking up adjacent territory being as conciliatory as the Israelis have been. And if in fact this approach, such a willingness to make peace, is so bitterly rejected, if in fact what we are seeing, and we are told this is not just anger over Sharon, anger over a particular this or that or the settlement, but a frustration and a rejection of the whole notion of peace, then that is a sad lesson we have to draw.

I think the policy of the United States government ought to be very clear: Israel has a right to exist. It has a right to make policies in the peacemaking process that leave it defensible and that protect its right to maintain control and sovereignty in Jerusalem; and, if in fact, as good a settlement as Barak offered is met with this sort of rejection, our response should be to be totally supportive of the government of Israel's position.

GENERAL LEAVE

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject matter of the remarks to be presented by the gentleman from Virginia (Mr. WOLF).

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

There was no objection.

IN TRIBUTE TO RETIRING AND DECEASED VIRGINIA MEMBERS

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

Mr. WOLF. Madam Speaker, it is my distinct privilege to rise today and to join fellow members of the Virginia delegation in paying tribute to two retiring colleagues and to honor the memory of our late colleague, Congressman Herb Bateman.

TOM BLILEY came to Congress with me in 1981. It has been an honor to serve side by side with him for the last 20 years. TOM has been a fitting match for Virginia's seventh district, which includes the city of Richmond, as it is a district replete with a tradition of true statesmen.

TOM will leave the Congress having served as chairman of the Committee on Commerce, a responsibility he has taken very seriously and has performed with incredible legislative skills and expertise. He has shown an amazing ability to deal with such complex

issues as the electric utility grid, Medicare formulas to home medical services, and discounts for veterans, as well as telecommunication legislation.

TOM's has been a diverse political experience before even making his way to Capitol Hill. He was first elected to the Richmond council as a conservative Democrat in 1968, then as Mayor of Richmond from 1970 to 1972, and eventually to the House of Representatives, this time as a Republican. His unique background has enabled him to work to achieve bipartisan results, while never losing sight of the issues which are important to his districts.

OWEN PICKETT has been a Member of this body for 14 years, having been first elected to Congress in 1986. OWEN has deep ties to the Commonwealth. He is a graduate of Virginia Tech and the University of Richmond Law School. He was elected to the Virginia House of Delegates in 1971, where he earned a reputation as a fiscal conservative and he served as State Democratic Chairman in 1981.

Congressman PICKETT, the ranking Democrat on the Subcommittee on Military Research and Development, has consistently placed the best interests of his constituency and of the country ahead of partisan differences. He has been a faithful watchdog on behalf our Nation's military, and a consistent advocate of fiscal responsibility and a balanced budget, even when such notions were less than fashionable.

Finally, our dear friend, Herb Bateman, faithfully served the people of Virginia's First Congressional District, and beamed with pride in calling his District ''America's first district.''

Herb worked tirelessly for the first district for 18 years. He had deep ties to his district, having practiced law in Newport News and attended the College of William and Mary. As chairman of the Subcommittee on Military Readiness of the Committee on Armed Services, he was a steady champion for our men and women in uniform, not only in the Tidewater region, but throughout the Nation and around the world. He recognized that peace was best maintained through strength. As a loyal defender of those who defend us, he worked for the best interests of those currently in uniform, as well as for those who have retired from the service of their country.

It is with mixed emotion that I offer tribute to these three true Virginia gentlemen. I am thankful to have had the honor to serve with them in this distinguished body, but am saddened at the prospect of their departure. We shall all truly miss their wise counsel and unwavering commitment to high ideals. Each of these gentlemen epitomize the highest ideals of public service.

I wish TOM and OWEN godspeed in their retirement and thank them for their years of service to the Commonwealth of Virginia and to the Nation.

Mr. SCOTT. Madam Speaker, I rise to join my colleagues in honoring three members of the Virginia Delegation, TOM BLILEY, OWEN PICKETT, and the late Herb Bateman for their many years of public service to Virginia and to this nation.

Madam Speaker, for over 20 years now, the 7th congressional district has been ably represented by Congressman TOM BLILEY. As the three term chairman of the powerful Commerce Committee, he has been dedicated to the task of ensuring that our system of free enterprise in the United States continues to lead the rest of the world in this ever changing global economy.

In addition to championing such legislative initiatives as the Food and Drug Administration Act and the Food Safety and Safe Drinking Water while chairman, TOM BLILEY was at the helm when the engine of economic growth switched from capital intensive brick and mortar facilities to electronic commerce. The result of his leadership was the landmark 1996 Telecommunications Act which removed regulatory barriers to competition in the telecommunications marketplace.

Madam Speaker, I have had the good fortune to work side by side with TOM BLILEY for the past 8 years. Because we represent neighboring districts and share the city of Richmond and parts of Henrico County, I have been privileged to work with him on several initiatives that have been instrumental in opening up new avenues for Virginia commerce.

TOM and I worked together to see that the James River and the Kanawha Canal river front project became a reality. This project restored a portion of the historic canal through the city of Richmond which is the main hub for the revitalization of the Historic Riverfront. And I am particularly grateful for his work on our bill which authorizes the Richmond National Battlefield Park. It includes the recognition of and support for a monument to commemorate the Battle of New Market Heights which was a landmark in black military history. We are both hoping that Congress will act on this important legislation before the end of the session.

Madam Speaker, we also rise today to say goodbye to another good friend and colleague, OWEN PICKETT who represents the 2d Congressional District of Virginia. For nearly 29 years, OWEN PICKETT has worked tirelessly and selflessly for the residents of this community and this nation. Fifteen of those years he spent in the General Assembly and for 14 years now, he has represented the 2d Congressional District of Virginia in the House of Representatives.

As a member of the Armed Services Committee, where he is the ranking Democrat on the Subcommittee on Military Research and Development and where he also serves on the Readiness Subcommittee, he has been a staunch advocate of military supremacy ensuring that our military has the equipment and programs necessary to carry forth its mission. And just as important, OWEN has been a champion of the quality of life issues affecting military families—recognizing that servicemembers cannot effectively do their job unless they know their families are well taken care of. The military community in Hampton Roads will miss OWEN and his steadfast advocacy on their behalf.

As a member of the Committee on Resources which has jurisdiction for environmental issues, OWEN has fought hard to remind his colleagues in Congress the protection of natural resources and the environment must be a national priority. Virginia Beach and the Chesapeake Bay are considered some of the finest natural resources on the East Coast because of his commitment to the environment. As we head into the final weeks of this legislative session, Mr. Speaker, OWEN will no doubt continue to demonstrate his leadership in the House of all the issues important to us in the Tidewater and across Virginia.

Madam Speaker, I would also like to take a moment to say a few words about our late colleague and dear friend Herb Bateman. If not for his untimely death late last month, we would be standing here today to also wish him well in his retirement with his departing colleagues—TOM and OWEN.

Herb was a conscientious and effective legislator during his service as a member of the Virginia General Assembly and for the past 18 years as the Representative of the 1st Congressional District of Virginia. Herb's leadership on the Armed Services Committee and in the area of aeronautics research funding will be sorely missed. His hard work over the years will have a lasting impact on the military readiness of our Nation's armed services and space and aeronautics program.

Madam Speaker, while we may disagree on certain national issues, the members of the Virginia Delegation has always been proud of our ability to reach across the aisle and work together in a bipartisan manner on issues affecting the Commonwealth. During the 8 years I have served in the House, we have met once a month for lunch to discuss those pressing issues such as Base Realignment and Closing, the ports, and funding for NASA. There is no doubt in my mind that Virginia has benefited from having us working together on these issues.

The loss of Representatives BLILEY, PICKETT and Bateman will be sorely felt. However, they have left the remaining members of the Delegation a legacy of bipartisanship and civility that will be long remembered.

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize two of my esteemed colleagues from the Commonwealth of Virginia who are retiring from the House this year, and to honor Congressman Herb Bateman, who we were not able to recognize before his passing last month.

Virginia has benefited enormously by their lifetime of public service. As a delegation, we are losing some of the finest Members of this Congress. I know I am accompanied by many other friends and colleagues who share a deep respect and gratitude for their years of friendship and service.

TOM BLILEY was first elected to this body in 1980, after a successful career as a businessman and serving on the city council and later as mayor of Richmond. Throughout his service in Congress, TOM BLILEY has been a strong advocate of fiscal responsibility, the free market and consumer choice. As chairman of the House Commerce Committee for the past three terms, he has steered some of the most significant legislation through Congress in recent years.

Chairman BLILEY has also served as the dean of the Virginia delegation and, true to this role, he has been a leader to all of our Members. We have all enjoyed his friendship and great sense of humor. I would like to share one small example of his leadership. Just the other day, I went to Chairman BLILEY

to seek his committee's support for a bill (H. Con. Res. 133) that I sponsored to promote colorectal cancer screening and prevention. The Chairman quickly offered his assistance and steered the bill to the House floor for consideration. It is this kind of initiative and leadership that has earned him great respect among his colleagues on both sides of the aisle.

It has also been an honor for me to serve with OWEN PICKETT during the past 10 years. Mr. PICKETT is a true gentleman. Throughout his service, OWEN has worked tirelessly and effectively not only for people in southern Virginia, but for our entire nation. He has championed the interests of our nation's military, and the men and women who wear the uniform of the United States. He has been a particularly strong advocate for the Navy and for our commercial maritime interests.

OWEN has also been uncompromising in his insistence that government be fiscally disciplined, a trait which he probably acquired during his long service in the Virginia House of Delegates. The fact that he is retiring at a time of record surpluses is something fitting. It certainly wasn't that way when he came to the House in 1987.

Madam Speaker, this special order would not be complete without also recognizing the lifetime of service by our colleague, Herb Bateman. He was the quintessential Virginia gentleman. He was unfailingly polite and gracious to the people around him. He always had a kind word for members and staff, and he was easy to approach on any issue. Herb embodied the spirit of civility and bipartisanship that we strive for, but achieve too infrequently here in the House.

These personal qualities help to explain why Herb Bateman was so well liked on both sides of the aisle. Beyond his simple decency, Herb Bateman was a very effective member of Congress.

He was a champion for the Navy, for its shipbuilding program, and for the men and women who serve in our Armed Forces. As a ranking member of the former House Merchant Marine and Fisheries Committee, Herb was a forceful advocate for a strong U.S. merchant fleet and its role in our national security and economic livelihood. Generations of Virginians will long appreciate his work to promote economic development in our State, both as a member of Congress and the Senate of Virginia.

Madam Speaker, all of us in the House will certainly miss the service and dedication of these three great Virginia legislators. We wish TOM and OWEN a bright and rewarding future and all the best to Herb's family.

Mr. DAVIS of Virginia. Madam Speaker, it is my privilege to rise today to honor our colleague, OWEN PICKETT of Virginia's 2d Congressional District. After 29 years of serving the citizens of Virginia Beach and Norfolk, as well as the entire Commonwealth of Virginia, Mr. PICKETT has decided to retire from the United States House of Representatives.

My colleague, Mr. PICKETT, is a member of the Armed Services Committee and is the ranking member of the Subcommittee on Military Research and Development and serves on the Readiness Subcommittee and the MWR Panel. The 2d congressional district is heavily dependent on the massive concentration of naval installations, shipbuilders and shipping firms in the Hampton Roads harbor area, which ranks first in export tonnage among the nation's Atlantic ports.

The U.S. Navy Atlantic Fleet berthed in its home port of Norfolk is one of the greatest awe-inspiring sights in America, or anywhere. The aggregation of destructive power in the line of towering gray ships is probably greater than that of any single port in history. Over 100 ships are based here, with some 100,000 sailors and Marines, some $2 billion in annual spending. For these reasons, Congressman PICKETT has been an outspoken advocate for a strong, technologically superior military and has been tenacious in supporting military bases in his district. Mr. Pickett, together with Senator JOHN WARNER and the late Congressman Herbert H. Bateman, have provided tremendous leadership on behalf of Virginia. Other issues on which he has taken a strong position are the U.S.-flag merchant fleet, private property rights, public education, veterans programs and a balanced Federal budget.

Mr. PICKETT was born in Hanover County, VA, outside Richmond on August 31, 1930 and was the youngest of three children. He attended the public school system and is a graduate of Virginia Tech and the University of Richmond School of Law. He was first elected to the U.S. Congress in 1986. With old Virginia roots, he was elected to the Virginia House of Delegates in 1971, at the age of 41, where he was known as a fiscal conservative and for his hard work restructuring the State retirement system.

By the time Mr. PICKETT won the congressional seat vacated by retiring Republican G. William Whitehurst in 1986, Mr. Pickett had already served as chairman of the state Democratic Party, headed a Democratic presidential campaign in Virginia and served long enough in the state House of Delegates to be a senior member of the Appropriations Committee.

In the House, Mr. PICKETT showed his political acumen by getting a new seat created for him on the National Security Committee and getting a seat on the old Merchant Marine Committee as well—two crucial spots for any Norfolk Congressman. Much of Mr. PICKETT's work has been in supporting Hampton Roads military bases and defense contractors, and revitalizing the shipbuilding industry and merchant marine. That work has been successful. Newport News Shipbuilding and Drydock has been building three Nimitz-class aircraft carriers in the 1990s, and has effectively ensured that there is no industry monopoly on building nuclear submarines. The Norfolk Navy Shipyard under Mr. PICKETT's guidance has survived four rounds of base-closings and calls for privatization.

Madam Speaker, I join with my fellow Virginian colleagues in thanking Congressman OWEN PICKETT for his service to the Commonwealth and to our Nation.

Madam Speaker, it is also my privilege to rise today to honor our colleague, TOM BLILEY, of Virginia's 7th Congressional District. After 32 years of serving the citizens of Richmond, as well as the entire Commonwealth of Virginia, Chairman BLILEY has decided to retire from the U.S. House of Representatives.

Mr. BLILEY has been chairman of the House Committee on Commerce for his last three terms. He was handpicked by Speaker Newt Gingrich over more senior members. He has declared himself a friend of big business and his agenda for the past 6 years has been, quit simply to promote commerce. As chairman, Mr. BLILEY has been a pragmatist, willing to broker deals behind closed doors with ideologic foes and friends alike. The result of the Chairman's reign the committee has become one of the most constructive in Congress: Promoting free and fair markets, standing for consumer choice and common sense safeguards for our health and the environment, and keeping a watchful eye on the Federal bureaucracy. As chairman, Mr. BLILEY is an ex officio member of the five Commerce Committee subcommittees: Telecommunications, Trade, and Consumer Protection; Finance and Hazardous Materials; Health and Environment; Energy and Power; and Oversight and Investigation.

A pleasant, soft spoken mortician, the chairman started his political career in 1968 when civil leaders sought him out to run for the Richmond City Council. He served the city for almost a decade, not only on the city council, but also as vice mayor and then becoming mayor until 1977, when he retired to devote more time to his funeral home. However, the Chairman was not out of politics for long. He enthusiastically re-entered when Democrat David Satterfield announced his retirement from Congress in 1980.

Since his first election to Congress, the Chairman has been recognized by many organizations for his work. He has served in various roles with the NATO Parliamentary Assembly. From November 1994 to October 1998, he was chairman of the Economic Committee. In November 1998, he became one of the four Vice-Presidents; and, with the resignation of its President in May 2000, the Chairman became Acting President. His commitment to balancing the Federal budget has earned him the National Watchdog of the Treasury's ''Golden bulldog Award'' every year since 1981. He has been named a ''Guardian of Small Business'' by the National Federation of Independent Business. He has been called the ''Most powerful Virginian since Harry Byrd'' and the National Journal called him ''Mr. Smooth.''

Born in Chesterfield County, VA, the Chairman is a lifelong resident of the Richmond area. He earned his B.A. in history from Georgetown University and immediately following served three years in the U.S. Navy, rising to the rank of lieutenant.

Madam Speaker, I join with my fellow Virginian colleagues in thanking Chairman TOM BLILEY for his service to the Commonwealth and to our Nation. He has been a friend and a mentor to me, and he most certainly will be missed.

Mr. GOODLATE. Madam Speaker, I rise today to pay tribute to three fine Virginia gentlemen—TOM BLILEY, Herb Bateman, and OWEN PICKETT. The United States House of Representatives is a better place because of their selfless dedication and service to their country, and it has been my high honor and great privilege to serve with them.

I would first like to mention my good friend, colleague, tennis partner, and mentor TOM BLILEY. I have been friends with TOM for more than 20 years. When I was first elected to Congress in 1992, TOM was instrumental in helping me obtain a seat on the Judiciary Committee, and has been a mentor to me ever since. For the past 6 years, he has served as chairman of the House Commerce

Committee, presiding over such landmark legislation as Securities Litigation Reform, modernization of the Food and Drug Administration, and the Telecommunications Act.

It would not be possible for me to list here all of the ways in which TOM has improved this House and the lives of every one of its Members. Suffice it to say that I owe a debt of gratitude to TOM BLILEY that I shall never be able to repay. I wish TOM, his lovely wife Mary Virginia, and their family all the best in the coming days.

The House of Representatives and our Nation as a whole suffered a great loss recently with the passing of my dear friend and colleague Herb Bateman. Herb represented what he referred to as America's first congressional district, and did so with great conviction and dedication. My thoughts and prayers remain with Herb's wife Laura and their children and grandchildren. He is sorely missed.

Herb was one of the most thoughtful Members of Congress with whom I worked. I thoroughly enjoyed discussing issues with him, as he always had well-founded reasons for the votes he cast. As a senior member of the Armed Services Committee and a former member of the U.S. Air Force, Herb was completely committed to strengthening America's national security. Our men and women in uniform around the world owe a great debt of gratitude to Herb Bateman.

And lastly, but certainly not least, OWEN PICKETT has been a very valued Member of the House of Representatives whose service will be missed. OWEN was first elected to the House in 1986, and has been a dedicated member of the Armed Services and Resources Committees. He has been a strong advocate for America's Armed Forces and has also served as a member of the Congressional Study Groups on Germany and Japan, as well as the Duma-Congress Study Group. I wish OWEN, his wife Sybil, and their family all the best in the days ahead.

The Commonwealth of Virginia has been very fortunate to have such valued Members of the House as TOM BLILEY, Herb Bateman, and OWEN PICKETT. They have set a standard of dedication and service that we should all strive to emulate. I will certainly miss their presence in the House of Representatives.

Mr. BLILEY. Madam Speaker, on September 11, 2000, our colleague, Representative Herb Bateman passed away before he could enjoy the fruits of retirement. Dan Scandling, Herb's chief of staff, delivered the following eulogy to his boss and friend of so many years. Dan's eulogy is a fitting tribute to our fallen colleague and I want to share it with you today.

EULOGY OF REPRESENTATIVE HERB BATEMAN

(By Dan Scandling, Chief of Staff)

So many things come to mind when you think of Herb Bateman. Congressman. State Senator. Colleague. Statesman. Virginia Gentleman. Devoted Public Servant. Boss. Golfing Partner. Friend. And lest no one forget: ''America's First District.'' There also is the much more private side of Herb Bateman. Husband. Father. Grandfather.

One of the first things that struck me about Mr. Bateman when I came to work for him 10 years ago was his unwavering devotion to Laura. I can still vividly remember one of the first times she came into the office. We were just wrapping up one of those marathon meetings that all you Members so deeply cherish when Laura walked in. Herb got up from behind his desk, walked over to her, reached for her hand, gave her a kiss on her cheek and then asked how her day was. I quickly learned this wasn't just a one-time thing. Nothing was as important as making sure Laura had had a good day. I only wish I was half as attentive to the needs of my wife.

Laura was the most important thing in Herb's life. The two were inseparable. Wherever Herb went, Laura went. Whether it was travel overseas, a trip to the Eastern Shore or back and forth to Washington, the two of them were always together. Laura was very important to Herb's political career—particularly when it came to keeping names and faces straight. Herb was terrible with names. He always insisted on name tags at every event he hosted. Laura, on the other hand, is the master of remembering names and faces. No matter where they were, or who they ran into, it is like instant recall. She can always place a name with a face. You politicians in the audience today should be jealous. I know one certain Chief of Staff who owes his congressional career to Laura because she remembered his name and face.

Bert and Laura, you have no idea how proud your father was of you. Not a day went by that he wasn't telling me about how one of you gotten a better job, or a promotion, or had landed a big, new account. Bert, he was particularly proud of your desire—and commitment—to make Newport News a better place to live and work. He was proud that you were willing to give so much of yourself to your community. And he also was proud of how good a husband—and father—you are. Laura, nothing brought a bigger smile to your father's face than for him to run into one of his former colleagues from the Virginia Senate and have them tell him how great a job you do in Richmond and beyond. He was so proud of how successful you have become.

Then there is ''Poppy.'' Herb loved his grandchildren. Emmy, Hank and Sam—you were the apples of his eye. Just last week he was boasting how Emmy had won a tennis tournament at the club and was so pleased that Hank had taken up running cross county. Every summer I would get the updates on all the ribbons the two of you would win at swim meets. Hank, I think your grandfather has high expectations from you on the athletic field. I know you won't let him down. Emmy, I know your ''Poppy'' wishes for you the same success that his daughter has had. Sam, your ''Poppy'' was so excited about your first day at school. He was looking forward to getting home last weekend to hear all about it first-hand.

I know this week has not been easy. It wasn't supposed to happen this way. I know you feel somewhat cheated because ''Poppy'' was finally going to be able to spend more than just the weekends in Newport News. There would be no more of this nomadic life of leaving for Washington every Monday morning only to return home sometime Friday—then do it all over again two days later. But look around this church. Look how many people are here. Everyone here loved your ''Poppy.'' It's like one huge ''Thank you'' for sharing him with us. Thank you for all those times he left you—his family—to go work an 80-hour week in Washington; To go to a parade somewhere at the other end of the District on a Saturday morning; To go to some god-awful chicken dinner fund raiser; To go shake hands at the shipyard gates at 6 a.m. on some rain-soaked morning in the dead of winter. Thank you for sharing him with us. Thank you for the sacrifices you made.

I worked for Herb Bateman for 10 years. Over that time we grew to be pretty close. I think it would probably be fair to say he considered me part of the family. There aren't too many places in America's First District that he and I haven't been to together, and there aren't too many things we haven't discussed. Of all the things that have been ingrained in my head over the last 10 years, it's that credibility is everything. Once you lose your credibility, you lose everything. If people cannot take you at your word, then your world is nothing. Perhaps that explains why he was such an effective legislator, and why when he announced his retirement last January, letters, faxes and e-mails poured into his office thanking him for his dedicated service. He got letters from Admirals, Generals, captains of industry and politicians on both sides of the aisle. He got letters from long-time friends and associates. And most significantly, he got letters from hundreds of his constituents. All them were effusive in their praise.

Credibility meant everything to Herb Bateman. I know that first hand. I know it guided each of his decisions, whether it was on a controversial issue before Congress or a contentious political issue. He would have been pleased to hear how his colleagues described him during Tuesday evening's tribute on the floor of the House. I couldn't help but smile as I saw Member after Member get up and talk about his integrity. Perhaps Congressman Burton said it best:

''Herb was a man, who if he gave his word on anything, you could take it to the bank. Herb was not one of those guys that played both sides of the fence. He was a man of integrity—impeccable integrity—and one that all of us respected.''

More than anything else—any aircraft carrier, any submarine, any bridge, any Corps of Engineers' project—Herb would want to be known for his integrity. Obviously, he has. Herb had two vices in life. A good steak, and golf. Man, did he love a good steak. New York Strip. Medium rare. He always ordered french fries with his steak—extra crispy, please, or potato sticks if you have them. If I was invited over to Shoe Lane for dinner it usually meant a good steak on the grill—and potato sticks! If I was invited out for a steak in Washington, it usually meant someone in the office was in trouble. I used to cringe when he would come up behind me, put his hand on my shoulder and say, ''Dan, let's go have a steak.'' He always enjoyed his meal. I can't say the same.

Then there was golf. Next to Laura, golf was his passion. Like most us, he wasn't very good, but that didn't matter. He just loved to play. He loved being outdoors. He loved meeting new playing partners. And he loved mulligans! Herb played golf to relax. He didn't talk about work on the golf course. He didn't take a cell phone. He never carried a pager. Golf was for fun. If you were on the golf course, you were there to enjoy yourself. If Herb were ever elected President, I bet one of the first things he would do would be to issue an Executive Order prohibiting cell phones on the golf course. For all those golfers here today, I have one special request. The next time you play golf, as tribute to Herb, leave your cell phones and pagers in the car. Take the time to relax and enjoy the people you are playing with. I have made a promise to myself never to take a cell phone with me on the golf course again. I hope I can live up to it.

Oh, and take a couple of mulligans too.

I want to close by touching on some of the things that Herb did that no one knew about, that never made any headlines, that never got him a vote. Herb liked helping people. He always stressed to his staff that constituent service was the most important part of his job—and their job. He always reminded us that he worked for the people of America's First District and it was his job to help them

when they had a problem. I could recount hundreds—if not thousands—of cases where Herb got personally involved. One that always comes to mind involved a woman from Williamsburg whose husband had died and was buried in Arlington Cemetery. The woman's husband had been an Air Force pilot and she asked that he be buried in the section in Arlington where you could have different types of tombstones. Soon after his funeral she went about designing a tombstone that she thought would be a fitting tribute. The cemetery approved the design and she had the stone carved. When the stone arrived at the cemetery several weeks later, cemetery officials did a complete 180 and told her she couldn't use the stone. Somehow, a columnist at the Washington Post caught wind of the situation and a story appeared in the paper. Herb saw it and asked me what I knew about it. After a few quick calls, it was evident the woman hadn't contacted us. But to Herb, that didn't matter. Within a matter of minutes, Herb, me and another staffer were in a car headed over to Arlington. We drove through the cemetery to where the woman's husband was buried, got out, looked at some of the other tombstones then headed back across the river. Upon returning to the office, Herb immediately called the Superintendent at Arlington and presto, the issue was resolved. When I called the woman to tell her the cemetery officials had relented, I asked why she didn't call us. She said she didn't want to burden the Congressman with her problem.

To Herb, it wasn't a bother; it was a pleasure. It was all about helping the people he represented. The Congress has lost more than an outstanding Member, it has lost a warm, caring individual who served his nation with great honor and distinction. God bless Herb, his family, and America's First District.

Mr. GOODE. Madam Speaker, I want to express my appreciation to TOM BLILEY, OWEN PICKETT and the late Herb Bateman for their service to the Commonwealth of Virginia and the entire nation. It has been a great pleasure to know and serve with these gentlemen in the House of Representatives. These men have served not only the people of their districts and the Commonwealth of Virginia, but the entire nation as well. Each has provided invaluable leadership, experience, and statesmanship to the people of their districts, state, and nation. I will miss their friendship and guidance and their districts, the Commonwealth of Virginia and the nation will miss their service, wisdom and experience.

TOM BLILEY's 20 years of service and his tenure as Chairman of the House Commerce Committee has benefitted his district, state, and country. TOM has led a life of public service and prior to his election and 20 years in the House of Representatives he was an outstanding mayor and leader for the City of Richmond.

OWEN PICKETT has always put the people, especially our military personnel, above partisanship. His many years of work and experience on the House Armed Services Committee and as Ranking Member of the Military Research and Development Subcommittee will be sorely missed by the 2nd District, the Commonwealth of Virignia and the nation.

The late Herb Bateman was a fine representative and a fine man. I appreciate his friendship as well as his service. We will miss his 18 years of service in the House and his experience on the Armed Services Committee and Chairmanship of the Military Readiness Subcommittee, but more than that we will miss Herb.

PNTR AGREEMENT WITH CHINA NOT GOOD FOR AMERICA

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

Mr. DEFAZIO. Madam Speaker, today they are going to have a ceremony to celebrate the signing of the PNTR agreement with China downtown at the White House. It would be better if they held a wake to mourn the loss of U.S. jobs and complete capitulation of U.S. interests to the dictators in Beijing.

The 1999 trade deficit with China was $68.7 billion. It is headed toward $80 billion this year. The trade deficit with China currently reflects a 6 to 1 ratio of imports to exports, but they only talk about the few goods we export, not about the flood of imports and the value of those imports and the lost jobs from China.

The United States International Trade Commission acknowledges that with the adoption of PNTR, and if China joins the WTO, which is becoming very unlikely, they still estimate an increase in the trade deficit with China. Using their model, the Economic Policy Institute estimates the deficits will continue to grow for the next 50 years, reaching a peak of $649 billion in 2048. Our trade deficit with China would not fall below the current level until 2060, 60 years from now, when every currently employed American worker is retired or dead.

Even if the trends predicted by EPI only persisted for a decade, our deficit with China would reach $131 billion in 2010. The growth in exports would generate 325,000 jobs, but, unfortunately, the growth in imports would lose 1.14 million jobs. That is a net loss of 817,000 jobs, and those job losses would be reflected across the United States.

Let us not kid ourselves: PNTR with China was never about expanding U.S. exports to the Chinese, which would improve our global trade balance; it was about access by large multinational corporations to a low wage, brutalized labor force of 1.3 billion people, in a country with lax environmental standards.

The day after the vote, the day after the vote in the House of Representatives, the Wall Street Journal admitted this in a headline: ''This deal is about investment, not exports. U.S. foreign investment is about to overtake U.S. exports as the primary means by which U.S. companies deliver goods to China.''

They went on in the article to quote the chief representative of Rockwell International. ''In China, that is the direction we are going. We are looking for predictability, reliability. With that, Rockwell expects to set up more factories in China.''

The list goes on. GM expects to go from 40 percent Chinese parts to 80 percent Chinese parts. Procter & Gamble, Motorola, Eastman Kodak, Compaq, Coca Cola, a who's who of American businesses are saying this was about them building plants in China with U.S. capital, not about exporting U.S. manufactured goods to China.

They talk about all the concessions China made to join the WTO. But China has, as we pointed out during the debate, violated every major trade agreement for the last two decades on trade; all the nonproliferation agreements that they have had; the memorandum of understanding in 1992 on prison labor; in 1996, the bilateral agreement on intellectual property; the bilateral agreement on textiles; and the 1992 memorandum of understanding on market access. Why do we believe them this time?

In fact, they are already backtracking. Just after the negotiations, their chief negotiator said that these were only theoretical opportunities for U.S. exports, explaining the incongruity by saying, ''During diplomatic negotiations, it is imperative to use beautiful words.''

China says they still intend to protect machine, electronic, chemical, medical, military, telecommunications, energy, transportation, automobile and agriculture industries, even if they get in the WTO, and now they are saying they will not join the WTO because we are actually asking them to make some changes in their exclusionary practices, to actually begin to allow foreign goods into their country.

No, this is a sad day, and not a day to celebrate. A few large multinational corporations based in the U.S. have tilted U.S. policy in a way that is to the detriment of our workers, our national security, the global environment and the people of China and their workers and their rights and any improvement in human rights and labor rights in China. This should not be celebrated; it should be mourned.

KEEPING SOCIAL SECURITY SOLVENT

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

Mr. SMITH of Michigan. Madam Speaker, a lot of problems face this country and certainly face our administration. One of those problems is keeping Social Security solvent. This affects everybody, not only existing retirees, but the young, middle age and future generations. What is going to be their future in terms of working and paying taxes and, maybe or maybe not, getting Social Security benefits when they retire?

Social Security probably is one of this country's most successful programs in terms of helping people retire with some security. When we started Social Security in 1935, when Franklin Roosevelt decided we should have a

program to force savings and pay for some disability insurance while you are working, rather than risk the poor house.

At that time, there were something like 52 workers for each Social Security retiree. Remember, it is a pay-as-you-go program; existing current workers, pay in their Social Security tax and that tax immediately goes out to pay benefits for existing retirees. By the time we got to 1940, there were 38 people working paying in their taxes for every one retiree. This year we have three people working, three people working, paying in their taxes to cover each retiree's benefits.

A couple of things have happened. Politicians in this chamber, the Senate and the presidents decided to increase benefits over the years because it was popular. When there was not enough money, they increased taxes and borrowing. By 2025, over on the far right-hand side of this chart, you see there are only going to be two workers paying in their taxes for each retiree.

We started out back in 1940 having a 3 percent tax on the first $1,500 of wages. Today we have increased that to 12.4 percent on the first almost $76,000 of wages.

So I hope we all agree one of our challenges is not to increase taxes yet again. Demographics of longer life span and lower birth rates have also greatly affected solvency.

The diminishing return on our Social Security investment should concern us all. The real return of Social Security is less than 2 percent for the average worker in the United States.

Again, not counting the amount of the Social Security tax that pays for the disability insurance portion workers get a real return of less than 2 percent on the taxes paid in.

For some, there is zero return on their Social Security. They are never going to live long enough to get back what they and their employer put into it. But, still, 1.9 percent is the average.

Minorities do not get back what they pay in. A young black male, for example, is going live on the average 62 years. That means they pay in all of their life, but do not get benefits. But the average real return for the market, is over 7 percent. Part of the solution for Social Security has got to be a better return on the investment.

This chart shows the number of years you are going to have to live after retirement to get back the money that you and your employer paid in, just to break even. If you were lucky enough to retire in 1940, it took 2 months. If you retired 5 years ago, in 1995, you are going to have to live 16 years after retirement to break even. On average if you retire in 2005, 2015 or 2025, it is unlikely you are going to ever get back what you put into this system.

Even a ''C.D.'' or extra safe investments in the marketplace would give more to retirees. Governor Bush is suggesting limitations on any such investments; it can only be used for retirement purposes, it has to be limited to safe investments. We have companies now that will guarantee a return greater than Social Security without taking any risks. So, our challenge is we have to get people, this Congress, the President, to develop legislation to save Social Security.

It is easy to put off the fixing to the next generation or future congresses. Vice President Gore has suggested adding giant IOUs that demand increasing taxes later. The last president should have dealt with the problem. The next president should not put off solutions that will keep Social Security solvent for the next 75 years.

Right now there is enough money coming in to pay benefits, up until an estimated 2015. We need to take action. We cannot keep putting it off.

EPA HINDERING SMALL COMPANIES

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

Mr. BALLENGER. Madam Speaker, first let me give you a quick history of my company. I founded a company in Hickory North Carolina, in 1957 with a loan on my house. This company prints and converts polyethylene, polypropylene and cellophane for packaging for companies like Procter & Gamble and Johnson and Johnson for overwrap for cookies, baby diapers, the packages themselves. That is what the company does. It started off in 1957. At the present time we have 250 employees.

What I want to do is gripe. I would like to gripe about our government.

Several years ago, air pollution regulations went into effect. There was a whole list of various and sundry things that were polluting the air and doing horrible things to everybody's breathing and so forth. But at that time, my company, you have to print something on polyethylene that will evaporate and leave the ink there, so we were printing with methyl alcohol as a solvent and nylon as the coloring. You print the film, blow hot air at it, and evaporate the solvent. Well, what happened is the methyl alcohol at that time was going out the roof.

Along comes an outfit called EPA, and EPA, with this long list of pollutants, decided that methyl alcohol, this is 5 or 6 years after the whole thing started, 5 or 6 years later they decided that methyl alcohol was a positive solvent.

Well, I had seven printing presses in this plant of mine, and at that time we asked EPA, since they said we were polluting, what should we do? And they said, well, you have got to collect the solvent, the evaporating solvent, and destroy it. So we asked, could you give us some advice as to what to do? They said, well, we do not give advice, that is against the rules of the Federal government, but you have to do it.

Well, this thing right here that you see on my left is what is called a catalytic converter. What it does is it collects the printing inks above all the printing presses, all seven of them, and vents it through this unit right here. In the bottom here we have an oven that is heated by natural gas, and it costs, by the way, $50,000 a year in natural gas to run this. At the top comes out what is left over.

Well, $50,000 a year to operate and $600,000 a year to build it, and we were all set to go. We thought we were operating according to what the government wanted, and everything was fine, until a couple of years later they come back and they say, well, we have got a slight problem with your operation. There is pollution leaking out of your presses all through the building and so forth, so you have got to do something to stop that.

Well, again, they did not give us any information as to what we were going to do, so what we did is we built a wall all the way around this building and made it a separate room, and in this separate room we put forced air. The way we used the forced air was air conditioning. This is $500,000 worth of air conditioning that we installed, and that costs $50,000 a year to operate. What it did is it forced all the air to go through the system and go to the catalytic converter.

Well, this is great and wonderful. We have got the catalytic converter going, and the good old government comes up to us and says, I hate to say this to you, but you know those seven printing presses you have? Your catalytic converter is not big enough, it will only handle six printing presses. So they said, you have to shut down one of these printing presses. One of these printing presses costs about $800,000. So we had to shut down a $800,000 printing press at the request of our Federal Government to be able to handle this situation.

This all sounds like we were doing what I would consider the right thing as far as the ecology of the country is concerned, as far as what is expected of business people in this country, although in certain areas of the world I am quite sure this does not happen.

But what really bothered me was eventually I found out that a competitor of mine who had, roughly speaking, the same size plant that I had, went to EPA and discussed it with them, and they came up with a new conclusion. Their conclusion was to allow him to spend $50,000 a year penalty for the right to pollute.

Now, here is a man that I am competing with. I have spent over $1 million, that costs $60,000 a year, that costs $50,000 a year, I am spending $110,000 a year to take care of pollution, and he is paying $50,000 to do it on his own. This is what I consider the great and wonderful way that our Federal Government operates.

So with that kind of information I called up EPA and I said, what is going on here? This does not make a whole bunch of sense to me. And they said, well you have to realize we have inspectors all over the country, and everything is left up to the individual decision by each inspector. So the inspector came up with this brilliant idea

that I had to spend $1 million plus $100,000 a year in expenses, and my competitor only had to spend $50,000 a year.

I heard talk earlier about the difficulty of competing with China and imports. Well, I compete with on a regular basis with Taiwan, Korea and Mexico, and I would be willing to bet that none of these countries have even the slightest idea about trying to stop pollution. Yet in our country we have forced people to spend that kind of money.

I do wish the government would stop and think of what they are doing. They do not know what they are doing, and they ought to forget it.

RIGHT TO GO HOME ACT

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

Mr. BROWN of Ohio. Madam Speaker, last year I introduced modest legislation that would allow seniors in managed care plans to return after a hospitalization to the retirement community they know, instead of a network HMO nursing home somewhere else. I offered the Right to Go Home Act on behalf of seniors who had been needlessly separated because of HMO rules from their loved ones and from their usual source of care.

It is difficult to believe a health plan would treat a hospitalized senior this way, until you speak to Medicare+Choice enrollees, privatized Medicare, if you will, who experienced it firsthand.

Take, for example, a couple in New Hampshire, separated after the husband's hospitalization because the HMO required him to be discharged to a nursing home in Maine, a 40 minute drive from the community where he and his wife had lived. Or a couple in Florida separated when their HMO required the wife to recuperate from a hospital stay in a nursing home 20 miles away from the retirement community. The husband had difficulty visiting her, and she died later at the HMO member facility.

A retirement community, a nursing facility, is more than just a health care provider; it is a home. Forced relocation means moving vulnerable patients, taking them away from providers experienced in these individual's chronic care needs. It places them in new, strange surroundings during that fragile period of recovery. It separates them from emotionally supportive family and friends.

Under our legislation, HMOs would not be required to pay a dime more for care provided at the beneficiary's retirement facility than in a network facility. What my bill would do is what HMOs should not need our prompting to do; that is, it allows hospitalized nursing home patients to recuperate near their loved ones.

Yet the HMO industry opposes this legislation. They lobbied for changes in the bill that effectively would exclude all but a small subset of seniors. Fortunately, the Committee on Ways and Means did not buckle under the pressure of the HMO industry. They included their legislation in their Balanced Budget Act Restoration proposal.

If the HMO lobby does not kill it, this legislation may make it into law. But the fact that Congress has to take action to ensure the well-being of hospitalized seniors in Plus Choice plans and the fact that the HMO industry would lobby against this bill should tell us something.

Those are facts Congress and the public should keep in mind as George W. Bush promotes commercial health insurance, as he promotes commercial health maintenance organizations, as a replacement, as a replacement, for Medicare.

George W. Bush believes Medicare should be turned over to private insurers. That is not conjecture, that is fact. Visit his web site. His plan is to establish a 4 year commission to restructure Medicare so that it is no longer a ''one-size-fits-all big government plan.''

Translate that into English. It means simply turning Medicare over to the private insurance industry. HMO's do some things well, but putting Medicare beneficiaries first is not one of them. How many times do we have to intervene with a managed care plan or other insurer on behalf of our constituents before the industry's loyalties become clear to us? Their loyalty is to their stockholders. No surprise there. It is verified every time managed care plans make decisions that fly in the face of good medicine.

Unshakeable loyalty to the bottom line results in decisions often not in the best interests of Medicare enrollees. Unconditional loyalty to the bottom line is what creates the need for a Patients' Bill of Rights. Unwavering loyalty to the bottom line explains why health insurers market to the healthiest individuals, the most profitable, and do everything in their power to avoid the rest; let government do that.

It explains how private managed care plans contracting with Medicare can enroll seniors one year, make money from them, and then cavalierly drop them the next when they are not quite as profitable. They promise supplemental benefits they cannot deliver; they blame the government then for problems that they, the insurance company-HMOs, create.

It explains how the managed care industry has the nerve, the outright arrogance, to lobby against legislation that costs them nothing and means the world to seniors in nursing homes. It is a disgrace.

The traditional Medicare program is different. It is universal, it is reliable, it is accountable to the public. Medicare's loyalty is to beneficiaries and to taxpayers. It is an undiluted commitment. Medicare offers choices in ways that actually make a difference in terms of health care quality in patient satisfaction.

Medicare does not tell beneficiaries which providers they can see; HMOs do. Medicare does not dictate which hospitals and nursing homes are permissible; HMOs do. Medicare does not discriminate between beneficiaries based on their health status; HMOs do. Medicare offers reliable coverage that does not come and go with the stock market.

So before voting for George W. Bush, I urge every American to think carefully about the wholesale changes he has in mind for Medicare.

RECESS

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

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess until 2 p.m. today.

1400

AFTER RECESS

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

PRAYER

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

Lord God,

The seasons change. Across this Nation the days grow shorter. Time passes quickly, and when death strikes any house, all human flesh seems vulnerable. Grant eternal peace to the Honorable BRUCE VENTO. Be now strength for his family, his staff and all who suffer at this moment.

Help all Your people to use the gift of time prudently, for You alone are the judge of the living and the dead.

During the time given to us on this Earth, may we choose to live as You would have us live, so that in the end we may have accomplished Your holy will and come to live in Your presence now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Mrs. MEEK) come forward and lead the House in the Pledge of Allegiance.

Mrs. MEEK of Florida 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.

ANNOUNCING THE PASSING OF THE HONORABLE BRUCE VENTO

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

Mr. OBERSTAR. Madam Speaker, with great sadness, a sense of personal loss and loss to this House, I take the well to announce that at 11:20 this morning, our colleague, Congressman BRUCE VENTO, succumbed to mesothelioma, asbestos-induced cancer of the lung and peritoneal cavity.

BRUCE, in his 12th term, served the people of his district nobly, with dignity, with passion, with purpose. He championed environmental causes. He championed the needs of the homeless, the voiceless, the voteless, those who could not do for themselves. He was an advocate for working people. He voted consistently and worked vigorously and strenuously, to champion the cause of organized labor in this body. He brought a balance to all that he undertook, and with a science teacher-like care for fact and detail, he pursued his causes with only the greatest of dignity and of skill.

My prayers go out to his wife Sue, to his children, to his constituents. I thank the Reverend Chaplain for the prayer for BRUCE and for his family. I ask all of our colleagues to join their prayers with those of the Vento family.

SECURITY FOR OUR SENIORS

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

Mr. GIBBONS. Madam Speaker, we all have responsibilities in life. Unfortunately, the Clinton-Gore administration is once again irresponsibly blocking the road to prosperity for American people.

Our seniors should not be forced to choose between food and medicine, and under our debt relief plan they will not have to make this tough choice. This Republican-led Congress wants to put 100 percent of Social Security and Medicare surpluses in a lockbox, and create another lockbox strictly for debt reduction to protect all our senior citizens. We want to guarantee that the surplus created by the tax dollars of the hardworking people of America be used for debt reduction and not big government spending.

Our fiscal discipline will ensure that as we continue to pay off the debt, we will have more money to save for Social Security and Medicare. And this means more security and a better quality of life for our seniors.

Let us keep the Washington bureaucrats out of our surpluses, out of our pockets, and out of our medicine cabinets. Let us build true prosperity and security for every American, young and old alike.

THE CHINA THREAT

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

Mr. TRAFICANT. Madam Speaker, China will get $100 billion from Uncle Sam this year in trade surplus. With our cash, China is buying missiles like they are going out of style. Now, if that is not enough to arm yourself, after being told by the CIA that in fact China has those missiles aimed at America, Janet Reno appointed independent counsels for two love triangles.

Beam me up. Monica may be a threat to fidelity but China happens to be a threat perhaps to our national security. It is time to wise up, Congress, and wake up and smell the treason, and it is time to have a full and thorough investigation into this China mess and Janet Reno.

I yield back the fact that China has more soldiers than America has citizens, men, women and children combined.

TAIWAN

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

Mr. BARTLETT of Maryland. Madam Speaker, I rise today to congratulate the people of Taiwan as they celebrate their 89th National Day, which anniversary is today. There is a great deal to celebrate for the people of Taiwan. Taiwan has an even distribution of wealth and its citizens enjoy a high standard of living. Taiwan has been able to prosper in recent times despite its limited resources and relatively large population.

President Chen Shui-bian and the political leaders of Taiwan have done an excellent job of leading their country into the 21st century. Their effort to rejoin the United Nations and to maintain a dialogue with the Chinese mainland are admirable. Taiwan deserves a voice in these and other international organizations. There is no question that President Chen wants a serious dialogue with the mainland. He seeks stability in the Taiwan Strait and wants peace to prevail in the Asia Pacific region.

May God continue to bless our friends in the Republic of China on Taiwan. May Taiwan continue to shine as a beacon of prosperity and freedom in the Far East. And may Taiwan play an active role in international affairs and coexist with the Chinese mainland.

A PRESIDENT SHOULD TELL THE TRUTH

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

Mr. SMITH of Texas. Madam Speaker, should someone who does not believe in facts be our President?

Fiction: AL GORE recently claimed that his mother-in-law pays more than $100 for arthritis medicine. Fact: The figure came from a Democratic Party study. Newspapers reported AL GORE was not even sure his mother-in-law was taking any medication or had arthritis.

Fiction: AL GORE'S sister tragically died of lung cancer and he vowed never to accept tobacco money as campaign contributions. Fact: Just 4 years later he spoke to the tobacco industry, said he was one of them, and raised $100,000.

Fiction: AL GORE'S campaign literature once claimed he was a ''brilliant student.'' Fact: He received C's and D's in college and dropped out of law school and divinity school.

Fiction: AL GORE claimed credit for inventing the Internet in the 1990s. Fact: The Internet has been used by government and educational institutions since the 1970s.

Fiction: AL GORE recently said that if elected President he would penalize producers of Hollywood's graphic sex and violence. Fact: Just 6 days later he attended a fund-raiser by Hollywood producers and raised $4 million.

Madam Speaker, we need a President who tells the truth.

TRIBUTE TO K. GUNN MCKAY

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

Mr. HANSEN. Madam Speaker, on October 6 last week our former colleague K. Gunn McKay passed away due to complications of cancer.

Gunn served in this House from 1971 to 1981 and was chairman of the Subcommittee on Military Construction of the Committee on Appropriations.

Gunn's family comes from Huntsville, Utah, and as a relatively young man his father passed away. Gunn worked diligently to help his brothers and sisters to gain an education and took over many of the responsibilities of the family.

As a public servant, Gunn admirably served the people of the First Congressional District of Utah, he served in the Utah legislature, and as chief of staff to former Governor Cal Rampton. He also was a very devout member of the Church of Jesus Christ of Latter-Day Saints and served in many positions of leadership.

Gunn and his wife Donna are the parents of 10 children, and he has a remarkably fine family composed of both his brothers and sisters as well as his own children. I am sure that many of my former colleagues and his former colleagues join with me in expressing condolences to the McKay family at the time of Gunn's passing.

ON SCORE

(Mr. TANCREDO asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Madam Speaker, since coming to the U.S. House of Representatives, I have had the opportunity to become familiar with a volunteer organization in Colorado known as SCORE, or Service Corps of Retired Executives, a great resource partner to the Small Business Administration that specializes in counseling, mentoring and educating America's small business owners.

In Colorado, there are 154 men and women volunteering their time, business acumen and counsel to the small business community to provide a top quality resource at no cost to their clients. Nationally there are more than 12,000 volunteer members representing 389 SCORE chapters providing individual counseling and business workshops for aspiring entrepreneurs and small business owners.

With over 50 percent of all new businesses failing within the first 6 years, counseling early on can be the difference between success and failure.

Small businesses account for 99.7 percent of all employers and 54 percent of employment representing a major contribution to our economic growth. It is time we recognized that this organization is the best kept secret in the country, that we appreciate their hard work and dedication, and that we vote to support its modest budget for this year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill earlier today:

H.R. 4444, an act to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, WASHINGTON, DC, OCTOBER 2, 2000.

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

DEAR MR. SPEAKER: I am transmitting herewith copies of the resolutions approved on September 27, 2000 by the Committee on Transportation and Infrastructure, as follows:

• Committee survey resolutions authorizing the U.S. Army Corps of Engineers to study the following potential water resources projects: Donaldsonville, Louisiana; Atchafalaya River Channels, Louisiana; and, Tennessee River Watershed, Virginia.

• Committee resolution authorizing the Natural Resources Conservation Service to undertake a small watershed project for the Snake River, Minnesota.

With kind personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Enclosures.

DOCKET 2657: ATCHAFALAYA RIVER CHANNELS, LA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to view the report, Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, published as House Document 155, 90th Congress, 1st Session, and other pertinent reports, with a view to determine whether modifications of the recommendations contained therein are advisable at the present time, with particular reference to the provision of a 35-foot channel in the Lower Atchafalaya River between Morgan City, Louisiana, and the Gulf of Mexico and to the enlargement of the remaining project channels to the project depth of 35 feet.

Adopted: September 27, 2000.

DOCKET 2656: DONALDSONVILLE, ASCENSION PARISH, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report on the Mississippi River and Tributaries Project, published as House Document 308, 88th Congress, 2nd Session, and other pertinent reports, with a view to determine if improvements along the Mississippi River in the area of Ascension Parish, Louisiana inclusive of the City of Donaldson, Louisiana, in the interest of navigation, environmental restoration and protection, and related purposes are advisable at the present time.

Adopted: September 27, 2000.

DOCKET 2658: TENNESSEE RIVER WATERSHED, VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers, Cumberland River, Kentucky and Tennessee, published as House Document 761, 79th Congress, 2nd Session, and Senate Document 81, 83rd Congress, 2nd Session, and the Tennessee River and Tributaries, North Carolina, Tennessee, Alabama and Kentucky, published as House Document 328, 71st Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time, with a view to determine whether improvements to the Tennessee River Watershed, including all tributaries, located in Lee, Wise, Scott, Russell, Tazewell, Smyth, and Washington Counties, Virginia are advisable for environmental restoration and protection, flood control, regional water systems, and watershed management.

Adopted: September 27, 2000.

RESOLUTION

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That pursuant to the provisions of Section 2 of Public Law 566, Eighty-third Congress, as amended, the following project for flood protection, water quality, soil conservation, and other purposes at Snake River Watershed, Minnesota, is hereby approved in accordance with the report on such project dated June 1999, and transmitted to Congress by the Deputy Chief of Programs, Natural Resources Conservation Service, by letter dated June 2, 2000, and said report is made a part of this approval.

Name of Project: Snake River Watershed, Minnesota

Adopted: September 27, 2000.

There was no objection.

COMMUNICATION FROM THE HONORABLE SAM FARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SAM FARR, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 2000.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Superior Court for San Diego County, California.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued the subpoenas that I do not have any responsive documents.

Sincerely,

SAM FARR,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on 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.

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

SENSE OF CONGRESS IN SUPPORT OF A LIBERTY DAY

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 376) expressing the sense of the Congress regarding support for the recognition of a Liberty Day.

The Clerk read as follows:

H. CON. RES. 376

Whereas our rights and liberties are rooted in the cherished documents that gave birth to our nation, those being the Declaration of Independence and the United States Constitution with its Bill of Rights;

Whereas the patriot James Madison, fourth President of the United States, was the major author of the Virginia Plan, the model

and the basis for that United States Constitution that emerged from the Constitutional Convention in 1787;

Whereas James Madison kept detailed written records of the debates and compromises that were in integral part of that Convention of 1787, which records were published only after the death of all delegates to the Convention;

Whereas James Madison wrote many of the newspaper articles now known as the Federalist Papers, outlining why States should endorse the new Constitution and enduring as some of the best arguments for our form of government;

Whereas James Madison introduced the Bill of Rights into the 1st Congress of the United States, whereupon the first ten amendments to the Constitution were adopted; and

Whereas it is altogether fitting that the 16th day of March, the birthday of the distinguished founding father, James Madison, would serve as a fitting reminder of Liberty Day, a celebration of the Declaration of Independence and the United States Constitution, where our unalienable rights and liberties are enumerated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) a Liberty Day should be celebrated each year in the United States as a remembrance of both the freedom that Americans were given in the Declaration of Independence and the extraordinary rights and liberties that Americans were given in their Constitution; and

(2) all elected and previously-elected representatives of the people who voluntarily give of their time to speak to Americans about those founding documents, in furtherance of that remembrance of our freedom, our rights and our liberties, deserve our thanks.

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

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

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GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 376.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 376, which calls for the people of the United States to celebrate a Liberty Day each year. In the words of the resolution, Liberty Day would serve, quote, ''as a remembrance of both the freedom that Americans were given in the Declaration of Independence and the extraordinary rights and liberties that Americans were given in their Constitution,'' unquote.

The resolution also holds that all elected and previously elected representatives of the people who voluntarily give of their time to speak to the American people about these founding documents to further our remembrance of our freedom, our rights and our liberties, will deserve our thanks. The preamble to the resolution also finds that March 16, James Madison's birthday, would be a fitting reminder of Liberty Day and an appropriate occasion to celebrate the inalienable rights and liberties proclaimed by the Declaration of Independence and secured by the Constitution.

Madam Speaker, this is the second time in as many weeks that this House has had occasion to reflect on the life and achievements of James Madison. Last week, we passed House Concurrent Resolution 396 to celebrate Madison's birth and his many contributions to our Nation.

The resolution before the House today also recognizes the immense contributions of this remarkable patriot to securing the freedom we enjoy today.

Madam Speaker, Madison himself said that, quote, ''my life has been so much of a public one that any review of it must mainly consistent of the agency which was my lot in public transactions,'' unquote.

Although he was the fourth President of the United States, the greatest of Madison's public transactions was surely his crucial role in the framing and adoption of the Constitution of the United States. As the resolution notes, Madison was the major author of the Virginia Plan, which served as the basis and model for the Constitution of the United States, that was proposed by the Constitutional Convention in 1787.

Along with John Jay and Alexander Hamilton, Madison also contributed to securing ratification of the Constitution by writing parts of the Federalist Papers.

The Federalist Papers endure to this day, as the resolution observes, as some of the best arguments for our form of government.

Madison also kept detailed records of the debates and compromises in the Constitutional Convention which were published only after all delegates to the convention were dead. The Federalist Papers and Madison's notes on the Constitutional Convention remain primary sources for all who seek an understanding of the Framers' intent.

As a Member of the first Congress, Madison was also instrumental in framing the Bill of Rights. Madam Speaker, as the 106th Congress concludes, it is certainly proper that we pass this resolution to remember the founding documents, the Declaration of Independence and the Constitution, and James Madison's contributions to the formation of our system of government. I urge all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, last Monday I stood at this podium to manage House Concurrent Resolution 396, celebrating the birth of James Madison and his contributions to the Nation. Today I am here to manage a resolution that would express Congress' support for the recognition of March 16, James Madison's birthday, as Liberty Day. This resolution bestows this honor on James Madison because he was the primary author and steadfast supporter of three great works of American democracy: the Constitution, the Federalist Papers, and the Bill of Rights.

If this resolution is passed, Madison's birthday would serve to remind us of our rights and liberties as enumerated in the Declaration of Independence and the Constitution of the United States.

Liberty is defined in Webster's Collegiate Dictionary as, and I quote, ''the quality or state of being free, and the power of choice,'' two premises on which this Nation was founded.

The promise of freedom and choice is what thousands of immigrants saw in a copper statue in the New York Bay. The statue was of a woman holding a torch in her right hand and a tablet bearing the adoption date of the Declaration of Independence in her left.

Her pedestal reads, and I quote, ''Give me your tired, your poor, your huddled masses yearning to breathe free.'' The Statue of Liberty was and still is a symbol of hope and freedom in America.

Another traditional symbol of United States freedom can be found in Philadelphia in the form of a cracked bell. The bell was first rung on July 8, 1776, 4 days after the adoption of the Declaration of Independence. It tolled to celebrate the first public reading of the document. The bell bears the motto, and I quote, ''Proclaim liberty throughout all the land unto all the inhabitants thereof.''

The Liberty Bell, first named in an 1839 Abolitionist pamphlet, remains a symbol of freedom and a reminder that all Americans are created equal.

When H. Con. Res. 376 is passed, Americans will have another opportunity to reflect on this Nation's tradition of freedom and equality. Liberty Day will further enhance the importance and symbolic meaning of two existing icons of American freedom: the Statue of Liberty and the Liberty Bell.

On March 16, Americans will celebrate a promise originated by James Madison and others and documented in the Declaration of Independence and the United States Constitution. That promise is one of freedom and choice. And in the words of James Madison, he said simply these: ''The prescriptions in favor of liberty ought to be leveled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power; but this is not found in either the executive or legislative departments of government, but in the body

of the people, operating by the majority against the minority.''

Madam Speaker, I urge all of my colleagues to support this resolution. I congratulate its sponsor.

Madam Speaker, I reserve the balance of my time.

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

Mr. TANCREDO. Madam Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me this time.

Madam Speaker, I could not do better in terms of describing the importance of this resolution and its historical implications than my two colleagues from the State of Maryland have done here. Both of them, I think, have been incredibly articulate in expressing those sentiments.

I will only add that it is important also to remember that James Madison, as the fourth President of the United States, was also the major author of the Virginia Plan, which is a model and the basis for the United States Constitution that emerged from the Constitutional Convention in 1787.

I want to also say that this whole issue comes to us today on the floor as a result of the really tireless efforts of one individual in my district, a gentleman by the name of Andy McKean, who with other members of the Lion's Club took this on as a project some time ago and decided something had to be done in order to increase the level of knowledge that students, especially students and youngsters, have about the Constitution, about the Bill of Rights and about really what liberty means in the United States of America.

As part of that task, they have been instrumental in delivering and distributing literally hundreds of thousands of copies of the Constitution. Liberty Day Colorado is the way it is identified here, but these little pocket Constitutions have gone out to schools all over Colorado. There are over 1 million active members of the Lion's Club nationwide, and it is my understanding that this is a project they are anticipating to take on as an organization.

It is supported right now in State legislatures throughout the country: Colorado, California, Maine, Pennsylvania, Ohio, North Carolina, Virginia, New Hampshire, Montana, Mississippi, Indiana, Idaho, Wyoming. And other States are on the way.

It is nonpartisan, as evidenced by the discussion here today. It is funded entirely through businesses and individual contributions. The national recognition will provide a rallying point for this grass-roots movement; and it is also, I think, a tribute to individuals like Mr. McKean.

A textbook could not be written about the way in which he has devoted a good portion of his life to this event and how it has worked its way through the process and it now appears before us on the floor of the House and hopefully will eventually become part of our national recognition of Liberty Day.

So, again, I want to thank the committee; and I want to thank the Members here who have spoken so eloquently in its support.

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

Madam Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO) for his words. It is very heartening to know that the Lion's Club took this on as a project.

I think it is very, very important in our society that we do everything in our power, Madam Speaker, to lift up our children. I have often said that they are the living messages we send to a future we may never see. I want to congratulate him for that.

Madam Speaker, I just want to end with one of my favorite quotes from Madison, which was stated on June 8, 1789, when he said that all power is originally vested in and consequently derived from the people; that government is instituted and ought to be exercised for the benefit of the people, which consists in the enjoyment of life and liberty, with the right of acquiring and using property and generally of pursuing and obtaining happiness and safety; that the people have an indubitable, unalienable and indefeasible right to reform or change their government whenever it be found adverse and inadequate to the purposes of the institution.

Madam Speaker, I would urge all of our colleagues to vote in favor of this very important resolution.

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

Mrs. MORELLA. Madam Speaker, I very much appreciate the quotation and the discussion with my colleague from Maryland (Mr. CUMMINGS).

Madam Speaker, I yield such time as he may consume to another colleague, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Speaker, I want to thank my friend, the gentlewoman from Maryland (Mrs. MORELLA), for yielding me this time and I want to thank my other friend, the gentleman from Maryland (Mr. CUMMINGS), for his quote.

Madam Speaker, it is hard for us to realize what a radical document the Declaration of Independence was. If we think back, our forefathers now, they come from all parts of the world; but our forefathers when this country was founded came from principally the British Isles and the European continent. If we remember our history, almost every one of them came from a country where the king or the emperor claimed and, incredibly from our position, was granted what was known as divine rights. In other words, what the king or the emperor claimed was that the rights came from God to him; that he would then give what rights he wished to his people. Sometimes many; sometimes very few.

Our forefathers made a radical departure from this, because in the Declaration of Independence they said we hold these truths to be self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights. That the rights did not come from God to the king, that the rights came from God to the people, and it was the wish of our forefathers that they would found a government which had very limited rights.

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Most of the rights should still reside in the people. So they wrote the Constitution 11 years later, ratified in 1787. The ink was hardly dry before they recognized that it might not be clear to everyone how committed they were to the proposition that the rights fundamentally belonged to the people, and they would give just what few rights were necessary to the government.

Four years later, in 1791, the first 10 amendments which we know as the Bill of Rights were finally ratified by three-fourths of the States. If we look through those Bill of rights and reflect on what they said, most of them address the rights of the people.

Then to make sure that no one could misunderstand that they meant most of these rights to reside with the people, in the Ninth Amendment they said that, just because we did not mention in the Constitution that the right belonged to the people, do not disparage the fact that it does belong to the people.

Then in the Tenth Amendment they came back, and I think this is the most violated amendment in the Constitution, the most violated part of the Constitution, they come back and say, in today's English, if you kind of put this in today's English, our Constitution is old English and it is legalese so sometimes we have to paraphrase it to understand clearly what they meant, what they are saying in the Tenth Amendment is that if we cannot find it in article 1, Section 8, of the Constitution, the Federal government cannot do it; that they can only do those things which are found there, and all the things which are not found there, all the rights not specifically given to the government, belong to the people or to the States.

So I think it is very appropriate that we designate a Liberty Day. That is what our forefathers wished so much for us to have. That is what we are at risk of losing as government becomes ever bigger and bigger and more and more intrusive.

I wholeheartedly support the resolution.

Mrs. MORELLA. Madam Speaker, I yield myself the balance of my time.

I commend the gentleman from Colorado (Mr. TANCREDO) for introducing this resolution and working very hard to bring it to the floor today. I also want to thank the Lions Club for taking on this Liberty Day project. The

Lions Club has been noted for its eye banks. They care about vision, and frankly, Liberty Day has to do with the vision to look ahead in terms of recognizing the values of the past and the principles upon which we are guided into the future.

I also want to thank the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Service, the gentleman from Maryland (Mr. CUMMINGS), a ranking member of the Subcommittee on Civil Service, the gentleman from Indiana (Mr. BURTON) of the Committee on Government Reform, as well as the ranking member, the gentleman from California (Mr. WAXMAN), because they have helped the consideration of this resolution.

It is also a pleasure to be able to floor manage this resolution that we believe in with my colleague, the gentleman from Maryland (Mr. CUMMINGS). I thank my other colleague from Maryland (Mr. BARTLETT) also for his understanding of the Constitution and his statement.

Madam Speaker, I ask Members' support of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 376.

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

A motion to reconsider was laid on the table.

FEDERAL THRIFT SAVINGS PLAN PARTICIPATION ACT

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 208) to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 2, line 15, strike out all after ''distribution'' down to and including ''trust.'' in line 16 and insert: *that a qualified trust could accept under the Internal Revenue Code of 1986.*

Page 3, strike out lines 1 through 5 and insert:

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

Page 6, strike out lines 5 through 10 and insert:

(1) IN GENERAL.—The amendments made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

Page 6, strike out all after line 15, over to and including line 2 on page 8, and insert:

SEC. 3. COURT ORDERS AFFECTING REFUNDS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8342(j)(1) of title 5, United States Code, is amended to read as follows:

''(j)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

''(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information and documentation as the Office may require that—

''(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8341(h) or section 8345(j); or

''(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8341(h) or to any portion of an annuity under section 8345(j).''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8424(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

''(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information or documentation as the Office may require that—

''(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8445 or 8467; or

''(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8445 or to any portion of an annuity under section 8467.''.

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

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 208.

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

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank all of the people who are involved in our consideration of H.R. 208, the Federal Thrift Savings Plan Participation Act. When I thank the Speaker, I know that I speak for the thousands of Federal employees with whom I have met and who have written and called my office in support of this legislation, including the gentleman from Maryland (Mr. CUMMINGS), who is going to be handling it on the other side of the aisle.

My legislation would bolster two critical components of Federal employees' retirement benefits, the Thrift Savings Plan. As we know, the TSP is a retirement savings and investment plan for Federal and postal employees.

The TSP is critical for all Federal employees, but it is particularly important for those employees hired in the last decade who, under the Federal Employees' Retirement System, receive smaller civil service benefits and need to invest more to enhance their retirement income.

Currently, employees can elect to begin contributing to the TSP only during two semi-annual election periods established by law. Newly-hired employees are first eligible to participate during the second election period after being hired. As a result, these employees must wait from 6 to 12 months, depending upon their dates of hire, before they may contribute their own funds.

Allowing employees to begin contributing to the TSP immediately makes it more likely that employees will get into and continue the habit of saving for retirement through payroll deduction.

Early saving is especially important in order to maximize the effect of compound earnings, and to take full advantage of the benefit of pre-tax savings accorded to tax-deferred retirement plans.

This bill would eliminate all waiting periods for employee contributions to the TSP for new hires and rehires. Employees who are hired or rehired would be eligible to contribute their own funds immediately.

Further, ensuring the portability of retirement savings is important because portable retirement savings can follow employees as they change jobs, while preserving the special tax status accorded to these funds.

While the Internal Revenue Code currently allows transfers of retirement savings between 401(k) plans, such transfers are not authorized for the TSP. There is no justification for this limitation. This bill, H.R. 208, would authorize employees to transfer funds from certain tax-deferred savings plans from previous jobs to their TSP accounts. As amended by the Senate, the TSP will be able to accept any transfer that a private sector 401(k) can accept under the Internal Revenue Code.

In addition, the Senate has also included an amendment by Senator AKAKA which would allow the Office of Personnel Management to recognize court orders prohibiting a Federal employee who is going through a divorce proceeding from withdrawing his or her retirement contributions to the Civil Service Retirement and Disability Trust Fund.

This is a terrific bill. It will help in recruiting and retaining our wonderful Federal work force.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I commend my colleague, the gentlewoman from Maryland (Mrs. MORELLA), for sponsoring H.R. 208. I am very pleased to say that I am a very proud cosponsor.

Madam Speaker, this bill makes significant reforms in the Thrift Savings Plan. It contains proposals that were included in President Clinton's last two budget proposals.

It would permit new Federal employees to begin contributing to their TSP immediately rather than waiting a year, as required under current law. It would also let Federal employees transfer balances from other tax-deferred savings plans, including private sector 401(k) accounts, to their TSP accounts.

Early participation in the Federal Employees' Retirement System, especially in the TSP, is critical if an employee is going to maximize the amount of earnings saved for retirement.

The Subcommittee on Civil Service has addressed the issue of protecting employees' retirement savings by moving legislation through Congress that would provide long-term care insurance as a benefit option for Federal employees and postal employees, as well as military personnel and retirees. The legislation, the Long Term Security Act, was signed into law by President Clinton last month.

Baby-boomers are concerned about their retirement security, but are not saving adequately for their long-term care needs. H.R. 208 is one initiative that will help the Federal work force save money for their retirement.

Senator AKAKA's amendment to the House bill further strengthens the legislation by allowing the TSP to accept all of the types of rollover contributions that private sector 401(k) plans may now accept.

In addition, the Senator's amendment would provide an offset for the legislation that will not divert money from the agency's hard-pressed salaries and expenses accounts.

I am pleased again to be a cosponsor. I want to thank the gentlewoman from Maryland (Mrs. MORELLA) for her sponsorship.

Madam Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a member of the subcommittee.

The Subcommittee on Civil Service is one that works very closely, and we have done some great work this year. The gentlewoman is one of the leaders on our subcommittee, and one who constantly reminds us of how important our civil servants are.

Ms. NORTON. Madam Speaker, I thank the gentleman from Maryland for yielding time to me, and for his very kind and gracious words. May I thank him and our other regional colleague, the gentlewoman from Maryland (Mrs. MORELLA), for their leadership on this bill. They have been steadfast until in fact we have come to this moment, when it has gone to the Senate and come back to us with a few changes.

I want particularly to thank President Clinton, whose leadership has been at the forefront of this concept.

Madam Speaker, I would like to say that this concept represents precisely what we ought to be doing with retirement. We are not taking any money from the social security trust fund to get this done. What we are doing is encouraging people, through incentives we are providing, to save their own money. That is the only way to make sure we secure the social service trust fund at the same time we do what we have not done nearly enough of, and that is to encourage the American people to stop spending so much of their money and save it. They are not doing that. We are at the lowest savings rate virtually in history.

This bill encourages savings in two ways. First, it brings Federal employees into equality in rolling over their contributions into 401(k)s now, like their private sector counterparts. There is no reason for there to have been any distinction in that regard.

Secondly, it allows newly-hired employees to get into the savings habit from the moment they get their first paycheck by allowing TSP to apply to them immediately, instead of waiting for the next period, which could be as much as a year.

Thus, essentially what this very good bill does is to put the government in the ballgame of employee savings plans. It brings us to where many private sector plans have long been.

The House, of course, offset this bill through contributions from the Civil Service Retirement and Disability Fund. The administration opposed that, and I think correctly. After all, the Civil Service Retirement and Disability Fund is very controversial over here, at least with respect to funding it, and these contributions would not be related to benefits or to retirement. I believe the administration was probably correct in saying that it set a poor precedent for the future to use the trust fund for unrelated purposes.

So I appreciate the suggestion of the other body, which is why this bill is back here, that we should offset, as is required, in a way that I must say gives us a double bang.

First of all, it gives us the money. We recognize now court orders during a divorce proceedings that otherwise might result in what amounts to fraud. If one is going through a divorce and they say, oh, my God, I might have to give some of this to my wife or husband, and they pull their money out so they cannot be part of the proceeding, that is nothing the Federal government wants to encourage.

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This body has been trying to go in the other way and secure spouses in what would otherwise be available to them, so I regard it as an antifraud measure. But then I am also pleased to see, when we consider what this means for women in particular, that it would safeguard women for what would otherwise be a fleet of what should be available to them.

Madam Speaker, we get the savings, we prevent fraud, and we allow either spouse, in this case, I think it probably benefits women more than men, to perhaps get what would otherwise be available to them but has not been in the past, because the Federal Government did not recognize court orders until the divorce was all done and through, in which case the spouse could have withdrawn the retirement funds that were in the account.

May I say, Madam Speaker, that there is another benefit to this bill, and that really has to do with the retention and recruitment of employees. The Federal Government has become almost noncompetitive with the private sector in pay and benefits.

With the scarcity of workers, and I am amazed to hear myself say that, we have the kind of full employment that we never had in my lifetime, the private sector is trying everywhere it can to make sure that it recruits and retains employees. Moreover, the sizzle is all there. Youngsters getting out of school think of the Federal Government and State governments as kind of ho hum places. They want to go where the action is, to technology, to the private sector by having benefits that do not equal what the private sector has long done.

We certainly do not help ourselves to retain and recruit the employees we need to keep this government running.

Benefits used to be the way the government offset lower pay; now benefits have lost ground as well. We are not going to be able to maintain the extraordinary civil service we have had throughout my lifetime in this city as a native Washingtonian, unless we wake up and smell the coffee when it comes to pay and benefits.

Obviously, this bill helps employees by equalizing their savings and benefit plan, but it helps the Government to make up for lost ground in recruiting and maintaining what has been historically the best and brightest labor force in the country.

Mrs. MORELLA. Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself 9 minutes.

Madam Speaker, I want to, first of all, thank the gentlewoman from the District of Columbia (Ms. NORTON) for what she just said. It reminds me that our subcommittee has worked very hard to stand up for our Federal employees, and we have had a tremendous sensitivity to their needs and their concerns.

So often Federal employees are not given the credit for all the wonderful things that they do, and I have often said that they are the folks who keep government together. They are the oil that keeps the engine running. Without

them, we would not be able to accomplish very much of anything in this country.

With that, I want to thank the gentlewoman from Maryland (Ms. MORELLA) again for her sensitivity, but we have been very fortunate to work in a bipartisan way. As the gentlewoman from the District of Columbia (Ms. NORTON) said, this is the way things should be done; just a common sense approach and encouraging people to save on their own.

As we reach the waning days of this session, I want to take a moment, Madam Speaker, to thank the members of our committee, certainly the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Maine (Mr. ALLEN), the gentleman from Florida (Mr. MICA), the gentleman from Florida (Mr. MILLER), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Arkansas (Mr. HUTCHINSON), and certainly the gentleman from Florida (Mr. SCARBOROUGH), our chairman, for all of the efforts that we have been able to pull together to create some very, very meaningful legislation.

I think that it is safe to say, Madam Speaker, that we set some goals at the beginning of this term, and I think we fulfilled just about all of them; and this is a crowning piece of legislation, because, again, it is recognition for our Federal employees for what they do every day, every day to lift our Nation up, to make it the strongest Nation in the world and the greatest Nation in the world. With that, I urge all of my colleagues to support this legislation.

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

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for his very appropriate and very kind words, but certainly the work that he has commented on dealing with this subcommittee working together for Federal employees, because they are so important to our Nation.

America, Madam Speaker, has one of the lowest national savings rates among industrialized countries. It has fallen steadily over the last 20 years, seriously jeopardizing America's security during what is supposed to be our golden years. Even though Americans recognize that they should be saving more, half of all family heads in their late 50s possess less than $10,000 in net financial assets.

With the retirement of America's baby boomers approaching, Congress is beginning to consider how we can encourage Americans to save more. Federal employees, like all Americans, are increasingly concerned with planning for their retirement.

This bill, H.R. 208, is a sensible way to encourage Federal employees to take personal responsibility and increase their savings for retirement without adding impediments before them. I think also as a Nation it helps us recruit and retain Federal employees. It says that we care about our civil servants. I am delighted that this important legislation has come to the floor for a vote. I want to thank the gentleman from Florida (Mr. Scarborough), chairman of the Subcommittee on Civil Service, the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform for their support in expediting consideration of the resolution.

Madam Speaker, I want to thank the gentleman from Maryland (Mr. CUMMINGS), who is the ranking member of the Subcommittee on Civil Service, and the gentleman from California (Mr. WAXMAN), who is the ranking member of the Committee on Government Reform, for their support.

I would also like to thank Tom Trabucco, he is from the Thrift Savings Retirement Board, for all of his help in crafting this legislation. I also want to thank our staffs on both sides of the aisle and certainly on this side such as Garry Ewing, and especially my staff person Jordie Hannum. Madam Speaker, I ask my colleagues to vote for this bill.

Mr. MORAN of Virginia. Madam Speaker, I rise today to join my colleague from Maryland in support of H.R. 208, the modernization of the Federal Employee Thrift Savings Plan (TSP).

I share Mrs. MORELLA's view that federal employees should be allowed to participate in the TSP immediately upon being hired.

As Members of Congress, it is the least we can do to reward the hard work of our federal employees who, in recent years, have assumed increasing responsibilities, sacrificed higher private sector wages, and generally tried to make the federal government operate more efficiently with, in many cases, tighter budgets.

This bill will help to ensure that the Federal government is able to keep pace with the private sector in attracting the best and brightest personnel.

I have seen this trend first-hand in my district, where many talented individuals leave federal service because their government compensation and benefits just don't compete with offers in the private sector. I firmly believe that this bill seeks to level the playing field by enabling the federal government to hire and retain a highly skilled workforce that will secure the American public's confidence in our government and the services our federal workforce provides.

By lifting the waiting period restrictions on TSP participation, this is just one more step to make federal employment more attractive to individuals, and more competitive with the private sector.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 208.

The question was taken.

Mrs. MORELLA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RUTH HARRIS COLEMAN POST OFFICE

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5229) to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the ''Ruth Harris Coleman Post Office.''

The Clerk read as follows:

H.R. 5229

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

SECTION 1. RUTH HARRIS COLEMAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, shall be known and designated as the ''Ruth Harris Coleman Post Office Building''.

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

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

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. 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. 5229.

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

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill before us, H.R. 5229, was introduced by the gentleman from Georgia (Mr. KINGSTON) and supported by the entire House delegation from the State of Georgia, pursuant to the practice of the Committee on Government Reform.

The legislation designates the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia as the ''Ruth Harris Coleman Post Office.''

Ruth Coleman was a schoolteacher and played a dynamic role in the activities of Odum as the originator and director of Odum Day for 17 of the past 24 years. She was named Odum's Citizen of the Year in 1998 and was a former chairman of the Wayne County Chapter of the AARP. She was a Member of the Wayne Memorial Hospital Auxiliary, and she chaired the American Red Cross Blood Drive in Wayne County for many years.

She also served as chairman of the Harris Family Reunion and the organizer of the Odum Sunlighters. Ruth Coleman passed away in 1998 when she was 70 years of age.

Madam Speaker, I urge our colleagues to support H.R. 5229, recognizing the contributions of Ruth Harris Coleman to Wayne County by naming a post office in Odum, Georgia in her honor.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 5229 was introduced by the gentleman from Georgia (Mr. KINGSTON) on September 20, 2000. Mrs. Ruth Harris Coleman was a schoolteacher and one of the originators of Odum Day, which celebrated its 25th year on October 7 of this year.

Mrs. Coleman was Odum Day director for 17 years. In 1983, she was the grand marshal of Odum's homecoming parade and in 1998 was named Odum's Citizen of the Year.

She chaired the American Red Cross Drive in the Wayne County Chapter of AARP and was a member of the Wayne Memorial Hospital Auxiliary. Ms. Coleman died in 1998.

I have often said that when we take a moment, Madam Speaker, to name a post office after someone, it is not the deed that counts; but it is the memory of the fact that we are taking a moment to salute this schoolteacher and give her the recognition that she richly deserves says a lot. With that, Madam Speaker, I would urge the swift passage of this bill and ask all of our colleagues to vote in favor of it.

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

Mrs. MORELLA. Madam Speaker, I ask that the House approve this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 5229.

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.

ROBERTO CLEMENTE POST OFFICE

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4831) to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the ''Roberto Clemente Post Office,'' as amended.

The Clerk read as follows:

H.R. 4831

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

SECTION 1. ROBERTO CLEMENTE POST OFFICE.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, and known as the Logan Square Post Office, shall be known and designated as the ''Roberto Clemente Post Office''.

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

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

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. 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. 4831, as amended.

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

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill before us, H.R. 4831, was introduced by the gentleman from Illinois (Mr. GUTIERREZ) on July 12 and amended by the Committee on Government Reform on October 5. The amendment simply changes the word ''Street'' to ''Avenue'' as determined after review by the United States Postal Service.

H.R. 4831, as amended, designates the post office located at 2339 North California Avenue in Chicago, Illinois, presently known as the Logan Square Post Office as the Roberto Clemente Post Office. Each member of the House delegation from the State of Illinois has cosponsored this legislation pursuant to the policy of the Committee on Government Reform.

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Roberto Clemente was born in 1934 in Carolina, Puerto Rico, the son of a foreman of a sugar cane plantation and grocery store operator. He played softball as a youngster, and then he played with the professional major league caliber team until 1953 when his .356 batting average came to the attention of the Brooklyn Dodgers.

The Dodgers gave Roberto a bonus and sent him to the Montreal Royals, ordering that he should not be played lest another team draft him. He was, however, drafted by the Pittsburgh Pirates after an observant Pirate scout spotted him.

Roberto Clemente played for several years as their star outfielder until 1972 when he met his untimely and tragic death when he was only 38 years old. He was thought by many as the greatest and most complete player, but he was also the victim of dual discrimination for being black and Hispanic.

Now, 28 years after the fatal plane crash while on a mission of mercy taking humanitarian supplies to the victims of an earthquake in Nicaragua, he is no longer the invisible player.

Roberto Clemente led the Pirates to World Series victories in 1960 and 1971. He was the National League batting champion in 1961, 1964, 1965, and 1967. He was ordered 12 gold gloves. He established a major league record by leading the National League in assists five times. He was inducted into the Baseball Hall of Fame at Cooperstown, the first Latin player to be so honored.

Roberto Clemente may not have been a resident of Chicago, but this citizen of the world is recognized by the Nation, and he is recognized by all lovers of the sport of baseball as a great athlete, humanitarian, and a role model.

I urge all of our colleagues to support H.R. 4831, naming a Post Office in Chicago after this hero.

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

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

Mr. Speaker, H.R. 4831, to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the ''Roberto Clemente Post Office'' was introduced by the gentleman from Illinois (Mr. GUTIERREZ), my distinguished colleague and good friend, on July 12, 2000.

The bill was amended on October 5, 2000 in the Committee on Government Reform to change the address designation from California Street to California Avenue.

Mr. Roberto Walker Clemente was born in 1934 in Carolina, Puerto Rico and rose from an impoverished background in his hometown to become the star outfielder for the Pittsburgh Pirates from 1955 to 1972. He helped the Pirates win two World Series in 1960 and 1971.

Mr. Clemente was a four-time National League batting champion, was awarded 12 gold gloves, and was one of only 16 players to have 3,000 or more hits during their career.

Mr. Roberto Clemente, a victim of dual discrimination for being black and Hispanic, died in 1972 in a plane crash delivering relief supplies to victims of an earthquake in Nicaragua. This proud son of Puerto Rico was posthumously inducted into the Baseball Hall of Fame in Cooperstown.

I urge my colleagues to vote for this measure, and I ask, Mr. Speaker, that we recognize the fact that Roberto Clemente was, not only a great baseball player, but he was a great role model and a great humanitarian.

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

Mrs. MORELLA. Mr. Speaker, I have no other requests to participate, and I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield 10 minutes to the distinguished gentleman from Illinois (Mr. GUTIERREZ) who is the sponsor of this bill.

Mr. GUTIERREZ. Mr. Speaker, I rise to do my share of duty to history. Today I rise to celebrate the life of Roberto Clemente and to recognize his

enormous contributions to humankind. I am very honored to do so. In this particular case, I respectfully think that I contribute, however humbly, to add to the prestige of this House. This is the people's House. Today I rise to pay very deserving tribute to a hero of the people.

As a son of Puerto Rican parents, I pay homage to who was, perhaps, the favorite son of Puerto Rico. In doing so, I feel doubly proud. Today I feel prouder than ever of being a Member of this august body, a body that in recognizing the greatness of this champion elevates its own.

As a Puerto Rican myself, my heart fills with joy knowing of the effect this humble action of ours here today will have in the minds and the souls of hundreds of thousands of Puerto Rico and Hispanic youth in my district in Chicago, throughout the country, and in Puerto Rico.

Much is made from rags to riches stories. In this case, it is different. Because, in achieving what the former Commissioner of Baseball, Mr. Bowie Kuhn, called ''the touch of royalty,'' Roberto Clemente enriched us all.

Roberto was the son of a cane sugar worker, Melchor Clemente, and his mother, Luisa Walker. He was the youngest of seven children. He was born in the municipality of Carolina, Puerto Rico, in Barrio San Anton. As my friend, the Honorable Jose Aponte, Mayor of Carolina, is fond of saying, Carolina greets most visitors to Puerto Rico, because that is where the international airport lies. Carolina has beautiful rolling hills that lead to El Yunque, the mountain where our Taino Indians believed to be home to the Supreme Creator, Yukiyu.

Roberto Clemente was born in the midst of the depression of the 1930s, but was raised by a family full of love and with the best of the Puerto Rican traditions of respect and civility.

Cane sugar workers in Puerto Rico lived a very humble life and a life of poverty. Roberto began playing baseball like many of his contemporaries did, doing batting practice with a broken broomstick hitting bottle caps. He said that, after swinging hundreds of times at bottle caps, a baseball looked as big as a coconut.

Roberto made by hand the first baseball he ever owned, using a discarded golf ball as its core and many layers of string from burlap dried beans and rice bags, finally covered with tape.

From a skinny, smallish boy, Roberto grew to become a superb athlete, demonstrating with hard work and dedication what one can achieve.

Unlike Jackie Robinson, Roberto Clemente was not the first one of his race to break into the majors. Unlike Jackie Robinson, Roberto Clemente faced a double kind of discrimination, as he was both black and Puerto Rican. Unlike Jackie Robinson, Roberto Clemente faced also a language and cultural barrier.

But Mr. Speaker, Roberto Clemente was like his people. Puerto Ricans, like their Latino brothers and sisters, are hard working, proud, and dignified. Despite centuries of colonialism, Puerto Ricans continue to search for a solution to their colonial situation. As they struggle with the scourge, they have continued to create and develop, working hard to improve both their island and communities where they migrated to and reside in the United States, communities like mine in Chicago, where we will now have the honor of naming a Post Office after Roberto Clemente.

After a short stint in Montreal, Clemente was traded in 1955 to the Pittsburgh Pirates where he would end his glorious career. The team rebuilt around him, and he led it to contend for the pennant in 1958 and to the world championship in 1960.

Unfortunately, after a season in which he hit .314 and drove in a club leading 94 runs, he finished behind three white teammates and others in the vote for most valuable player.

Undeterred, Roberto Clemente went on to compile one of the brightest lifetime records in Major League Baseball: four batting titles, Most Valuable Player in 1966, 12 Golden Gloves, 14 appearances in the All Star Games, a National League record of five consecutive seasons leading in outfield assists, and a lifetime batting average of .317.

In the 1971 World Series, when he again led his team to the World Championship, Roberto Clemente hit .414 and two home runs, including the winning blow in game seven and made two extraordinary catches. For his performance, he was awarded the World Series Most Valuable Player award.

Next year in 1972, as if to say goodbye to all the children and admirers the world over, Roberto Clemente became the 11th player in the history of organized baseball to reach the 3,000 hit mark.

Benjamin Franklin said, ''There was never yet a truly great man that was not at the same time truly virtuous.'' Those wise words from one of the wisest of our Founding Fathers never rang so true as when spoken about Roberto Clemente. For today, and forever, we will remember Roberto Clemente as much for what he accomplished in the playing field as for what he accomplished outside of it.

Roberto Clemente became a symbol to Puerto Rican, Hispanic and minority youth, actually to all youth. He was the essence of a success story, yet he was always a true gentleman, a caring father, a devoted husband, and someone dedicated to uplifting all around him. He never forgot whence he came from. He devoted countless hours to youth, especially poor youth.

We can have a real measure of a man, not only by the way he lives, but also by the way he dies.

The end came to Roberto Clemente in such a way that he is now enshrined forever in the hearts of all Hispanics along with Simon Bolivar, Jose Marti, and Cesar Chavez.

After a devastating earthquake virtually destroyed Managua, Nicaragua, Roberto Clemente became the leader of the aid efforts to Managua. After reports reached him that the first supplies that landed in Nicaragua had been grafted by the members of a corrupt military, Roberto Clemente decided, against all advice, to fly with the next airplane load of supplies to ensure that they would reach the poor and needy of Nicaragua.

He could have sent a check. He could have sent the supplies, but he wanted to make sure. This baseball player got on the plane. I wonder how many of us would get on a similar airplane.

As people were partying the arrival of the new year, Roberto Clemente died when his plane went down in 120 feet of water just north of the same international airport of his hometown of Carolina.

Mr. Speaker, there has been countless acts that seek to justly recognize the great man that was Roberto Clemente. Among them, let me cite a few. In 1973, Major League Baseball made an exception to the 5-year rule and accepted Roberto Clemente into the Hall of Fame, roughly a year after he played his last year in the majors. It was, I believe, most fitting for the greatest of Latino players to become the first Hispanic player ever to be inducted into the Hall of Fame.

In 1973, Major League Baseball renamed its award that recognizes the player who best exemplifies the game of baseball, sportsmanship, community involvement and the individual's contributions to his team, formerly the ''Commissioner's Award'' to the Roberto Clemente Award.

But Roberto Clemente is honored every day, in song, in poetry and in actions that emulate his own by young and old alike in Puerto Rico, in Chicago, in Pittsburgh, and everywhere. Everywhere there are Hispanic or lovers of baseball or good people who admire a deed of sacrifice and love, there is a school or a baseball park or a road bearing the name of this true hero of the people.

The U.S. Postal Service issued the first Roberto Clemente stamp in 1984 and recently featured Roberto Clemente as part of its Legends of Baseball Series issued in Atlanta on July 6, 2000.

Mr. Speaker, in voting for H.R. 4831, this House is joining with millions of Latinos and sports fans everywhere to pay dual tribute to Roberto Clemente.

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

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. GUTIERREZ) for introducing this bill to name the post office and also for his very eloquent statement about Roberto Clemente.

In my jurisdiction, also, there is a school named for Roberto Clemente. He is a great role model for the youngsters of that school to learn something about his sacrifice.

Character does count, respect for the truth, respect for hard work, respect for each other. He demonstrated that as a role model. So I thank him. I thank the members of the Committee on Government Reform and the Subcommittee on Postal Service for bringing this bill out on the floor of the House. So I ask people to vote for it.

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

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman Maryland (Mr. CUMMINGS) has 8 minutes remaining.

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

Mr. Speaker, as I listened to the distinguished gentleman from Illinois (Mr. GUTIERREZ), I could not help, Mr. Speaker, but think about my own life in South Baltimore and watching Roberto Clemente on television.

I just want the gentleman from Illinois to know, Mr. Speaker, that he is absolutely right. Roberto Clemente was more than a hero to just the Puerto Rican community or Hispanic community, but he was a hero to all of us. When we look at what he accomplished in his life, he not only touched the Hispanic and Puerto Rican community, but he touched the world. He touched the world in a way that we could probably never do right by in these proceedings.

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Last but not least, I was also very moved, Mr. Speaker, by the comments of the gentleman from Illinois (Mr. GUTIERREZ), when he talked about the naming of a post office so that the children could have an opportunity to see that name on that post office. Many, many years from now, when that post office stands and that name is up there, it may be so long from now that somebody may say, well, who was that. The fact is that somebody will know who he was and will know that he came upon this Earth, he saw it, he looked and said, I can make a difference by simply being the best that I can be, working hard, and giving to mankind.

Mr. Speaker, I applaud the gentleman for this bill. I want to thank the gentlewoman from Maryland (Mrs. MORELLA) and the entire committee for making sure this bill got to the floor, and I urge all my colleagues to vote in favor of it.

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4831, 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 redesignate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the 'Roberto Clemente Post Office'.''.

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.

SENSE OF CONGRESS WITH RESPECT TO POSTPARTUM DEPRESSION

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 163) expressing the sense of the House of Representatives with respect to postpartum depression.

The Clerk read as follows:

H. RES. 163

Whereas postpartum depression is the name given to a wide range of emotional, psychological, and physiological reactions to childbirth including loneliness, sadness, fatigue, low self-esteem, loss of identity, increased vulnerability, irritability, confusion, disorientation, memory impairment, agitation, and anxiety, which challenge the stamina of the new mother suffering from postpartum depression and can intensify and impair her ability to function and nurture her newborn(s);

Whereas as many as 400,000 American women will suffer from postpartum depression this year and will require treatment. This constitutes up to 20 percent of women who give birth. Incidence of mild, ''transitory blues'' ranges from 500 to 800 cases per 1,000 births (50 to 80 percent);

Whereas postpartum depression is the result of a chemical imbalance triggered by a sudden dramatic drop in hormonal production after the birth of a baby, especially in women who have an increased risk. Those women at highest risk are those with a previous psychiatric difficulty, such as depression, anxiety, or panic disorder. Levels of risk are greater for those with a family member suffering from the same, including alcoholism;

Whereas women are more likely to suffer from mood and anxiety disorders during pregnancy and following childbirth than at any other time in their lives. 70 to 80 percent of all new mothers suffer some degree of postpartum mood disorder lasting anywhere from a week to as much as a year or more. Approximately 10 to 20 percent of new mothers experience a paralyzing, diagnosable clinical depression;

Whereas many new mothers suffering from postpartum depression require counseling and treatment, yet many do not realize that they require help. It is imperative that the health care provider who treats her has a thorough understanding of this disorder. Those whose illness is severe may require medication to correct the underlying brain chemistry that is disturbed. This often debilitating condition has typically been a silent condition suffered privately by women because of the feelings of shame or guilt;

Whereas postpartum depression frequently strikes without warning in women without any past emotional problems, without any history of depression and without any complications in pregnancy. Postpartum depression strikes mothers who are in very satisfying marriages as well as those who are single. It strikes women who had easy pregnancies and deliveries, as well as women who suffered prolonged, complicated labors and caesarean section deliveries. Symptoms may appear at any time after delivery, often after the woman has returned home from the hospital. It may strike after the first, third, or even fourth birth;

Whereas postpartum depression is not a new phenomenon. Hippocrates observed the connection between childbirth and mental illness over 2,000 years ago. Louis V. Marce, a French physician, detailed the identifiable signs and symptoms of postpartum depression in 1858;

Whereas the most extreme and rare form of this condition, called postpartum psychosis, hosts a quick and severe onset, usually within 3 months. 80 percent of all cases of this more extreme form present within 3 to 14 days after delivery with intensifying symptoms; once suffered recurrence rate with subsequent pregnancies is high;

Whereas postpartum mood disorders occur after the mother has had frequent contact prenatally with health care professionals who might identify symptoms and those at risk. In the United States, where medical surveillance of new mothers often lapses between discharge from the hospital and the physical checkup 6 weeks later, the recognition of postpartum illness is left mainly to chance. The focus of the 6-week checkup is on the medical aspects of her reproductive system and not her mental health;

Whereas having a baby often marks one of the happiest times in a woman's life. For 9 months, she awaits her child's birth with a whole range of emotions ranging from nervous anticipation to complete joy. Society is quite clear about what her emotions are expected to be once the baby is born. Joy and other positive feelings are emphasized, while sadness and other negative emotions are minimized. It is culturally acceptable to be depressed after a death or divorce but not by the arrival of an infant. Because of the social stigma surrounding depression after delivery, women are afraid to say that something is wrong if they are experiencing something different than what they are expected to feel. Mothers are ashamed, fearful, and embarrassed to share their negative feelings and can also be fearful of losing their babies;

Whereas treatment can significantly reduce the duration and severity of postpartum psychiatric illness;

Whereas postpartum depression dramatically distorts the image of perfect new motherhood and is often dismissed by those suffering and those around her. It is thought to be a weakness on the part of the sufferer—self-induced an self-controllable;

Whereas education can help take away the ''stigma'' of postpartum depression and can make it easier to detect and diagnose this disorder in its earliest stages, preventing the most severe cases;

Whereas at present, the United States lacks any organized treatment protocol for postpartum depression. Sufferers have few treatment resources. The United States lags behind most other developed countries in providing such information, support, and treatment;

Whereas the United States Government and its agencies collect very little data on postpartum illness;

Whereas if early recognition and treatment are to occur, postpartum depression must be discussed in childbirth classes and obstetrical office visits, as are conditions, such as hemorrhage and sepsis;

Whereas early detection, diagnosis, and treatment of postpartum illness will become easier if public education is enhanced to lift the social stigma, thereby increasing the chance that women will inform others of her

symptoms as she would for physical complications;

Whereas research shows that in the first few weeks after delivery, a woman's chance of requiring a psychiatric admission is 7 times higher than at any other time in her life. It is estimated that as many as 90 percent realize something is wrong, but less than 2 percent report symptoms to their health care provider. The remaining individuals are either undiagnosed, misdiagnosed, or seek no medical assistance;

Whereas it is estimated that as many as 90 percent of women realize something is wrong; however less than 2 percent report symptoms to their health care provider. Only about 20 percent of women with the disorder receive treatment. The remaining individuals are either undiagnosed, misdiagnosed, or seek no medical assistance;

Whereas in addition to the mother, the effects of postpartum depression can also impact the child and the father significantly. Infants of mothers with postpartum depression are at risk for socioemotional difficulties in life. Maternal depression can affect the mother's ability to respond sensitively to her infant's needs. A depressed mother is less likely to provide her children with appropriate levels of stimulation and to express positive affect. Research generally shows that children who receive warm and responsive caregiving from the moment of birth and are securely attached to their caregivers cope with difficult times more easily when they are older. They are more curious, get along better with other children, and perform better in school than those who are less securely attached;

Whereas a mother's marriage can also become severely strained when dealing with a postpartum illness. Husbands/fathers feel anxious and helpless, not understanding what is going wrong or what is the source of the depression. They can express exasperation and even resentment as a result of the problems created by the illness. They are also more likely to become depressed themselves, further compromising the functioning of the family. Lack of support from the partner can contribute to the development or continuation of postpartum depression. Husbands, partners, family members, and friends need access to information on these issues in order to support their wives, relatives, or friends;

Whereas severe postpartum illness can obstruct the important pattern of friendship and support that most couples with newborns tend to form. Family units as a whole can experience isolation;

Whereas education is helpful to new parents coping with these emotional and hormonal changes and also helps them to decide if and when they need to seek outside help; and

Whereas postpartum depression is one of the most treatable and curable of all forms of mental illness. Learning about postpartum depression helps prevent it and relieve it: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recommends that all hospitals and clinics which deliver babies provide departing new mothers and fathers or family members with complete information about postpartum depression, its symptoms, methods of coping with it, and treatment resources;

(2) encourages all obstetricians to inquire prenatally about any psychiatric problems the mother may have experienced, including substance abuse, existence of the above in any family members, and, ideally screen for ongoing depression;

(3) encourages all obstetricians to screen new mothers for postpartum depression symptoms prior to discharge from the hospital and again when they bring in their babies for early checkups;

(4) recommends that appropriate health care professionals be trained specifically in screening women for signs of postpartum depression in order to improve chances of early detection;

(5) recognizes that a coordinated system of registry should be developed to collect data on mental disorders in the new mother and that the National Institutes of Health should undertake additional research on postpartum psychiatric illnesses;

(6) recognizes the impact of a mother's postpartum depression on fathers and other family members as well and strongly encourages that they be included in both the education and treatment processes to help them better understand the nature and causes of postpartum depression so they too can overcome the spillover effects of the condition and improve their ability to be supportive; and

(7) calls on the citizens of the United States, particularly the medical community, to learn more about postpartum depression, how to educate women and families about it, and thus ultimately lower the likelihood that women around the country will continue to suffer in silence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 163, the legislation now under consideration.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H. Res. 163, a resolution expressing the sense of the House of Representatives regarding postpartum depression, legislation introduced by our colleague, the gentleman from Georgia (Mr. KINGSTON).

This year, as many as 20 percent of American mothers will suffer from postpartum depression. The resolution before us recognizes that this condition is the result of a chemical imbalance triggered by a sudden dramatic drop in hormonal production after the birth of a baby. H. Res. 163 is designed to increase public awareness and understanding so that thousands of women will no longer be forced to suffer in silence.

Among its provisions, the resolution encourages all obstetricians to screen new mothers for postpartum depression symptoms prior to discharge from the hospital and again when they bring in their babies for early checkups. It also recommends that appropriate health care professionals be trained specifically in screening women for signs of postpartum depression in order to improve chances of early detection.

Mr. Speaker, H. Res. 163 emphasizes our commitment to increased access to information about postpartum depression, its symptoms and treatment resources. I ask every Member to join me in supporting passage of this important resolution by the House today.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 163, which focuses on a condition that has not received the attention that it deserves. I want to commend my colleagues, the gentleman from Georgia (Mr. KINGSTON) and especially the gentlewoman from California (Mrs. CAPPS), for introducing this resolution.

The gentlewoman from California (Mrs. CAPPS), a nurse, is one of the most knowledgeable and active members of the Subcommittee on Health and Environment of the Committee on Commerce. I feel privileged to work with her in the subcommittee, and I am proud to join her as a cosponsor of this resolution.

The gentlewoman from California's district is home to Postpartum Support International, an advocacy and support group founded by Jane Honikman. Jane is a pioneer in this field, and I know the gentlewoman from California would want to acknowledge her important contribution, as we do here today.

Each year, 400,000 American women, 20 percent of those who give birth, experience some postpartum depression caused by chemical imbalance. Hundreds of thousands more experience some of the symptoms, which can include such impairments as disorientation, memory impairment, profound anxiety, and heightened fatigue. This is not an exhaustive list.

It is tragic that so many new mothers are robbed of the joy at such a miraculous time in their lives, and it is tragic that postpartum depression is so often ignored or stigmatized when it should be aggressively treated.

The first months of life are critical for a newborn and profoundly challenging for new mothers. This resolution recommends several important steps the Nation can take to help new mothers and to help their families cope with postpartum depression.

It recommends providing women with information on postpartum depression before they take their babies home from the hospital so that women affected by this condition recognize the symptoms and seek help as soon as possible.

It recommends providing training so health professionals know what signs to look for in new mothers. Doctors should be encouraged to screen new mothers for symptoms prior to discharging them from the hospital and when they bring their babies for early checkups.

And it also recommends we begin to collect data on postpartum depression in the United States.

To effectively target public awareness and treatment, it is important to track the incidence and the prevalence of this condition in different subpopulations. Again, I applaud the gentleman from Georgia (Mr. KINGSTON) and the gentlewoman from California (Mrs. CAPPS) for offering this resolution, and I urge its passage.

Mr. DINGELL. Mr. Speaker, I support H. Res. 163, which recognizes the debilitating effects of post-partum depression on new mothers, their babies and their families. I want to pay particular tribute to my friend and colleague, Representative CAPPS, as well as Representative KINGSTON, for their work on this matter.

H. Res. 163 encourages health care providers to become more attuned to the signs of this common, treatable aftermath of pregnancy in order to detect the problem in its earliest days and offer appropriate interventions.

This weeks' announcement that the Nobel prize in medicine is being awarded to three scientists whose discoveries have unlocked keys to the central nervous system, including the understanding the biochemical underpinnings of depression, underscores the importance of the mind-body connection. Depression is indeed a physiologic response, and there is no time in a woman's life when her physiology changes as markedly and as abruptly as it does with the delivery of a baby. Set against the excitement of a new birth, the emergence of an unexpected mood disorder, such as post-partum depression, can be frightening and confusing. Ironically, detecting this problem takes us back to the heart of the patient-provider relationship by employing our lowest-tech, most-highly valued tools, talking and listening to the patient.

The American College of Obstetricians and Gynecologists suggests that thorough medical history-taking as early as the first prenatal visit can assist providers in identifying those women at highest risk for post-partum depression. Post-partum depression can be diagnoses by simply asking a new mother about a number of aspects of here new life. Her answers and mood are keys to an early and correct diagnosis. This approach also provides an opening for a woman to discuss feelings she may finding shameful and frightening. With an accurate diagnosis, treatment can begin, benefitting mother, baby and family.

As Congress today recognizes the research and treatment needs of women experiencing post-partum depression, we must also recognize that many of the women at highest risk for this condition live outside of the health care safety net, and therefore will not benefit from early detection and intervention. The Congress must work to solve these inequities. We must also work to assure that whatever reforms occur in the healthcare delivery system, providers must never stop talking with their patients. As the lines between medical and mental health problems blur, all health care providers need access to the most up-to-date information, so that opportunities to diagnose and treat problems such as post-partum depression are not missed. This resolution is one step in that direction.

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of H. Res. 163, which calls attention to a condition that affects thousands of women across this country, post partum depression.

This resolution was introduced in May of 1999 by my colleague JACK KINGSTON and I. I want to thank him for his hard work and leadership in this area.

Approximately 400,000 women will experience post partum depression this year, and many do not even know that they need help. This condition can put a strain on family relationships, at a time when most families are often experiencing the joy of the birth of a child.

As a nurse for many years, I have seen firsthand how much women, their families and partners struggle with this difficult condition.

There is great stigma associated with post partum depression, as many women feel ashamed of the feelings that they are experiencing.

There are some steps that can be taken to alleviate this suffering. Our resolution makes some important recommendations.

This legislation recommends that women be provided with information on post partum depression before they leave the hospitals with their babies. This way they can know what signs to look for in those early post-natal days.

It also calls for more training of medical providers, so that they know what signs to look for in new mothers. Doctors should be encouraged to screen new mothers for symptoms prior to discharge from the hospital and when they bring their babies for early check-ups. The earlier we identify the symptoms, the better.

Finally it recommends that we begin to collect data on post partum depression in the U.S., so that we can measure its extent. The National Institute of Mental Health is currently researching the topic, but more must be done. Federal funding is sorely needed in this area.

My district is home to Post Partum Support International, an advocacy and support group founded by my constituent Jane Honikman. Jane is a pioneer in this field, and I applaud the work that she continues to do on this topic every day.

Mr. Speaker, here in Congress we must work to raise awareness of post-partum depression, in order to ultimately lower the likelihood that women around the country will continue to experience it. Women and families around this country have suffered for too long in silence.

Mr. BLILEY. Mr. Speaker, I rise in support of H. Res. 163, which expresses the sense of the House of Representatives with respect to postpartum depression.

The birth of a child is a most joyous occasion for a family. Unfortunately, postpartum depression after childbirth is a common condition for some new moms. In fact, up to 80 percent of new moms experience ''baby blues,'' a mild depression that begins in the first days after childbirth and lasts 2 weeks or less. Postpartum depression lasts longer than the ''baby blues'' however and its symptoms are far more intense and constant.

This condition also affects women who for whatever reason do not carry their pregnancy to term. The sudden and dramatic drop in hormonal production after the termination of pregnancy often results in feelings of guilt, insomnia, and postpartum depression. The same sudden drop in hormonal production found in women with postpartum depression also contributes to the feelings of guilt, insomnia, and depression immediately following an abortion. In fact, a national poll found that at least 56 percent of women experience a sense of guilt over their decision to have an abortion, and a 5-year study shows that 25 percent of women who have had abortions sought out psychiatric care, versus just 3 percent of women who have not had abortions. Further, numerous studies reveal that women who have had an abortion experience a high incidence of depression, stress, low self-esteem, suicidal feelings, and substance abuse. Some abortion reactions may even fit into the model of complicated bereavement or pathological grief.

I ask unanimous consent to enter into the RECORD two studies on the link between clinical depression and abortion (Angelo, E.J., ''Psychiatric Sequelae of Abortion: The Many Faces of Post-Abortion Grief,'' Linacre Quarterly, 59(2): 69–80, 1992; Brown, D., Elkins, T.E., Lardson, D.B., ''Prolonged Grieving After Abortion,'' J Clinical Ethics, 4(2): 118–123 (1993)).

In light of these widespread and related afflictions, Congress should be more attentive to post-abortion depression as a related condition that calls out for more research from the National Institutes of Health. I urge Members to join me in supporting passage of H. Res. 163.

PSYCHIATRIC SEQUELAE OF ABORTION: THE MANY FACES OF POST-ABORTION GRIEF

(By E. Joanne Angelo, M.D.)

This paper was presented at the N.F.C.P.G. annual meeting in October of 1991.

Induced abortion is the surgical or medical intervention in a pregnancy for the purpose of causing the death of the embryo or fetus. (If the procedure results in a live birth, the outcome is a preterm delivery, not an abortion.) Every abortion, then, is an iatrogenic death. Every post-abortion woman has undergone a real death experience—the death of her child.

Grief is a natural consequence of death. Current obstetrical and psychiatric literature abounds with articles about grief following perinatal death—death due to spontaneous abortion, premature birth, stillbirth, and Sudden Infant Death Syndrome. However, it is only in recent years that the medical profession has begun to understand that perinatal losses can be followed by a grief reaction similar to the loss of an older child or an adult as illustrated by the following statement in Clinics of OB/GYN in 1986. ''I can state most assuredly that couples with recurrent, unexplained or explained early pregnancy losses grieve as intensely as those with later losses or losses of live-born children. Their grief is not visible, however, since society, family, friends, press, or clergy do not support or are not trained to support them. The grief is very real and if unattended can eventually be felt by them to be aberrant, unnatural, or even unhealthy.''

Hospital obstetrical units have developed teams of physicians, nurses, and social workers to help parents deal with perinatal death and the issues of grief, anger, and guilt which it raises. The September 1990 issue of the British Journal of Obstetrics and Gynecology states: ''Ways of helping parents cope with their losses have been recommended and have reduced the frequency of prolonged emotional disturbance and of abnormal grief reactions. . . . Ways of facilitating the grieving process have been identified. These include seeing and holding the dead baby, giving it a name and taking photographs; all help make the situation a reality and to create memories. It is difficult to grieve when no memory of the individual exists.''

In addition to the 20 to 30 percent of pregnancies thought to end in spontaneous abortion in this country, there is now one elective abortion for every three live births. Evidence is mounting that the reaction to the loss of a child from induced abortion is part of the same continuum of grief. In an editorial in the Lancet (March 2, 1991) entitled, ''When is a fetus a dead baby?,'' the author acknowledges that grief follows early pregnancy loss regardless of its cause, ''There is no doubt that the profession, led by society, more readily accepts that miscarriage, termination, stillbirth, and neonatal death lie in a spectrum of the same grief. . . . Why should the death of a baby be a unique zone of grief? Perhaps it is because to the parents, and to the mother in particular, an unknown potential has been lost.'' With half of all pregnancies resulting in fetal death, our society is facing a potential epidemic of invisible mourning and pathological grief.

Grief after induced abortion is often more profound and delayed than grief after other perinatal losses. Grief after elective abortion is uniquely poignant because it is largely hidden. The post-abortion woman's grief is not acknowledged by society because the reality of her child's death is not acknowledged. In order to gain her consent for the abortion she has been told that the procedure will remove a ''blob of tissue'' a ''product of conception'', or a ''pre-embryo.'' She has been assured that her ''problem will be solved'' and that she will be able to ''get on with her life'' as though nothing significant had happened.

Yet the pregnant woman knows by the changes in her body that something very significant is happening to her: her menses have stopped, her breasts are enlarging, she is sick in the morning (or all day long), and she knows that the process which has begun in her will most likely result in the birth of a baby in nine months time if allowed to run its course. She is aware of the expected date of delivery and she has often thought of a name for her baby as she has begun to picture the child as he or she would be at birth (Bonding begins very early in pregnancy.). All of these feelings and fantasies about her pregnancy must be denied in order to undergo an elective abortion. The pregnant woman is asked to deny the fact that she is carrying a child at all!

Society offers her no support in grieving. Her decision to undergo an abortion is made very quickly without time for calm reflection or seeking advice. The whole process is usually kept secret from her family and friends and professional colleagues, and often even from the father of her child. Abortion clinics offer no ''Perinatal Loss Team'' to help her deal with her confusing and perhaps overwhelming feelings. She is typically alone, without her partner during the procedure. There is no dead child to hold, no photographs, no funeral, burial, or grave to visit, no consolation from friends, relatives or clergy. Her only memories are of a rushed, painful procedure and of her own efforts to convince herself that what her ''abortion counselor'' had told her was true. The psychological defense mechanisms of denial and repression are massively in effect by the time she leaves the clinic. It is not surprising then, that ''exit poll'' research and studies of the immediate post-abortion days, weeks and months find that women feel relieved and claim to have no adverse psychological aftereffects of elective abortion. When pain and bleeding remind her of the physical assault on her body and when the sudden and unnatural endocrine changes cause her to become emotionally labile, society continues to expect her to act as if nothing had happened. Her attempts to comply with those expectations are at great personal expense. She may begin to dose herself with alcohol or sleeping pills to deal with the nightmares and her feelings of grief and guilt; she may throw herself into intense activity—work or study or attempts to repair her intimate relationships or to develop new ones. When waves of sadness, anger, emptiness, and loneliness overwhelm her she berates herself for not ''feeling fine'' as is expected of her.

Women who have chosen abortion are often haunted by the obsessive thought, ''I killed my baby!'' They find themselves alone to cope not only with the loss of the child they will never know, but also with their personal responsibility in the child's death. their guilt is not merely subjective or neurotic; it is objective and real. Reminders are all around them—the expected date of delivery, children the same age that their children would have been, a visit to the gynecologist, the sound of the suction machine in the dentist's office, a baby in a television ad, a new birth, another death experience. Each of these may trigger a breakthrough of guilt, grief, anger, and even despair. This cycle typically continues for many months or years before appropriate help is found because until recently mental health professionals have failed to recognize the many faces of post-abortion grief.

UNCOMPLICATED BEREAVEMENT (NORMAL GRIEF)

Grief is the subjective experience which follows the death of a loved one. Psychiatrists agree that the period of mourning after a significant loss normally continues for at least a year after the death, and that if ''grief work'' is not accomplished appropriately, unresolved grief can produce a variety of psychological and psychosomatic symptoms over time.

Horowitz divides normal grief into four stages:

1. OUTCRY which occurs immediately after the death when there may be an intense expression of emotion and an immediate turning to others for help and consolation.

2. DENIAL PHASE during which the bereaved person may avoid reminders of the deceased and focus attention on other things and during which an emotional numbness of blunting may occur.

3. INTRUSION PHASE during which negative recollections of the deceased become frequent, including bad dreams and daytime preoccupations which may interfere with concentration on other tasks.

4. WORKING THROUGH during which the bereaved person begins to experience both positive and negative memories of the deceased, but without the intrusive, disturbing quality which they had had previously and when emotional numbness lessens. The process of working through has reached completion when the bereaved person once again has the emotional energy to invest in new relationships, to work, to create, and to experience positive states of mind.

PATHOLOGICAL GRIEF

Pathological grief occurs when the normal stages of grief are intensified, prolonged or delayed and when the bereaved person is not able to resume normal functioning due to the development of other psychiatric of psychophysiologic symptoms. Horowitz gives the following examples of pathological grief.

Immediately following the death the OUTCRY may be intensified into a panic state where behavior is erratic, and self-coherence is lost in a flood of uncontrolled fear and grief. Alternatively, the bereaved person's withdrawal may be exaggerated into a dissociative state or a reactive psychotic state.

When the DENIAL PHASE is pathological the following may occur; ''overuse of alcohol or drugs to anesthetize the person to pain. Some persons may seek to jam all channels of consciousness with stimuli, avoiding thinking and feeling about the death. To escape feeling dead and unreal, one may engage in frenzied sexual, athletic, work, thrill-seeking, or risktaking activities.''

Risk factors for the development of pathological grief are listed in Michels' 1990 textbook Psychiatry:

''Some circumstances are likely to increase the severity or duration of grief reactions. These include pre-existing high dependency on the deceased, pre-existing frustration or anxiety in relating to the deceased, unexpected or tortuous deaths, a sense of alienation from or antagonism to others, a history of multiple, unintegrated earlier losses or simultaneous losses, and real or fantasied responsibility for the suffering or death itself. When several of these factors are present, a complicated bereavement reaction may result that warrants diagnosis as one of the anxiety or depressive disorders (including Post-traumatic Stress Disorder), an adjustment disorder, reactive psychosis, or a flare up of a pre-existing personality disorder.''

DEPRESSION

Pathological or unresolved grief has long been recognized as a precursor to serious depressive illness. Shakespeare's Macbeth says, ''Give sorrow words; the grief that does not speak knits up the o'erwrought heart and bids it break . . .'' The current Diagnostic and Statistical Manual of Mental Disorders states, ''morbid preoccupation with worthlessness, suicidal ideation, marked functional impairment, or psychomotor retardation, or prolonged duration suggests that bereavement is complicated by a Major Depressive Episode.''

In a review article, ''Mental Health and Abortion'' in the Psychiatric Journal of the University of Ottowa (1989), Phillip Nay concludes that although depression was once a frequent indicator for induced abortion, ''depression is likely to be worsened by abortion because if increases guilt and causes another loss.''

Depressive disorders are the most common reason for psychiatric referral of post-abortion women in my experience. Suicidal ideation, impairment of the ability to carry out daily functions at work, school, or home, somatic symptoms such as weight loss and insomnia make psychiatric care imperative. Psychiatric intervention often includes antidepressant medication and/or hospitalization, as well as intensive psychotherapy. Although the diagnosis of Major Depressive Episode is made and appropriate initial treatment instituted, the significance of the early pregnancy loss through abortion as a causative factor is often overlooked. This may occur for a number of reasons.

1. The patient may not volunteer her abortion history, and may be reluctant to answer routine questions about her reproductive history because of intense shame and guilt and because of a lack of a trusting relationship with her therapist, which takes time to develop.

2. A long time may have passed since her abortion, and the psychiatrist may not be aware of the very common delay of eight to ten years from the induced abortion until the woman seeks help for her depression, which has become so severe that she can no longer function and her life is in danger. An eight to ten year delay in seeking help has been a common finding in outreach programs to post-abortion women across the United States.

3. So many other negative factors in the history could account for the woman's depression: alcohol and drug abuse, failed marriages, job stress, intrusive obsessive

thoughts which may appear to be psychotic in nature. An example of the latter is the case of a 75 year old woman in a nursing home who was heard muttering over and over again ''I killed my baby!'', and who, in fact, had an abortion sixty years before.

4. Society's ''blind spot'' regarding the significance of perinatal loss and the grief following induced abortion is shared by many psychiatrists and other mental health professionals. If her tentative attempts to share her profound grief and guilt with her therapist are not heard or are belittled, the post-abortion women's sense of worthlessness and despair may increase and she may be confirmed in her conviction that no one will ever understand or be able to help. She may discontinue her medication, cancel appointments, and sink even more deeply into depression.

Peterson, who is studying post-abortion women in Germany, believes that when deep feelings of guilt which have been suppressed for a long time are followed by ''a breakthrough of destructive deep awareness, with chaos and panic, revulsion and hate'' these feelings must be acknowledged and the woman helped to come to ''acceptance of existing reality, responsibility and feeling of guilt toward the dead child.'' It is my experience that only when the therapist can endure the flood of primitive emotions which the patient needs to pour out over a number of sessions without rejecting her or asking her to diminish their intensity, can he or she begin to help the post-abortion woman in her work of mourning.

Although there are no visual memories of her child, no pictures, no shared experiences to help her work through the grief process, she has frequently formed a mental image of her child. It is in fact that mental image which has been haunting her, intruding itself into her thoughts day and night. Often the image is of an infant being torn to pieces sucked down into a tube, crying out in pain, or reaching out to her for help. She has often named her child and may have regularly occurring conversations with him or her in her mind. The work of therapy involves allowing her to share these images and to accept her guilt while at the same time the therapist is kind and supportive to her. Gradually she will learn to accept the reality of what has happened and her own responsibility in the death of her child. In time she can begin to develop a mental image of her child no longer suffering and crying out to her but at peace and at rest.

The treatment of depression in a post-abortion woman involves more than providing for her safety and physical well-being (emergency psychiatric care) or offering her appropriate anti-depressant medication if indicated. One must also allow her to share the overwhelming guilt, sorrow, anger and self-hate which she has harbored perhaps for years and which she has attempted to deal with by dosing herself with alcohol, drugs, and frenzied activity. Her fantasies about her dead child must also be acknowledged for these are her only memories of her baby. Gradually these fantasies can be shaped in a more positive and consoling manner so that she can finally put them to rest. Clergy can be helpful in this process both in helping the woman seek forgiveness and in offering prayers and/or a memorial service for her baby.

SUICIDE

''Women in the first year after childbirth and during pregnancy have a low risk of suicide'' is the conclusion reached by Appleby after studying all women aged 15 to 44 who committed suicide in England and Wales from 1973 to 1984.'' The actual number of suicides in this group was only one-sixth of that expected relative to other women of the same age leading him to conclude, ''Motherhood seems to protect against suicide. Concern for dependents may be an important focus for suicide prevention in clinical practice.''

The same study found, however, that the suicide rate after stillbirth was six times that for all mothers after childbirth. While the birth of a living child seems to ''protect against suicide'', it would appear that the birth of a dead child greatly increases the risk of suicide. What then of the risk of suicide after elective abortion when the mother is not only dealing with the death of her child but with her responsibility in causing that death? In my search of the literature I have not found any such demographic studies.

It is well known that youthful suicides are increasing at an alarming rate, and that the majority of these occur between the ages of 15 and 24 years which is the same age group where most induced abortions occur. Most adolescent suicides occur in the middle and upper socioeconomic class as do most abortions. ''Suicidal behavior in 'normal' adolescents'' is the topic of a 1989 study published in the American Journal of Orthopsychiatry, Sexuality and loss were two of four risk factors which causes a nearly five fold increase in the risk of suicidality in a sample of 300 public high school students in grade 9–12 in a small Northeastern community. Although the report of the study does not include data about abortions, the correlation between teen sexual activity, pregnancy and loss through abortion is apparent in this population.

The newsletter of the American Suicide Foundation observes that, ''Specific crises and environmental stressors may precipitate suicidal behavior, although it can be hard to appreciate the stressfulness of a seemingly minor event that falls on the shoulders of an adolescent who is already burdened with depression.''

Some case vignettes from my own practice may illustrate why elective abortion is anything but a minor event in the lives of young women and their partners.

''Lorna'', a 22 year-old woman in the military was referred to me because of an eating disorder. In our first visit she told me that for the past year since her elective abortion she had wanted to die. In fact she had made a suicide attempt two days before he scheduled abortion when she felt that she could neither go through with it nor face the rest of her tour of duty in the military as a single parent. When she was unsuccessful in causing a fatal automobile accident after she had overdosed on drugs and alcohol, she had been admitted to a psychiatric inpatient unit.

Her psychiatrist advised her to go through with the abortion which has been scheduled for her the next day. Since that time her cocaine and alcohol use had escalated and her weight had continually dropped. She was haunted by a strong desire to be united with her baby, and by the urge to kill herself. In the year in which I worked intensely with her she made several suicide attempts and was re-hospitalized once. Before she moved out of the area she thanked me for having helped her, saying: ''I'm not going to kill myself now, but when I die I know that's how it will happen.'' A year later it did happen.

A 23 year old single woman whom I have called ''Joyce'' was referred to me after a suicide attempt which also involved a planned drunk driving accident. Her obsessive through was, ''I want my babies!'' She had had two abortions, one at the age of 17, and once at the age of 18 while in high school. She was the youngest in a large family and still living at home. Her fear was that if she told her parents (who were older and in precarious health) that she has become pregnant and had the abortions they would ''drop deaf of heart attacks.'' She suffered alone for six years with her guilt and her longing for her lost children. When an uncle who was a priest returned from overseas she planned to tell him her tragic story. Before she could talk with him he suddenly died of a heart attack. Mourning his death and now convinced that she would never be able to share her guilt and grief without risking further losses, she planned her own death both to end her pain and to achieve a reunion with her children and her uncle.

An 18 year old gas station attendant, ''Peter'', shot himself and died three months after his father's unexpected death. Only his closest friend knew that at the time of his suicide he was despondent over his girlfriend's abortion. Their child had been conceived on the day of his father's death. In Peter's mind a mental image of the child had formed: he had told his friend that he would have a son and that he planned to name the boy after his father. The loss of that child and all that he represented to Peter was more than he could bear.

POST-TRAUMATIC STRESS DISORDER

Post-traumatic Stress Disorder is one of the Anxiety Disorders listed in the Diagnostic and Statistical Manual of Mental Disorders. ''The characteristic symptoms involve re-experiencing the traumatic event, avoidance of stimuli associated with the event or numbing of general responsiveness, and increased arousal . . . The most common traumata involve either a serious threat to one's life or to physical integrity; a serious threat or harm to one's children, spouse, or other close relatives and friends. . . . The disorder is apparently more severe and longer lasting when the stressor is of human design.'' A list of life events which may cause sufficient stress to produce Post-Traumatic Stress Disorder includes abortion. The most familiar type of Post Traumatic stress disorder or P.T.S.D., is ''Post Vietnam Syndrome.'' Following induced abortion, many women experience similar symptoms. In fact the similarities are so striking that some clinicians have coined the term ''Post Abortion Syndrome.''

Characteristic symptoms of Post Traumatic Stress Disorder include: recurrent and intrusive distressing recollections and/or dreams of the event, sudden acting or feeling as if the traumatic event were recurring (flashbacks), and intense psychological distress at exposure to events that symbolize or resemble an aspect of the traumatic event, including anniversaries of the trauma; persistent avoidance of stimuli associated with the trauma, emotional numbness and an inability to feel emotions of any type, especially those associated with intimacy, tenderness and sexuality; and increased symptoms of arousal i.e. startle responses; recurrent nightmares and sleep disturbances. A case vignette follows:

''Alice'', an attractive professional woman in her early thirties, was referred because of marital problems, sleeplessness, anxiety and a sense of being hyperalert and over-reactive to loud noises. These latter symptoms interfered with her work which placed her constantly in the public eye. She had had a traumatic abortion a year before arranged for her by her husband in a clandestine manner. She had been experiencing frightening dreams, daytime flashbacks, intense anger and loathing for her husband and suicidal preoccupations for the past year. ''I killed my baby! I don't deserve to live!'' were the intrusive thoughts which haunted her waking hours. She had been seriously contemplating suicide.

ANNIVERSARY REACTIONS

Suicide attempts on the expected date of delivery of the aborted child or subsequent

anniversaries of that date or the date of the abortion are common. Tishler describes two adolescent girls who attempted suicide on the approximate date the fetus would have been born had it come to term although one of them was not consciously aware of the significance of the date prior to her medication overdose.

Thirty out of 83 women surveyed regarding post-abortion coping reported anniversary reactions associated with the abortion or the due date in a 1989 study from the Department of Psychiatry of the Medical College of Ohio. In addition to intense and persistent emotional pain after abortion, these anniversary reactions were characterized by physical symptoms most commonly involving the reproductive system—abdominal pain and dyspareunia, also headaches, chest pain, eating irregularities and increased drug and alcohol abuse. The authors state, ''The time-specific relationship of the symptoms to the original experience is often not recognized by the subject and appears to be an attempt to master through reliving rather than remembering. Unresolved grief and pre-existing dysphoria have been suggested as increasing the likelihood of anniversary reactions.''

If the conflicted issues could be sequestered on a subconscious level throughout most of the year and arise only under camouflage to some extent, then a protective role is certainly possible. The woman might be able to receive concern and attention from others without necessarily having the conflict identified. The authors advise physicians and therapists to ask about particular events which may have occurred around the time of year when the patient presents poorly explained physical or psychiatric symptoms. It is easy to see how excessive medical work-ups could lead to unnecessary tests and procedures and even unnecessary surgery.

The authors also report that women in the non-anniversary group in their study mentioned self-punishment as their reason for having a hysterectomy or tubal ligation or for suicidal behavior.

The following case illustrates an unusual anniversary reaction:

''Akiko'', a Japanese college student, was referred for presumed Premenstrual Syndrome (PMS) which was in fact an acute anniversary reaction to her abortion which recurred monthly. One or two days each month her dormitory staff reported that she would not come out of her room for meals or for classes and spent the time crying inconsolably—a most unusual occurrence among Asian students in their experience.

Akiko had had an abortion the day before she left Japan to come to the U.S. to study early childhood education. Her first college classes focused on pre-natal development. During a film showing intra-uterine life she suddenly became aware of the actual developmental stage of the fetus she had aborted a few weeks before. From then on, each month on the anniversary of her abortion she had become overwhelmed and inconsolable by sadness and guilt which she could not share with anyone.

In the context of helping her to work through her grief, I asked Akiko about how women in Japan deal with post-abortion grief. I learned that it is common for mothers in Japan to request memorial services for their children whom they believe they have ''sent from dark to dark.'' At Buddhist temples parents rent stone statues of children for a year during which time prayers are offered for the babies to the god Jizu. More recently, the goddess Mizuko Kanon is believed to be better able to care for these water babies who arrive with smashed heads and shredded bodies because she has large hands with webbed fingers. Parents regularly visit these statues and leave toys, flowers and written messages for their babies.

PSYCHOSOMATIC SYMPTOMS

In addition to the psychophysiological anniversary reactions described above, the chronic stress of unresolved post-abortion grief can also provide classical psychophysiologic reactions as the following case illustrates.

''Jerry'' was doubled over in pain before a scheduled media presentation. He had not had time for breakfast and forgotten the antacid medication he regularly took to control the peptic ulcer which he had recently developed. Jerry's wife had aborted their first child without his knowledge, and had aborted their second child without his consent. After the birth of their third child, Jerry had become over-protective of the boy, spending every waking moment with him, even changing his work schedule so as to be alone with him while his wife worked. A divorce ensued and sole custody of the child was awarded to his ex-wife. Jerry's grief became profound and his psychosomatic symptoms increased.

FAMILY ISSUES

As has been described above, post-abortion grief may be responsible for marital conflicts, problems with sexual intimacy, and parent-child relationship difficulties. Two additional case vignettes will further illustrate these issues.

''John'' was a 28 year old office worker who entered psychotherapy because of a depressed mood, difficulty sleeping, lack of concentration at work, and conflicts with his wife and children. After several apparently unproductive sessions with his therapist, he reported a dream during which a former girlfriend brought him into a room and introduced him to a ten year old boy, stating, ''This is your son!'' Only then did he recall her pregnancy with their child and his active participation in her abortion. Subsequent work with him revealed that it was his unresolved grief and guilt over that child's loss which was responsible for his current symptoms.

''Jeannie'' was a six year old girl who was referred for evaluation of school phobic symptoms. Her separation anxiety began at kindergarten and had not abated in first grade. She often stayed home complaining of stomach aches and headaches. She would only go to school accompanied by her mother, and terrible scenes occurred each time her mother was encouraged to leave with crying, screaming and kicking. Jeannie's mother was afraid to leave her at school in that state even though the teachers assured her that within a few minutes after her mother's departure Jeannie was able to enter the classroom and participate with the other children.

Jeannie's mother had aborted her previous pregnancy—a decision which she deeply regretted. This next child was burdened with her mother's pathologically intense attachment to her which did not allow for age-appropriate separation and growth for her child.

CONCLUSION

In 1973, an article in the Journal of the National Medical Association stated, ''Early information would tend to alert the physician to the need for systematic follow-up of all abortion patients . . . The epidemologic consequences of abortion may (therefore) become statistically relevant in the not-too-distant future with far-reaching public health significance.''

With 26 million abortions in this country in the 18 years since Roe v. Wade, and the continuing rate of 1.6 million abortions per year, we can no longer deny the public health significance of their psychological and psychophysiological sequelae. Epidemological studies are urgently needed which are statistically sound and which follow women and men for at least ten years post-abortion.

In the meantime, case reports remain valid psychiatric documentation of the many faces of post-abortion grief. The traditional teaching of our profession has not been by means of controlled studies with a sample of several hundred and statistically significant standard deviations. Sigmund Freud, Eric Erikson, Viktor Frankl, Jean Piaget, and Robert Coles have told us about individuals who they have studied in depth. Their detailed case studies have led to lasting insights into human development and the origins and treatment of psychopathology.

The best treatment for any illness, of course, is primary prevention. Primary prevention of the negative psychiatric sequellae of abortion involves the prevention of abortion itself by means of offering compassionate alternatives such as support in child bearing, child rearing and adoption, but more importantly the prevention of untimely pregnancy by teaching the true meaning of an reverence for human sexuality.

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PROLONGED GRIEVING AFTER ABORTION: A DESCRIPTIVE STUDY

(By Douglas Brown, Thomas E. Elkins, and David B. Larson)

INTRODUCTION

''Legal abortion of an unwanted pregnancy in the first trimester does not post a psychological hazard for women.'' As exceptions to this widely held generalization, most gynecologists have an anecdotal story or two about a patient's prolonged grieving after undergoing an abortion.

Clinicians searching for perspective on a patient's prolonged grieving may be surprised by the number of publications about potentially negative psychological sequel following induced abortion. Reviews of this vast literature have located at least 30 attempts to design either randomized longitudinal studies or retrospective studies of prolonged grieving after abortion. Based on questionnaires, psychological tests, and interviews, these studies have reported prevalences of negative psychological sequel ranging from 2 percent to 41 percent. Most of the studies did not follow participants past one year after their abortions. The six studies that attempted to identify and interpret prolonged negative experiences after induced abortion all reported the phenomenon, but they questioned whether the abortion itself or circumstances precipitating the choice of abortion brought on the symptoms.

Together, these studies have tended to encourage the generalization that abortion, when a conflict-free decision, brings relief to the patient. A corollary to this generalization is that abortion can have a disturbing or stabilizing impact, depending upon the past mental health history, emotional dynamics, and life circumstances peculiar to each woman who aborts. Most of the researchers who conducted these studies have been careful to admit that their conclusions are somewhat tenuous, given the possibly inherent incompatibility between the objectivity sought in a randomized study and the deeply personal subject matter. Recent literature reviews have drawn specific attention to such methodological limitations.

A clinician's search for perspective may be further complicated when the literature-review articles are themselves compared. For instance, American Family Physician and Psychiatric Journal of the University of Ottawa published review articles that had less

than one-third of their research citations in common. Of those few citations in common, one-third were presented with nearly opposite interpretations by the two reviews.

Both the research and the reviews of research that favor the generalization that in most instances abortion does not precipitate debilitating psychological sequelae appear to be significantly limited. Nonetheless, we do not in this article take issue with this generalization about abortion. We do contend that attention to each patient's well-being and to the containment of healthcare costs keeps the issue of potentially negative and prolonged psychological sequelae clinically relevant. For instance, given the annual average of 1.5 million abortions in this country alone, a 1 percent prevalence of a single psychiatric disorder—major depression—tranlates into 15,000 patients.

In response to a presidential assignment, Surgeon General Koop reported in 1989 that the research to date was so ambiguous or flawed that no conclusion about psychological consequences from abortion could be drawn. He believed the subject was important enough to recommend a definitive, multimillion dollar, randomized, longitudial study. However, when the initiation of such a study remains doubtful and when retrospective studies have proven inconclusive, some perspective on this concern can still be sought through a presentation of cases.

Accordingly, this article examines the experience of negative emotional sequelae after abortion expressed by one previously undescribed group of patients, with particular focus on the prolonged nature of their experience. What is lacking in objectivity from these unstructured responses is partially offset by the open-ended admission of feeling and still-active painful memories. Current attention in medical ethics literature to patients' life stories, which a case-series design complements, provides a conceptual framework within which to hear these women share a portion of their stories.

METHODOLOGY

This study documents the selfreported suffering experienced by 45 women after undergoing induced abortions. In 1987, the surgeon general invited several religious leaders from across the United States to Washington, D.C., to relate and comment upon the possible adverse consequences of abortion in the experience of women in their congregations. Among the invitees was the pastor of a large Protestant congregation in Florida. The congregation was predominantly of white, urban, and middle-to-upper-class.

After informing a Sunday morning gathering—which included from 1,600 to 2,000 women on any given Sunday—of the upcoming meeting, this pastor asked for descriptive letters from women who had negative experiences that they perceived to be linked with a past abortion. One week later, 61 replies, most anonymously forwarded through the mail, had arrived. No follow-up requests were made. Of the original 61 replies, five came from significant others (two husbands, two sisters, and one parent) who recounted the negative impact of an abortion on a family member. Another 11 letters were too brief to be useful. This report is an attempt to describe and analyze the remaining 45 letters.

We categorized the content of the letters for descriptive and comparative purposes. The categories we used were those found in the literature on negative psychological responses and on the comparison between the expressions of grief following abortion to expressions of grief associated with perinatal death, spontaneous abortion, and birth of a severely handicapped newborn. The symptomatic categories we included were masking, anger, loss, depression, regret, shame, fantasizing, suicidal ideation, and guilt. One of these classifications needs clarification. We used ''masking'' to categorize the disclosure that a patient hid inner feelings beneath an apparently stable and peaceful outward manner.

RESULTS

The letters revealed what these 45 women perceived to be the most acute consequences from their abortions. Since the women were not asked to provide specific clinical information or to comment on their perceived rationale for specific symptoms, we have avoided speculation about what the women did not mention. Categorization of reported experiences was based on explicit comments in the letters.

The ages of these women ranged from 25 to over 60 years; 87 percent of those who mentioned their age were less than 40 years old. Their ages at the time of abortion (a few had experienced multiple abortions) ranged from 16 to early 40s; 80 percent of those who mentioned age were under 30 years old. Of these women, 81 percent indicated they had undergone first-trimester abortions. Of those who indicated the reasons they sought abortions, 19 percent attributed their having abortions to overt family pressure; a few spoke of medical (4 percent) or financial (9 percent) reasons. Of the respondents, 64 percent spoke of more than incidental and transient grief immediately after the procedure. Half of the respondents mentioned having children subsequent to their abortions. Of the women who mentioned marital status, 75 percent were single at the time of the procedure, and 71 percent placed the time of their abortions after Roe v. Wade.

Table 1 gives a summary of the negative sequelae experienced by these women following their abortions. Analysis of the letters is reported both for the total group and for various subgroups.

TABLE 1.—NEGATIVE FEELINGS FOLLOWING ABORTION

	Feelings (percentage of respondents)								
	Masking	Anger	Loss	Depression	Regret	Shame	Fantasizing	Suicidal	Guilt
All respondents (*N*=45)	35.5	20.0	31.1	44.4	44.4	26.7	57.8	15.5	73.3
Age at time of abortion:									
Pre-21 (*N*=19)	47.4	21.0	36.8	47.4	42.1	31.6	52.6	10.5	73.7
21–30 (*N*=17)	17.6	29.4	17.6	47.0	47.0	35.3	58.8	17.6	82.3
Age at time of contact (1987):									
21–30 (*N*=18)	16.7	27.8	27.8	50.0	50.0	22.2	44.4	11.1	72.2
31–40 (*N*=14)	42.8	28.6	35.7	35.7	42.8	42.8	71.4	7.1	78.6
Reason for abortion:									
Elective (*N*=33)	32.2	17.6	29.4	44.1	47.0	26.5	52.9	17.6	73.5
Pressured (*N*=12)	41.7	33.3	50.0	66.7	41.7	33.3	75.0	16.7	100.0
Subsequent children (*N*=26)	38.5	11.5	46.1	50.0	50.0	19.2	73.1	19.2	73.1
Marital status at time of abortion:									
Single (*N*=30)	36.7	26.7	23.3	53.3	36.7	30.0	56.7	16.7	76.7
Married (*N*=10)	30.0	10.0	40.0	40.0	70.0	30.0	70.0	10.0	90.0
Practicing Christian at time of abortion:									
No (*N*=19)	42.1	15.8	10.5	47.4	42.1	31.6	52.6	15.8	73.7
Yes (*N*=11)	18.1	27.2	18.1	54.5	36.4	36.4	54.5	27.2	72.7
Time of abortion:									
Before Roe (*N*=10)	60.0	10.0	10.0	50.0	20.0	30.0	50.0	30.0	60.0
After Roe (*N*=32)	31.3	25.0	34.4	40.6	46.9	31.3	56.3	12.5	84.1

The responses of the women who described their abortions as uncoerced were not noticeably different from the total responses. However, the presence of coercion in the decision-making process did distinguish these womens' responses from the total responses more than any other variable. The mention of negative sequelae was consistently more frequent for women who felt coerced. The responses of women who had borne children subsequent to an abortion varied little from the total responses, except in the mention of loss and of fantasizing about the infant they might have had.

The most frequently mentioned long-term experience was the continued feeling of guilt. Every woman who recalled being coerced to have an abortion spoke of guilt. Those who had terminated pregnancies after *Roe* v. *Wade* spoke more frequently of guilt than those who had aborted before *Roe* v. *Wade*. Fantasizing about the aborted fetus was the second most frequently mentioned experience, with more attention given to this experience by the older respondents and by those who felt coerced to have an abortion.

Many of the respondents noted, with varying wording, that they were writing ''the most difficult letter'' they had ever written. Half of the participants referred to their abortions as murder. Others used such phrases as ''a horrid mistake,'' my worst experience,'' ''a living hell.'' Several mentioned that hearing the word ''abortion'' would awake painful emotions. A number of the women spoke of suicidal ideation (15.5 percent), recurrent nightmares (13.3 percent), marital discord (15.5 percent), phobic responses to infants (13.3 percent), fear of men (8.9 percent), and disinterest in sex (6.7 percent).

Half of the women who admitted fantasizing about the infant they might have had referred to that aborted fetus as ''my baby.'' One woman, subsequent to the abortion, had named ''her baby'' Jeremy. Several commemorated the anniversaries of the abortion and of the aborted child's projected birthday. These women described drifting into thoughts about the aborted child's sex, talents, appearance, and interests. Some found relief in vividly anticipating a reunion with their aborted infants in an afterlife. Unavoidable reminders—such as celebrating Mother's Day, receiving the news of a friend's pregnancy, being invited to a baby shower, seeing children on a playground, and even planning a birthday party for their own children—kept many of these women moving from one painful emotional fantasy to the next. One woman explained:

''One cannot escape children—their birth, the joy of a baby whether it be next door or around every corner you turn. After all, who would want to? Unless the reminder is unbearable. It takes years and you always remember. Your own children remind you. As I face the rest of my life I will be reminded daily, sometimes hourly. One day I will be a grandmother—I hope—and then the pain will once again become unbearable. I will always be there. An abortion is forever.''

Another woman commented: ''It (an abortion) may seem the fastest way and easiest way to put a bad experience behind them, but it does not stay there. It will surface when they fall in love, when they consider marriage, at the birth of their child(ren), each time they have a physical, each time the word ''abortion'' is mentioned, when your child shows an interest in the opposite sex, when you look into the face of a baby, etc., etc. You see, it never goes away. Never.''

Of these women, 20 percent related negative responses to the abortion procedure itself. Some recalled crying continuously, while others remembered trying to stop the procedure once it had started. Every woman who mentioned the procedure expressed dissatisfaction with the lack of or superficial counseling they received and with the physicians involved in the procedure.

In some cases, the onset of negative sequelae was immediate; Table 2 illustrates the length of time these symptoms had been experienced. Of the respondents, 64 percent described their suffering as beginning immediately after (or during) the procedure, and 42 percent reported negative emotional sequelae endured over 10 years. One woman experienced such symptoms for 60 years. After years of turmoil, few at the time of writing expressed confidence that their symptoms might be eradicated.

TABLE 2.—DURATION OF NEGATIVE FEELINGS FOLLOWING ABORTION

Characteristics of respondents	Duration (percent of respondents)			
	Immediate onset	0 to 5 years	6 to 10 years	10+ years
All respondents (*N*=45)	64.4	6.7	40.0	42.2
Age at time of abortion:				
Pre-21 (*N*=19)	68.4	5.3	36.8	57.9
21–30 (*N*=17)	70.6	11.8	28.6	42.8
Age at time of contact (1987)				
21–30 (*N*=18)	61.1	16.7	55.5	16.7
31–40 (*N*=14)	57.1	.....	7.1	64.3
Reason for abortion				
Elective (*N*=33)	51.5	3.0	33.3	42.4
Pressured (*N*=12)	100.0	.....	37.5	25.0
Subsequent children (N=26)	65.4	3.8	34.6	53.8
Marital status at time of abortion				
Single (*N*=30)	73.3	10.0	46.7	36.7
Married (*N*=10)	70.0	.....	30.0	60.0
Practicing Christian at time of abortion				
No (*N*=19)	68.4	5.7	47.4	31.6
Yes (*N*=11)	63.6	18.1	27.2	36.3
Time of abortion				
Before Roe (*N*=10)	50.0	.....	.....	90.0
After Roe (*N*=32)	68.7	9.4	46.9	34.4

Note.—Because 11 respondents did not specify length of time, percentages do not add up to 100 percent.

DISCUSSION

Due to the manner in which the data became available, this study's design falls far short of the gold standard—a randomized, double-blind longitudinal study. The data are retrospective and self-reported. The person responsible for gathering the data made no provision to control for population variables. No uniform instrument was used. The participants came from a self-selected population group (the Protestant congregation) with a known bias against induced abortion. The possibility of embellishment by the sample population, given the stated purpose for the requested letters, existed. Only negative responses to the experience of abortion were solicited. No psychological testing could be done, nor was the frequency or perceived effectiveness of mental health treatment noted. Incomplete demographic information permitted limited aggregate evaluation and conclusions.

Still, we believe that the testimony of these women permits four observations that suggest some perspective on prolonged negative sequelae possibly associated with abortion. First, this series of cases reinforces a clinician's anecdotal awareness that such sequelae occur. If ethics has to do with what ought to be done all things considered, then clinicians should be careful not to be inattentive to indications that an abortion may create for the woman terminating her pregnancy a period of crisis, requiring effective counseling and reliable support.

Such attention has not been encouraged by the social and political turmoil that has surrounded abortion since Roe v. Wade. Opinion about whether abortion inevitably causes psychological harm for women terminating their pregnancies had begun to shift when the U.S. Supreme Court decided Roe v. Wade. The American Psychiatric Association membership, for instance, did an about-face between 1967 and 1969 on the issue of legalizing abortion on request—with those in favor increasing from 24 to 72 percent. In the aftermath of Roe v. Wade, elective abortion came widely to be seen, in most instances, as a conflict-free decision. Consistent with this perception, interpreters of data that suggested the occurrence of negative psychologic sequelae tended to minimize the incidence. For instance, Smith reported that ''only'' 6 percent of the 80 women studied had necessitated psychiatric treatment within two years of their abortions. Lazarus found that ''only'' 15 percent of the 292 women followed for two weeks after abortion acknowledged feelings of guilt and depression. American medical literature turned to other facets of potential perinatal grief responses. The cultural climate permitted preabortion counseling to become optional, rather than a prerequisite to the procedure.

Second, it has been estimated that nearly half of all women who received abortions deny having had abortions. The letters in this article suggest that such denial is a refusal to publicize an experience, but not a refusal privately to face painful consequences. Of these women, 35 percent spoke of masking their experience with the appearance of well-being. Women who received abortions before they were 21 mentioned masking their psychological pain far more frequently than the women who had abortions when they were older. Women who had abortions before Roe v. Wade mentioned this hidden pain twice as often as women who had abortions after Roe. This difference may illustrate that since Roe, the social stigma associated with having an abortion has lessened.

Third, a clinician has reason to be concerned when a women perceives the termination of her pregnancy as a coerced decision. The responses of the women who described their decisions to abort as freely chosen did not differ significantly from the total responses, suggesting doubt about the perception that only coerced decisions put a woman at risk. However, the responses of the women who spoke of being coerced (by peers, family, medical complications, economic fears) to have an abortion showed a higher incidence of negative sequelae in all but one emotional category (Table 1). They unanimously admitted guilt feelings. Their problems were, without exception, manifest immediately after the procedure, whereas only half of the women who did not feel coerced but later experienced problems mentioned such immediate sequelae. This difference draws attention to the need for professionals as well as significant others to probe signals of ambiguity from women considering abortion in a manner that is sensitive yet accurate.

Fourth, these letters raise questions about the hypothesis that religious fervor causes and/or magnifies psychological complications after abortion. Two out of three respondents mentioned that they were not practicing Christians or active members of this particular church when they had their abortions. Although there is the possibility that religious beliefs encouraged the prolonged grieving, the responses of those women who were not practicing Christians when they had their abortions did not differ significantly from the responses of all the respondents. Those who were practicing Christians when they had their abortions did indicate a slightly higher incidence of depression and shame. The letters suggest that religious convictions and religious involvement appear to have deepened the psychological pain for some of the women, while for others the same convictions and involvement served as an important resource to reduce the feelings of guilt and despair that had already developed.

CONCLUSION

These letters have provided a window into the ramifications that can surround abortion. We are not taking issue with the generalization, ''legal abortion of an unwanted pregnancy in the first trimester does not pose a psychological hazard for women.'' However, generalizations are, by definition, subject to exception. The more frequent the exceptions, the more tenuous becomes the generalization. Here, 81 percent of the women who experienced painful and prolonged emotional sequelae indicated that their abortions were first-trimester abortions.

Our interpretation of these letters does not reinforce either of the categorical positions—for or against abortion—that are presently polarized in public debate. This study does reinforce the need, if possible, for clinically valid studies of the syndrome of delayed grief among what appears to be a small but significant number of women who have abortions. The causal relationship (or lack thereof) between such women's abortions and their enduring, psychologic pain needs research documentation. The frequency needs to be determined. Factors that predict such problems need to be identified so that psychologic intervention can be made more readily available and even encouraged in some settings.

Clinical implications, not political ramifications, have prompted their descriptive study. The quality of medical care and the assurance of truly informed consent in the termination of pregnancy depend ultimately upon prospective research of negative psychological sequelae. Until such research is achieved, case services of such experiences should not be discounted on methodological grounds or exploited in public debate. Instead, they should be documented as reminders that abortion is, for some women, a moment of crisis of immediate and/or enduring proportion. What is at stake is not the validity of either side in the ongoing public debate over abortion, but the issue of patient care.

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

Mr. BILIRAKIS. 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 Florida (Mr. BILIRAKIS) that the House suspend the rules

and agree to the resolution, House Resolution 163.

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

A motion to reconsider was laid on the table.

LUPUS RESEARCH AND CARE AMENDMENTS OF 2000

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 762) to amend the Public Health Service Act to provide for research and services with respect to lupus, as amended.

The Clerk read as follows:

H.R. 762

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 ''Lupus Research and Care Amendments of 2000''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women 9 times more often than men;

(3) there are 3 main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is 3 times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that between 1,400,000 and 2,000,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments for the disease can be effective, but may lead to damaging side effects;

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives; and

(10) in fiscal year 1996, the amount allocated by the National Institutes of Health for research on lupus was $33,000,000, which is less than ½ of 1 percent of the budget for such Institutes.

TITLE I—RESEARCH ON LUPUS

SEC. 101. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following section:

''LUPUS

''SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

''(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

''(2) Basic research concerning the etiology and causes of the disease.

''(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

''(4) The development of improved diagnostic techniques.

''(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

''(6) Information and education programs for health care professionals and the public.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.''.

TITLE II—DELIVERY OF SERVICES REGARDING LUPUS

SEC. 201. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall in accordance with this title make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

(b) RECIPIENTS OF GRANTS.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, or homeless health center; or other appropriate public or nonprofit private entity.

(c) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide services for the diagnosis and disease management of lupus. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient, ambulatory, and home-based health and support services, including case management and comprehensive treatment services, for individuals with lupus; and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities of individuals with lupus.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with lupus and support services for their families.

(d) INTEGRATION WITH OTHER PROGRAMS.—To the extent practicable and appropriate, the Secretary shall integrate the program under this title with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 202. CERTAIN REQUIREMENTS.

A grant may be made under section 201 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of lupus.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 201(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 201(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

SEC. 203. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this title in order to make such entities eligible to receive grants under section 201.

SEC. 204. DEFINITIONS.

For purposes of this title:

(1) The term ''official poverty line'' means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(2) The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. 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. 762, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, it is with great pleasure that I rise today in support of H.R. 762, the Lupus Research and Care Amendments. This important measure addresses the devastating, devastating, I underline devastating, disease of lupus. It was introduced by my colleague, the gentlewoman from Florida (Mrs. MEEK), who lost her sister to complications from the illness.

Lupus is a disease which causes the body's immune system to attack its

own cells, resulting in progressive damage to all organs. It affects more than 1.5 million Americans. The vast majority of patients who suffer from lupus are women, and a disproportionate number are minorities. Most women are afflicted in their childbearing years, making it difficult for them to work and care for their families.

H.R. 762 expands lupus-related activities of the National Institutes of Health in the areas of basic research, epidemiology, treatment, diagnosis, and public and health care provider education. It also authorizes project grants for the delivery of essential services to individuals with lupus to be administered through local governments, community hospitals, and other nonprofit health care facilities.

By enhancing research on lupus, the bill before us will speed the day when a cure is found for this terrible disease. H.R. 762 will provide early diagnosis and disease management services for lupus patients. It will also increase outreach and expand patient care among low- income populations. Further, the initiatives authorized under this measure will provide a road map for other private and public programs to help victims of lupus.

H.R. 762, Mr. Speaker, has the support of 245 cosponsors in the House; and it was unanimously approved by the Committee on Commerce last month. I urge my colleagues to join me in supporting passage of this very important legislation.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentlewoman from Florida (Mrs. MEEK) for her dedication on the issue of lupus and her successful effort to put together widespread support for this bill in Congress. This bill has special meaning for my colleague, and I am proud to be one of the bill's 243 cosponsors.

H.R. 762 provides a blueprint for combating lupus, a complex and lethal autoimmune disorder for which there currently is no cure. Lupus affects nine times more women than men, disproportionately more blacks, Hispanics, more Asians, and is most commonly diagnosed in individuals between the ages of 15 and 45.

The ability of lupus, as well as other autoimmune diseases, to strike someone as young as 15 years old speaks to the need for expanded research. Lupus is not universally fatal. Young people with lupus are capable of living active lives, but diagnosis is difficult. There is not a test for lupus, and young people will continue to suffer and die from lupus without our help.

I am pleased that autoimmune disease research was included in the children's health bill now awaiting the President's signature. Autoimmune diseases are unique. Research on one, like lupus, can benefit many others in a synergistic sort of way.

The bill sponsored by the gentlewoman from Florida is a responsible investment in our Nation's health, and I urge its passage.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Mrs. MEEK), the author of this bill, who has fought on this issue for months and months and years and years.

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. It is a very proud moment for me. It also is a moment of personal feeling at this time. I lost my dear sister to lupus and many of my very close friends.

I want to thank the chairman, the gentleman from Florida (Mr. BILIRAKIS), for having gone with me for quite a few years. I first applied for this bill in 1995, and it has been back and forth. But now we are at the point where he has pushed, as chairman of the Subcommittee on Health and Environment, and now the gentleman from Ohio (Mr. BROWN), as his ranking member. We have 243 people in this Congress who feel this is important.

I am pleased to rise in support of it because it is going to expand and intensify the research part of lupus. NIH each year has done something toward the application of research to lupus, but now we are asking that this be a mandate of NIH to be sure that they expand research efforts, so it will make it much easier to diagnose this. This is a crippler, Mr. Speaker. It is a crippler and it is a killer. It catches women in their childbearing years, and it is time we put research into it to find out about it. There is very little known about this disease, too little known about it with its crippling effects.

Since my arrival at the House in 1993, I have urged the Congress to direct NIH to mount an all-out campaign against lupus. If any of my colleagues have ever seen or talked to someone who suffers from this disease, they will surely understand why. My colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and I have also fought for this in our Dade County. We have found a great number of Hispanic and black people who are certainly besieged by this terrible disease.

I want to assure my dear colleagues that if we pass this bill and the Senate takes it up and passes it on to the President, and if he signs it, we will have alleviated in the future, I am sure, a great deal of pain and suffering.

I want to thank the Speaker, and I want to thank the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Virginia (Mr. BLILEY), the ranking member, the gentleman from Michigan (Mr. DINGELL), and chairman of the subcommittee, the gentleman from Florida (Mr. BILIRAKIS), to be sure, as well as the ranking member, the gentleman from Ohio (Mr. BROWN), of the subcommittee. If it were not for the top of the tickets here pushing this bill, I do not think it would have come to this floor.

A word of thanks to the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), the ranking member, the gentleman from Wisconsin (Mr. OBEY), and chairman of the Subcommittee on Labor, Health and Human Services, and Education, the gentleman from Illinois (Mr. PORTER). And here I want to take a special moment to thank the gentleman from Illinois, Mr. Speaker. Every year, every time the appropriations bill came before him, we did not have any kind of legislation that would authorize it, but he still added money to the NIH budget because he saw the very, very deleterious effects of this disease.

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So I certainly want to thank all those people and last, but not least, my 244 colleagues who have cosponsored this bill for bringing their help in bringing this bipartisan measure to the floor.

I want to especially thank Duane Peters and Lee Peckarsky of the Lupus Foundation of America and all of the dedicated lupus volunteers from all around America who work so tirelessly to support this bill.

Mr. Speaker, we have heard a lot today about lupus. It is an autoimmune disease that afflicts women nine times more than it does men. It has its most significant impact on women during the child-bearing years. About 1.4 million Americans have some form of lupus, one out of every 185 Americans. Many of them do not even recognize that they have it. Many think they have arthritis or some kind of rheumatoid disease because the diagnosis is so very hard.

Lupus disproportionately affects African-American women. The prevalence of lupus among African-American women is three times that of white women. We do not yet know why this is so. This is one of the many mysteries about lupus that still needs to be resolved.

Thousands of women with lupus die each year. Thousands of women die from complications caused by lupus. Many other victims suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives. Many women who have young babies and have lupus cannot even hold their children. Lupus is devastating not only to the patient but to family members, as well.

My bill authorizes appropriations of such funds as are necessary for fiscal year 2000 through fiscal year 2003 for lupus research so badly needed, Mr. Speaker. The education that goes along with this bill is so badly needed and the treatment, as well.

So this also empowers the Secretary of the Department of Health and Human Services to protect the poor and the uninsured from financial devastation by limiting charges to individuals receiving lupus services pursuant

to the grant program, the way that we do under the Ryan White CARE Act.

It is very important, Mr. Speaker, that we realize that this is a bipartisan bill that has been carried through this process by both Republicans and Democrats for the benefit of the people of America.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. BILIRAKIS) and thank the gentleman from Ohio (Mr. BROWN) for their leadership in this legislation and the chairman and the ranking member. I am also proud to be a co-sponsor of this important legislation.

But I would really like to shower applause down on my good colleague and friend the gentlewoman from Florida (Mrs. MEEK) for the leadership that she has offered and the persistence that she has offered not only on the floor of the House and tracking this bill through Commerce, but working every year diligently with the appropriators to provide funds for research regarding this devastating disease.

Lupus kills. I lost a very dear friend, a young mother, who did not get a chance to see her children grow up. And then I have a dear friend named Pat who lives valiantly with lupus but yet suffers every day. Her enthusiasm for being alive was seen through her hard work in organizing a Lupus Day walk to raise funds in Houston.

I want to encourage those around the Nation who want to educate people about lupus to continue to go out and walk and to have walks that will raise private money and along with federal funds we may find a cure for this disease that strike down young women.

Lupus does kill. It disproportionately affects African-American women, as the prevalence of the disease among such women is three times the prevalence among white women and an estimated one in 250 African-American women between the ages of 15 and 65 develop the disease. But it affects all women. And more than 1.4 million to 2 million Americans have been diagnosed with the disease and there are many more undiagnosed cases because sometimes people do not know what they have, they just feel they have a few aches and pains. But yet, if they are not diagnosed, they can ultimately die from the disease.

I want to thank the gentlewoman from Florida (Mrs. MEEK) for the $33 million that was allocated in 1996 for the National Institutes for Health to do more research. This is an important legislative initiative. Every time we can come to the floor of the House in a bipartisan way to save lives of Americans, I think, Mr. Speaker, that we are doing what the American people would want us to do.

I hope this legislation will be taken up in the Senate. And I believe that, with the passage of this legislation, we will be able to save many more lives and be on the pathway for doing more to improve the health of all Americans.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

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

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me the time.

Mr. Speaker, I would like to begin by acknowledging my colleague, the gentlewoman from Florida (Mrs. MEEK), for her hard work, determination, and advocacy on behalf of those with lupus. This is an issue that the congresswoman has been working on for a very long time. And I am pleased to see that the leadership is working in a bipartisan way to bring this legislation to the floor.

Mr. Speaker, this should be the way we should handle all matters in these final, final days. We need to do here for those least able to help themselves. I think that should be the barometer. It will help us through these tough days.

This is a serious, complex, inflammatory, autoimmune disease that affects women nine times more often than men. Oftentimes those suffering from lupus are not diagnosed in a timely manner. I have seen that happen to close friends. They remain in pain and the sickness progresses.

It has been estimated that between 1.4 and 2 million Americans have been diagnosed with this disease and that many more have undiagnosed cases.

The victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and to lead normal lives.

This critical legislation will correct the oversight that was made in the past by providing increased funding for NIH scientific and clinical research and for improved patient access and care measures. It will ensure that every person who suffers from this disease will receive the highest quality of care possible.

The funding will also improve the quality, availability, and the organization of health care and support services for individuals with lupus and support services for their families.

I wholeheartedly support the passage of this legislation and encourage all my colleagues to do the same.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Speaker, let me begin by first congratulating my colleague, the gentlewoman from Florida (Mrs. MEEK), of course and the ranking member of the subcommittee, as well.

Let me just say that this is a very important piece of legislation. As we walk and we talk to people who are suffering from this disease, we think about the fact that maybe we need to do more. I think that this is a giant step in the right direction because we need to do more in terms of research and need to make certain that treatment is available to those that suffer from this illness.

I think that access to treatment is very, very important. I think that when we look at many people in some of the rural areas of this country that are having great difficulty getting treatment, I think that this is the right step.

I would like to again congratulate my colleague from Ohio and, of course, my colleague from Florida, both colleagues from Florida, for their outstanding work in this effort and to say to them that they probably do not realize how many lives they are saving and how many people that are encountering all kinds of difficulties that they are going to make life better for all of them. And I want to salute them for that.

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

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

Mr. Speaker, just very quickly. This is a very, very important piece of legislation, and we are all very pleased to have been a part of it. An awful lot of hard work went into it.

The personal staff of the gentlewoman from Florida (Mrs. MEEK) and my personal staff, Anne Esposito particularly, and the Committee on Commerce both majority and minority staffs are really to be congratulated. They are responsible for this more so than the rest of us.

Mr. Speaker, I ask for support of this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 762, the Lupus Research and Care Amendments of 1999. I am proud to be a cosponsor of this legislation to expand and intensify the research efforts of the National Institute of Health to diagnose, treat, and eventually cure lupus.

Lupus is a very serious illness that causes the body's immune system to attack its own cells. More people suffer from this little-known illness than from cerebral palsy, multiple sclerosis, sickle cell anemia, cystic fibrosis, and AIDS combined. Although lupus may occur at any age and in either sex, 90 percent of those affected are women. During the childbearing years, lupus strikes women 10 to 15 times more often than men. More than 1.5 million Americans have been diagnosed with this terrible disease. Many more cases go undiagnosed, since the symptoms of this disease tend to wax and wane with passing time.

H.R. 762 would require the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand its research activities on the disease lupus, especially with regard to its increasing prevalence among women. The bill expands lupus-related

activities at the Institute into the areas of basic research, epidemiology, treatment, diagnosis, and public and health care provider education. H.R. 762 also authorizes project grants to improve health delivery services through local governments and to community hospitals.

Mr. Speaker, H.R. 762 would provide the needed support to NIH in their works towards making medical breakthroughs in the fight against lupus. I urge all of my colleagues to join me in voting in support of the lupus research and care amendments.

Mr. DINGELL. Mr. Speaker, I strongly support H.R. 762, the Lupus Research and Care Amendments. I want to commend my good friend and colleague, Representative CARRIE MEEK for her steadfast advocacy for this excellent legislation. Lupus is a debilitating and sometimes fatal auto-immune disease that disproportionately afflicts women, particularly women of color. Today's vote brings help and hope to approximately 1.5 million Americans with lupus, and their families.

H.R. 762 accomplishes two goals. Title I recognizes the National Institute of Health's (NIH) present research activities on the many facets of this disease through the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Autoimmune Diseases Coordinating Committee. It authorizes appropriations to expand and intensify these activities with emphasis on earlier diagnosis, better treatment, and an eventual cure. Epidemiologic studies and education about lupus for the public and health professionals will also be undertaken with funds made available by this bill.

Title II addresses on-going primary care and treatment needs of poor and uninsured individuals with this expensive-to-treat and debilitating disease. It authorizes the Secretary to award care grants to local governments, community hospitals, health centers, and other nonprofit health facilities for the provision of out-patient care and a breadth of support services to affect individuals and the family members who are involved in their care. The holistic treatment and support services provided by H.R. 762 will diminish the sense of isolation that is concomitant to chronic illness by weaving a safety-net of services.

This an excellent bill and I urge my colleagues to join me in supporting its passage today.

Mrs. MORELLA. Mr. Speaker, I am delighted to join my good friend and colleague, Congresswoman CARRIE MEEK, as we move forward and pass H.R. 762, the Lupus Research and Care Amendments.

This bill would amend the Public Health Service Act and require the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand and intensify its research activities on the disease lupus, especially with regard to its increasing prevalence among African-American and other women.

This bill will expand lupus-related activities at the Institute into areas of basic research, treatment, diagnosis, and public and health care provider education.

Mr. Speaker, lupus is an autoimmune disease, passage of this H.R. 762, will leverage H.R. 4365, ''The Children Health Act of 2000'' which was recently passed by this House.

Title XIX of this bill, ''NIH Initiative on Autoimmune Diseases'', requires the Director of NIH to expand, intensify, and coordinate the activities of NIH with respect to autoimmune diseases. This includes forming an Autoimmune Diseases Coordinating Committee and Advisory Council that will develop a plan for NIH activities related to autoimmune diseases and to require different institutes within NIH to provide a detailed report to Congress specifying how funds were spent on autoimmune diseases.

Recently, the American Journal of Public Health published a study demonstrating that autoimmune disorders are among the top 10 leading causes of death among women under 65, indeed today, three-quarters of the 13.5 million Americans afflicted with an autoimmune disease are women.

I urge my colleagues to support H.R. 762, to support the health of our nation's citizens.

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 762, as amended.

The question was taken.

Mr. BILIRAKIS. 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.

DRUG DEALER LIABILITY ACT OF 1999

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1042) to amend the Controlled Substances Act to provide civil liability for illegal manufacturers and distributors of controlled substances for the harm caused by the use of those controlled substances.

The Clerk read as follows:

H.R. 1042

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 ''Drug Dealer Liability Act of 1999''.

SEC. 2. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

''SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

''(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in a felony violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

''(b) EXCEPTION.—An individual user of a controlled substance may not bring or maintain an action under this section unless the individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

''Sec. 521. Federal cause of action for drug dealer liability.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. 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. 1042.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 1042, the Drug Dealer Liability Act.

I am pleased to act on this legislation because it will give law enforcement authorities and the American public another tool in our efforts to reduce the use of illegal drugs.

We have all known for some time, Mr. Speaker, that the costs of drug abuse in the United States are certainly quite high. In addition to the terrible impact drugs have on users, experts estimate that our country loses close to $100 billion a year to drug-related illnesses, lost productivity and crime. In many cases, these costs are being absorbed by American families and those who are victimized by the drug trade. The bill of the gentleman from Iowa (Mr. LATHAM) would help change that.

Under H.R. 1042, drug dealers would begin paying from their own pocketbooks for the damage that they level on our society. This legislation would allow victims of the drug trade to recover civil money damages from individuals who have sold or manufactured illegal drugs.

Parents, drug-addicted babies, and employers will now have an expanded ability to punish drug dealers and put these criminals out of business.

This type of law is already on the book in 12 States and would be extended to the other 38 under this bill.

So, Mr. Speaker, I commend the distinguished gentleman from Iowa (Mr. LATHAM) for authoring this legislation. By passing this bill, we are sending a message to America's drug dealers: Dealing drugs does not pay. If they are an aspiring drug dealer and believe that they can make a lot of money off of selling drugs, think again. Under this proposal, they will be at great risk of going bankrupt.

I urge support of this legislation.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am pleased to support the Drug Dealer Liability Act; and I commend its author, my colleague, the gentleman from Iowa (Mr. LATHAM).

H.R. 1042 would subject individuals who participate in illegal drug activity

to civil liability. The civil justice system is an important deterrent to unlawful activity and an effective avenue for compensating individuals and organizations harmed by illegal activity.

No illegal activity inflicts more harm than the illegal drug trade. Illegal drugs fuel crime, siphon public and private dollars into prevention and treatment programs. They undercut productive lives. They undermine entire communities. They kill our children.

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The criminal justice system is giving the drug problem its primary attention. Its counterpart, the civil justice system, should be brought into the fight.

Individuals who engage in the drug trade should know that they will be held financially liable for the harm they cause. Manufacturers and distributors of these drugs should bear the costs associated with their illegal activity, including the costs of medical treatment or drug rehabilitation. Taxpayers currently bear most of that burden. That is not the way it should be.

This legislation gives us another weapon in the war against drugs. I am pleased to support it.

Mr. LATHAM. Mr. Speaker, I rise today as the sponsor of H.R. 1042, the Drug Dealer Liability Act, to urge your strong support for this important legislation. This is not the first time we have addressed this issue. You may recall the House voted overwhelmingly to add the very provisions included in this legislation to the Juvenile Justice Bill in 1999.

Unfortunately, juvenile crime is a growing trend across the nation. For years, the rural states thought themselves immune from the serious juvenile crime and drug problems on America's coasts and in the big cities. However, this is no longer the case.

In fact, nowhere is the juvenile crime problem growing faster than in America's heartland. This is, of course, directly related to the incredible growth in drug use. According to the U.S. Department of Justice's latest statistics, juvenile drug arrests across the nation have more than doubled since 1988. My home state of Iowa is experiencing an unprecedented influx of methamphetamine. In calendar year 1999, there were over 300 federal methamphetamine lab seizures in the State of Iowa. State law enforcement personnel seized an additional 500 labs during that same time.

Clearly, our children are the most innocent and vulnerable of those affected by illegal drug use. The very nature of drug abuse makes this an epidemic that has severe monetary costs as well, creating significant financial challenges for parents, law enforcement and human services providers. For many of the juvenile addicts, who are increasingly female, the only hope is extensive medical and psychological treatment, physical therapy, or special education.

All of these potential remedies are expensive. In fact, recent figures estimate the annual cost of substance in the United States to be nearly $100 billion. Juveniles, through their parents or through court appointed guardians, should be able to recover damages from those in the community who have entered and participated in the sale of the types of illegal drugs that have caused their injuries.

The legislation I am offering today would provide a civil remedy for people harmed by drugs—whether it be the actual user, the family of a user or even the hospital that provides treatment—to hold drug dealers accountable for selling this poison that is tearing apart the fabric of our society. There are drug pushers in all of our congressional districts who profit from this culture of death, pain and dependency that must be taken to task. Many of them elude the authorities by getting off on technicalities or through their position as affluent persons in the community. However, that should not make them immune from paying for the destruction they cause.

This legislation would empower victims to take action like the Utah housewife who sued her husband's drug dealer "friend" of six years under that State's drug dealer liability law. Her husband actually shared a vacation cabin with the dealer until, after years of abuse, her husband lost his job and ruined the family. Other states, such as California, Arkansas, Illinois, Michigan, Georgia, Louisiana, Indiana, Hawaii, South Dakota and Oklahoma, and just October 1, Maryland have enacted similar laws.

The first lawsuit brought under a state drug dealer liability law was brought by Wayne County Neighborhood Legal Services on behalf of a drug-addicted baby and its siblings. The suit resulted in a judgment of $1 million in favor of the baby. The City of Detroit joined in on the suit and received a judgment for more than $7 million to provide drug treatment for inmates in the city's jails.

This legislation, while not as comprehensive as those state laws—which incorporate a broad reaching liability—does provide a simple tool to empower victims. In fact, this legislation is perfectly suited to go after the "white collar" drug dealers who's clientele includes their professional "friends", and who are less likely to be the subject of a criminal investigation. As we all know, parents who abuse drugs are more likely to have children that abuse drugs as well.

It is my hope the prospect of substantial monetary loss made possible my legislation would also act as a deterrent to entering the narcotics market. Dealers pushing their poison on our children and other family members may think again when they consider that they could lose everything even without a criminal conviction. In addition, this legislation would establish an incentive for users to identify and seek payment for their own drug treatment from those dealers who have sold drugs to the user in the past. While this legislation is not meant to be a "silver bullet", it is another tool to combat and deter drug abuse and trafficking.

Current law allows for a producer of a product that injures a consumer to be held liable for injuries resulting from the use of that product. However, most states do not provide for compensation from persons who cause injury by intentionally distributing illegal drugs. The Latham Drug Dealer Liability Act fills the gap to make drug dealers liable—under civil law—for the injuries to the victims of drugs.

Finally, I hope that I will be able to work with Chairman MCCOLLUM and the ranking Member, Mr. CONYERS, on a more comprehensive liability measure in the future.

With that, Mr. Speaker, I urge my colleagues to support H.R. 1042, the Drug Dealer Liability Act, and give the victims of illegal drugs an opportunity to hold the dealers of this poison accountable under criminal and civil law.

THE LATHAM DRUG DEALER LIABILITY ACT

According to a joint study by the Center for Substance Abuse Treatment and the University of Maryland, drug abuse cost the United States $98 billion in 1992. The majority of the costs were due to drug-related illnesses, lost productivity, crime and premature death. It's time drug dealers started paying for these costs.

The Latham amendment would be most effective in instances where a dealer has gotten off in criminal court on a technicality. A plaintiff would only need to provide that there is a preponderance of evidence that a defendant was the dealer in a civil case, unlike the much stricter standard in criminal court. The success of this strategy is well demonstrated by the civil case brought against O.J. Simpson by the family of victim Ron Goldman.

The amendment could also prove effective against professionals dealing to their "friends" who they share a professional relationship with, such as lawyers, stockbrokers, and other high-income users. People who think our nation's drug problem exists only in the cities and among the poor are way off the mark. The problem is everywhere, as much in small towns in Iowa as it is in America's big cities.

The Latham amendment would even be useful in cases where the dealer has already been convicted. According to a U.S. Supreme Court ruling in June of 1999 (U.S. v. Bajakajian), certain seizures by the government may be ruled unconstitutionally disproportional under the Eight Amendment's excessive fines clause. This could mean that a convicted drug dealer or manufacturer may maintain a portion of their assets and/or property after a government seizure or forfeiture. As an excessive fine is defined in U.S. v. Bakajian, the case sets a Constitutional precedent in this area for the first time. It certainly opens up the excessive fines clause of the Eighth Amendment up for what could be construed as a stricter application.

Basically, the legislation provides a civil vehicle for punishment of drug dealers and for recovery of damages for those injured (directly or indirectly) as a result of an individual's use of a controlled substance.

The parameters of the legislation are intentionally broad to allow as many injured individuals to benefit while creating an increased window of liability for the drug dealer. Therefore, not only would the individual who used the drugs be able to bring about a suit, but so would their parents, employer (for losses resulting from the employee's drug use), health care providers, and even governmental entities. In fact, a suit could be filed on behalf of a drug baby (in utero liability) or by that child once they reach the age of 18.

STATES WHO HAVE PASSED SIMILAR LAWS

Hawaii, Indiana, Michigan, Utah, Illinois, California, Arkansas, Oklahoma, Georgia, Louisiana, Kansas, South Dakota, and Maryland.

EXAMPLES OF SETTLEMENTS IN STATE CASES

First lawsuit under the act (July 21, 1995) resulted in a judgment of $1 million in favor of a drug baby, as well as more than $7 million to the City of Detroit for drug treatment expenses for inmates in the city's jails. The suit was filed by attorneys from Wayne County Neighborhood Legal Services on behalf of the drug baby and its siblings.

A case was settled in Utah in which the wife of a drug abuser brought a case against

her husband's dealer of six years under the Utah DDLA law.

MAKING IT A FEDERAL CASE

This legislation, intended to extend the drug dealer liability to the Federal level, would establish a vehicle for persons in the 38 states that have not enacted a similar law (and to those in the twelve states listed above if the Federal law is preferable). However, the amendment would only allow an individual who used drugs to recover damages if they worked with authorities to provide information on all of that individual's narcotics sources.

The Latham amendment is different from the Drug Dealer Liability Act laws in these states in that it only extends liability to persons who are found to have knowingly provided or manufactured the drugs that harmed the individual or party filing the suit. The state laws are based on a broad market liability standard that holds dealers liable based on the premise that a dealer is involved in the illegal drug trade in a particular area and so is directly or indirectly involved in the promotion of the illegal drugs that harmed the plaintiff.

The Latham amendment fills a void in two ways: (1) it provides compensation for the victims of crime, and (2) it holds the drug dealers accountable that escape criminal punishment—whether it be as a result of getting off on a technicality or because a person may deal to a ''behind the scenes'' white collar crowd as opposed to the more conspicuous street gangs. Those ''high dollar'' dealers are less likely to be apprehended by law enforcement—why should they get off scot-free? Like the wife in Utah, more family members may be willing to take matters into their own hands and go after those who deal this poison to our children and other loved ones.

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

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 1042.

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.

SUPPORTING INTERNET SAFETY AWARENESS

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 575) supporting Internet safety awareness, as amended.

The Clerk read as follows:

H. RES. 575

Whereas the Internet provides citizens of the United States with the technology for research, education, entertainment, and communication;

Whereas millions of Americans, many school libraries and classrooms, and many public libraries are connected to the Internet;

Whereas more than 1 out of 5 missing 15- to 17-year-old teenagers have disappeared because of someone they met while chatting on the Internet;

Whereas there are an estimated 10,000 Internet websites designed for or by individuals who have a sexual preference for children;

Whereas there are an estimated 200 million pages of pornography, hate, violence, and abuse on the Internet;

Whereas there are multitudes of strangers who use the Internet to enter homes, talk to and ''groom'' children, and will take indecent advantages of those children if given a chance;

Whereas children have been raped, assaulted, kidnapped, and deprived of their innocence by individuals they met on the Internet; and

Whereas September 2000 is Internet Safety Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the citizens of the United States to recognize and support educational programs that make surfing on the Internet safe and fun;

(2) supports initiatives to educate parents, children, educators, and community leaders about the enormous possibilities and the potential dangers of the Internet;

(3) urges all Americans to become informed about the Internet and to support proactive efforts that will provide Internet safety for children and for future generations to come; and

(4) expresses the sincere appreciation of the House of Representatives for the thousands of law enforcement officials who are aggressively working to protect America's children while they are online.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the resolution.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I rise in support of H. Res. 575, a resolution to promote Internet safety awareness. As more and more Americans are utilizing the Internet and many children in this country have access to the Internet, it is important that we raise awareness to the dangers that the Internet can pose, especially to children.

As this resolution reflects, the National Center for Missing and Exploited Children estimates that one out of five missing 15-, 16- and 17-year-olds in America are due to Internet activity. There are many predators that use the Internet to make contact and gain information on unsuspecting children. Children have been raped, assaulted and kidnapped by individuals they met on the Internet.

In Bedford County, Virginia, a county that I represent along with the gentleman from Virginia (Mr. GOODLATTE), we are proud of the diligent work that Sheriff Mike Brown and his office have done to combat Internet predators. Developing a nationally recognized program called Operation Blue Ridge Thunder, Sheriff Brown and his office have targeted pedophiles that use the Internet to reach children. While law enforcement officials in Bedford County, Virginia and elsewhere have been successful in apprehending on-line predators, there is no substitute for having parents and children that are aware and educated on the dangers that exist on the Internet and how to keep children safe from online predators. With the aid of grants from the U.S. Department of Justice, the Bedford County sheriff's office has also conducted Internet safety programs dubbed Safe Surfin' in the local schools. They hope to make children aware of the dangers and teach them how to surf the Internet safely.

I want to commend many of my colleagues who attended the demonstration here in the Capitol in September of 1999 on Operation Blue Ridge Thunder that was provided by the Bedford County sheriff's office. The demonstration showed the extensive presence of pedophiles and predators online and illustrated the importance and necessity of Internet safety awareness and education.

The Commonwealth of Virginia recognized September as Internet Child Safety Awareness Month and has run public service announcements on television and radio warning parents of the dangers that exist on the Internet. I commend the Commonwealth for its proactive role in promoting Internet safety, and I hope that my colleagues will join me in passing this resolution raising awareness to the dangers of the Internet and supporting efforts to educate parents and children on the safe use of the Internet.

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

Mr. Speaker, I rise to congratulate the authors of this very well thought out House resolution. As we move deeper and deeper into the Internet era, we reach the Dickensian conclusion that it is the best of wires and it is the worst of wires simultaneously, that it has the ability to enable and to ennoble but it also has the ability to degrade and to debase. It is this duality of personality that we are talking about here today.

This resolution is one that basically urges all citizens of the country, parents and educators, librarians, law enforcement officials, everyone in our society to take a more active role in supporting educational programs that help to make Internet surfing safe for young people in our country and to generally support all of the programs in our country that promote Internet safety.

It is a straightforward, common sense resolution. The gentleman from Texas (Mr. GREEN), a good Democratic Member, added language to this bill which also commends the law enforcement community for everything that they are doing to help to promote an environment in which children are not

exploited online. We all know that we have a child online privacy act that protects children 12 and under in terms of their privacy as they use commercial online sites, but we do not have any laws protecting anyone over the age of 12. And we cannot really say honestly that a 13-, a 14-, a 15-, a 16-year-old is not in need of legal protection as well. I think that the next Congress is going to be addressing those issues.

But generally speaking, I think that since these children are in a situation with a new technology, in many instances with more knowledge than their parents have, then it is critical for us to continue to reemphasize how important it is that we increase these educational programs so that the children of the country derive all of the positive benefits from the new technology while minimizing this unfortunate side effect which all too often is insinuating itself into the homes of families all across the country. I commend the authors of this resolution.

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

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio (Mr. OXLEY) be permitted to control the remainder of my time for the consideration of this legislation.

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

There was no objection.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), the coauthor of the legislation.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time and I thank him and the other members of the Committee on Commerce for shepherding this legislation through the committee, but I most especially want to thank the gentleman from Virginia (Mr. GOODE), the author of this legislation, who, as a member of the Congressional Internet Caucus, has been working very hard to combat this serious problem on the Internet and for identifying the need for this resolution and working to get it through the House this year.

The Internet Caucus has been very involved in the issue of Internet safety, both from a law enforcement and a prevention perspective. With the help of the gentleman from Virginia (Mr. GOODE), the Congress hosted a briefing last fall on online sexual predators to present to Members of Congress the nature of this problem. Bedford County Sheriff Mike Brown and Commonwealth Attorney Randy Krantz demonstrated Operation Blue Ridge Thunder, which works to apprehend and prosecute sexual predators and traffickers of child pornography on the Internet.

Child pornographers and sexual predators online are an enormous problem for law enforcement agencies. Pedophiles currently operate more than 10,000 Web sites and more than 300,000 children are now involved in the illegal sex trade. This event was held to assist Members of Congress in examining how law enforcement agencies are fighting child pornography and sexual predators and exploring ways to improve efforts to address this growing national problem.

Operation Blue Ridge Thunder is one of a handful of agencies nationwide to receive a Justice Department grant to surf online chat rooms for pedophiles. The success of these agencies has been significant, and, in response, over 125 Republican and Democratic Members joined together this year to request a significant increase to $10 million in funding from House appropriators to help local law enforcement programs like Operation Blue Ridge Thunder and other similar programs to continue their vital work at ridding our Nation of people who prey on our most innocent citizens, our children.

We were very pleased to see Operation Blue Ridge Thunder profiled on the CBS–TV program ''48 Hours.'' In the 2 days after the broadcast, the Bedford sheriff's department logged more than 1,000 calls in support of what Operation Blue Ridge Thunder is doing. Only three calls criticized what is being done. This is vivid proof that the American public appreciates the work being done by the Federal Bureau of Investigation and local law enforcement programs like Operation Blue Ridge Thunder.

We cannot rest until each and every person who wishes to harm our children with deviant behavior is arrested and prosecuted. We intend on continuing to support the efforts of organizations like Operation Blue Ridge Thunder in this regard.

In addition to supporting law enforcement efforts, the Internet Caucus has also been very involved with prevention in the form of a program called GetNetWise. Last year, in response to a challenge from Congress, leading Internet companies, nonprofit organizations, and child safety experts created GetNetWise, an Internet resource to help parents and caregivers protect children online from unwanted contact and content.

GetNetWise, which can be found at www.getnetwise.org, is an innovative and easy-to-use resource that responds to the concerns of parents and caregivers. GetNetWise provides parents and caregivers with the online resources necessary to protect children. Thus, authority to control access to materials on the Internet remains with each family. In its first year, more than 1,800,000 unique Web users visited the GetNetWise user empowerment resources over 5 million times. Not only are we encouraging folks at home to check out GetNetWise, but Members of Congress are also being encouraged to link their websites to GetNetWise to help get the information to parents and children in their districts.

This legislation calling the importance of this problem to the attention of the American people is very valuable. I again commend the gentleman from Virginia (Mr. GOODE) for his leadership on this issue and urge my colleagues to support this resolution.

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

There is unanimous agreement on the Democratic side that this is a very good resolution. It is something that does, in fact, capture the sense of the Congress and the American people that more has to be done in order to ensure that these kinds of predatory practices do not endanger the children of the country. My hope is that in the next Congress, we can actually begin to pass concrete legislation that can ensure that we do more to protect the privacy of all children within our country, especially those that are still left unprotected because they are over the age of 12. I thank all who were involved, the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Virginia (Mr. GOODE), and all on our side as well.

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

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, H. Res. 575 is pretty straightforward. It is indeed a good resolution, introduced by the gentleman from Virginia (Mr. GOODE) and it is designed literally to improve Internet safety awareness.

As we have seen in the last few years, the Internet provides, of course, a great new array of opportunities for all of our citizens.

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From buying gifts online to witnessing the miracles of telemedicine, to helping to educate children across our country, I think Americans are coming to know and understand the important value of the Internet. The popularity of the Internet is increasing. People are using it on a daily basis across this great country, and they are beginning to understand that it holds new and exciting possibilities for their children.

Unfortunately, it is also a technology that can be used by the wrong people sometimes, and criminals indeed are looking at it as a new place to take advantage of some Americans. Some people are using it, in fact, in harmful ways to spread destructive material or to aid in criminal activity. There is a spread of obscene material, child pornography, child exploitation as the use of the Internet has increased. Every day crimes in the analogue world are being diverted now to the Internet where the reach of such crimes is, like other things, greatly multiplied.

Over the years, the law enforcement communities have been called upon to improve their enforcement of the current law. They have also been asked to tell Congress where current law needs to change in order to reflect these new technologies. We acknowledge, indeed,

the hard work of these agencies; but we know that much work needs to be done.

H. Res. 575 will not stop criminal activity. It will not protect our citizens from sinister behavior, but it does take this important step: it brings to light the relevant issues facing Internet usage, and hopefully it will help educate the American people of the need to be watchful of Internet activity, especially as it affects our Nation's children.

We have an obligation, indeed, to educate the American people about existing problems of Internet use. This resolution will help. It is an extremely important one, and I urge all Members to support it.

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

Mr. Speaker, I will just sum up briefly with our congratulations to the author of the legislation, the gentleman from Virginia (Mr. GOODLATTE). As the other speakers have said, the Internet provides a great upside opportunity for education, entertainment and the like, but it certainly has its dark side as well. Those of us who worked on the Child Online Protection Act understand how difficult some of these circumstances can be with children having access to some of this terrible material.

While the Child Online Protection Act, which passed virtually unanimously in the 105th Congress, is now undergoing judicial review, whether in fact we are successful or not ultimately in getting that legislation to be considered constitutional the real issue is how do we deal in the meantime with educating our children to the potential dangers of the Internet. That is why this legislation has such importance, has such broad-based support from both sides of the aisle.

So that is why it is important that we pass this legislation today.

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and agree to the resolution, H. Res. 575, as amended.

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

A motion to reconsider was laid on the table.

ESTABLISHING A STANDARD TIME ZONE FOR GUAM AND THE MARIANA ISLANDS

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3756) to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

The Clerk read as follows:

H.R. 3756

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

SECTION 1. TIME ZONE ESTABLISHED.

(a) IN GENERAL.—The first section of the Act of March 19, 1918 (15 U.S.C. 261; commonly known as the Calder Act) is amended—

(1) in the first sentence, by striking ''eight zones'' and inserting ''nine zones''; and

(2) in the second sentence—

(A) by striking ''; and that of the eighth'' and inserting ''; that of the eighth''; and

(B) by inserting before the period the following: ''; and that of the ninth zone on the one hundred and fiftieth meridian of longitude east from Greenwich.''.

(b) NAME OF ZONE.—Section 4 of the Act of March 19, 1918 (15 U.S.C. 263; commonly known as the Calder Act) is amended—

(1) by striking ''and that of the eighth'' and inserting ''that of the eighth''; and

(2) by inserting before the period the following: ''; and that of the ninth zone shall be known as Chamorro standard time''.

(c) DAYLIGHT SAVINGS TIME.—Section 7 of the Uniform Time Act of 1966 (15 U.S.C. 267) is amended by inserting ''Guam, the Commonwealth of the Northern Mariana Islands,'' after ''Puerto Rico,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 3756.

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

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill is simple and straightforward. The legislation establishes a separate time zone for Guam and the Northern Mariana Islands by increasing the number of standard time zones in the United States from 8 to 9. This new time zone will be known as the Chamorro time zone and will be required to observe daylight savings time.

The gentleman from Guam (Mr. UNDERWOOD) deserves praise for his tenacity on this issue. It is a simple measure without controversy, and I urge all of my colleagues to support it.

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

Mr. TOWNS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me convey how pleased I am to support this legislation. The bill corrects current law by recognizing that there is a ninth time zone in the United States, namely the time zone followed by the people of Guam and the Northern Marianas.

My colleague, the gentleman from Guam (Mr. UNDERWOOD), I want to salute him today, has corrected this oversight with this bill and has also given the time zone a name, Chamorro standard time.

Chamorro refers to the indigenous people of the area, and I salute my colleague for his creativity by choosing the name Chamorro. The time zone will honor the historic unity of Guam and the Commonwealth of the Marianas and the people who live in the region.

I congratulate the gentleman from Guam (Mr. UNDERWOOD) for his work on this bill; and, of course, I congratulate his staff and all the staff members that have been involved in this.

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

Mr. OXLEY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from New York (Mr. TOWNS) for yielding me this time.

Mr. Speaker, I urge my colleagues to support H.R. 3756, a bill to name the ninth time zone under U.S. jurisdiction for Guam and the Commonwealth of the Northern Mariana Islands.

I would also like to take this time to thank my distinguished colleagues who have worked to get this bill to the floor: the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. OXLEY), the gentleman from New York (Mr. TOWNS), the gentleman from Michigan (Mr. CAMP), chairman of the Corrections Day Advisory Committee, and the gentleman from California (Mr. WAXMAN), ranking member of that same committee.

Wherever the U.S. flag flies, there is a title for each time zone in which it flies, whether it is in the Virgin Islands and Puerto Rico with its Atlantic time zone; this city, with its eastern time zone; Chicago, with central time; Denver, with mountain time; Los Angeles, with Pacific time; Honolulu, with Hawaii standard time; Anchorage, with Alaska standard time; and even American Samoa, with Samoa standard time. But there is a ninth time zone where Guam sits and the Commonwealth of the Northern Mariana Islands sits as well; and where there is no official title for this time zone. Not that there is no time there, obviously, but that there is no specific title for this time zone.

Perhaps this is an oversight. The fact that this ninth time zone is on the other side of the international dateline and could appropriately claim the title of being the first American time zone, could get the competitive spirits of those in the Atlantic time zone aroused. But when information is being sent out about changes in national time or announcements concerning time, this ninth time zone, in geography going west but first in terms of time, frequently gets ignored.

After all, the Calder Act, which provides for the designation of names of time zones under U.S. jurisdiction, only names eight time zones.

This bill fills the void of the ninth time zone under U.S. jurisdiction, corrects this oversight, and appropriately designates each and every American time zone.

The unique feature of this particular piece of legislation is that it is responsive to a quandary that does not quite exist in the other time zones. We have two jurisdictions with two distinct names. We could call it the Guam time zone, the Guam/Marianas time zone, but I think over time Marianas would be dropped, or we could call it the Marianas time zone, but that would put out of focus Guam.

Therefore, in honor of the historical unity of both Guam and the Northern Marianas and the people who were the original inhabitants of the entire island chain, I have named this new time zone as Chamorro standard time. The term ''Chamorro'' refers to the indigenous people of Guam and the Northern Mariana Islands and forms the basis of the underlying historical and cultural connection between the people of Guam and the people of Luta, Tinian, Saipan, Agrigan, and other islands in the Northern Marianas.

Mr. Speaker, the administration supports H.R. 3756, and I urge my colleagues to support this important legislation as well. Esta oran Chamorro.

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

Mr. TOWNS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me again congratulate my colleague for the outstanding work that he has done in terms of creating the ninth time zone. I urge my colleagues to support this.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3756.

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.

SUPREME COURT SECURITY ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5136) to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds.

The Clerk read as follows:

H.R. 5136

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

SECTION 1. MAKING PERMANENT CERTAIN POLICING AUTHORITY.

(a) ELIMINATION OF SUNSET PROVISION AND REPORTING REQUIREMENT.—Section 9 of the Act entitled ''An Act relating to the policing of the building and grounds of the Supreme Court of the United States'', approved August 18, 1949 (40 U.S.C. 13n), is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) TECHNICAL AMENDMENT.—Section 9 of such Act is further amended in subsection (b) by striking ''are hereby authorized'' and inserting ''is authorized''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. 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. 5136.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5136, a bill to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds. The gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime, introduced H.R. 5136 at the request of the Chief Justice of the United States. It was reported by voice vote from the Committee on the Judiciary on September 20.

The Supreme Court Police is charged with enforcing the law at the Supreme Court building and its grounds, as well as protecting Justices and other Court employees off grounds. This authority rests in the United States Code.

Since 1982, Congress has provided statutory authority for the Supreme Court Police to provide security beyond the Court building and grounds for Justices, Court employees, and official visitors. This authority requires that the Supreme Court annually report to Congress on the cost of such security, and it also contains a sunset clause that would cause this authority to lapse if not renewed.

Since 1986, Congress has extended this off-grounds authority four times, but this authority will automatically terminate on December 29, 2000.

The current authority and jurisdiction of the Supreme Court Police are essential to the force's performance of everyday duties. Today the Supreme Court Police regularly provides security to Justices by transporting and accompanying them to official functions in the Washington, D.C. metropolitan area and occasionally outside it when they or official guests of the Court are traveling on court business.

Some Justices, because of threats to their personal safety, are driven by the police to and from their homes and the Court every day. Additionally, the police protect Court employees going to and from its parking lot, which is located one half block east of the Supreme Court building and off the ground of the Court.

The gentleman from Florida (Mr. MCCOLLUM) and I believe that the Supreme Court Police should continue to provide off-ground security to protect the Justices and guests of the Court. Given the fact that the Court's police force is well trained and has an excellent performance record, I think it appropriate that we respond in the affirmative to the Chief Justice's request and make the authority to provide off-ground security permanent.

H.R. 5136 would also eliminate the Court's annual reporting requirement to Congress detailing the administrative cost associated with such protection. This cost has been very modest in the past and is fully detailed each year in the court's annual budget request to Congress.

Finally, H.R. 5136 would also repeal the ministerial requirement that the Chief Justice authorize in writing armed protection for official guests of the Supreme Court when they are traveling in the United States but outside of the Washington, D.C. metropolitan area.

Mr. Speaker, I urge all of my colleagues to support this important and very reasonable legislation.

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

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

Mr. Speaker, as indicated by my colleague, this bill will make permanent the authority of the United States Supreme Court Police to provide security for its Justices, Court employees and official visitors on and off the Supreme Court grounds. The U.S. Supreme Court Police department was first authorized by Congress to carry firearms and protect Court personnel outside the Supreme Court grounds in 1982, and the statutory authority was scheduled to terminate, but Congress has extended such authorization and has done so five additional times. The last extension occurred in October 1996. It is set to expire December 29, 2000.

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It is clear that the security concerns that gave rise to the original authorization, including threats of violence against the Justices and the Court, will continue for the foreseeable future.

In addition, I am not aware of any suggestion that they have misused that authority, nor should they not be entitled to such authority on a permanent basis. In fact, the evidence suggests that the Department has discharged its responsibilities in an efficient and cost-effective manner.

For example, the cost of the program has been minimal. The Supreme Court police worked closely with the U.S. Marshal's office to provide security for Supreme Court Justices when they travel outside the Washington, D.C. area. Over the past 4 years, there were 74 requests for that kind of protection beyond the D.C. metropolitan area at a total cost of approximately $17,000, a little more than $4,000 per year.

In light of the continuing security concerns and the Supreme Court police's record of providing appropriate protection over the past 18 years for the Justices, court employees, and official visitors, I support making permanent the Supreme Court police's authority to provide security on and off Supreme Court grounds.

As a result, Mr. Speaker, I urge my colleagues to support the bill.

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

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 5136.

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.

VISA WAIVER PERMANENT PROGRAM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

The Clerk read as follows:

Senate amendments:

Page 5, line 12, strike out ''2006'' and insert ''2007''.

Page 7, line 11, strike out all after ''(g)'' down to and including ''SYSTEM'' in line 13 and insert ''VISA APPLICATION SOLE METHOD TO DISPUTE DENIAL OF WAIVER BASED ON A GROUND OF INADMISSIBILITY

Page 7, line 13, strike out all after ''alien'' down to and including ''use'' in line 16 and insert'' denied a waiver under the program by reason of a ground of inadmissibility described in section 212(a) that is discovered at the time of the alien's application for the waiver or through the use''.

Page 7, strike out all after line 22 over to and including line 15 on page 8

Page 9, line 6, strike out ''United States);'' and insert ''United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);''.

Page 9, line 11, strike out all after ''Judiciary'' down to and including ''and'' in line 12 and insert ''and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations''.

Page 10, line 7, strike out ''United States);'' and insert ''United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);''.

Page 10, line 8, after ''determine'' insert '', based upon the evaluation in subclause (I),''.

Page 10, line 14, strike out all after ''ary'' down to and including ''and'' in line 15 and insert ''and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations''.

Page 10, line 25, strike out all after ''General,'' over to and including ''Register'' in line 3 on page 11 and insert ''in consultation with the Secretary of State''.

Page 11, strike out all after line 12 over to and including line 9 on page 12

Page 12, line 10, strike out ''(C)'' and insert ''(B)''.

Page 13, line 3, after ''ity)'' insert ''on the territory of the program country''.

Page 13, strike out all after line 3 down to and including line 6 and insert:

''(III) a severe breakdown in law and order affecting a significant portion of the program country's territory;

''(IV) a severe economic collapse in the program country; or''.

Page 13, line 8, after ''event'' insert ''in the program country''.

Page 13, line 12, after ''States)'' insert ''and where the country's participation in the program could contribute to that threat''.

Page 13, line 17, after ''General'' insert '', in consultation with the Secretary of State,''.

Page 14, line 7, strike out ''(D)'' and insert ''(C)''.

Page 14, line 12, strike out '', (B), or (C)'' and insert ''or (B)''.

Page 14, line 18, strike out ''a designation''

Page 15, line 11, after ''arrives'' insert ''and departs''.

Page 16, line 25, strike out all after ''RECORD.—'' over to and including ''Senate'' in line 6 on page 17 and insert ''As part of the annual report required to be submitted under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Attorney General shall include a section''.

Page 17, line 8, after ''year'' insert '', together with an analysis of that information''.

Page 17, line 10, strike out ''October 1'' and insert ''December 31''.

Page 18, after line 2 insert:

''The report required by this clause may be combined with the annual report required to be submitted on that date under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.''

Page 19, line 21, after ''name'' insert ''or Service identification number''.

Page 20, strike out all after line 21 over to and including line 4 on page 21 and insert:

''(6) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, or disability, unless otherwise specifically authorized by law or regulation. No court shall have jurisdiction under this paragraph to review any visa refusal, the denial of admission to the United States of any alien by the Attorney General, the Secretary's computation of the visa refusal rate, or the designation or nondesignation of any country.''.

Page 21, after line 4 insert:

''SEC. 207. VISA WAIVER INFORMATION.

''Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by sections 204(b) and 206 of this Act, is further amended by adding at the end the following:

''(7) VISA WAIVER INFORMATION.—

''(A) IN GENERAL.—In refusing the application of nationals of a program country for United States visas, or the applications of nationals of a country seeking entry into the visa waiver program, a consular officer shall not knowingly or intentionally classify the refusal of the visa under a category that is not included in the calculation of the visa refusal rate only so that the percentage of that country's visa refusals is less than the percentage limitation applicable to qualification for participation in the visa waiver program.

''(B) REPORTING REQUIREMENT.—On May 1 of each year, for each country under consideration for inclusion in the visa waiver program, the Secretary of State shall provide to the appropriate congressional committees—

''(i) the total number of nationals of that country that applied for United States visas in that country during the previous calendar year;

''(ii) the total number of such nationals who received United States visas during the previous calendar year;

''(iii) the total number of such nationals who were refused United States visas during the previous calendar year;

''(iv) the total number of such nationals who were refused United States visas during the previous calendar year under each provision of this Act under which the visas were refused; and

''(v) the number of such nationals that were refused under section 214(b) as a percentage of the visas that were issued to such nationals.

''(C) CERTIFICATION.—Not later than May 1 of each year, the United States chief of mission, acting or permanent, to each country under consideration for inclusion in the visa waiver program shall certify to the appropriate congressional committees that the information described in subparagraph (B) is accurate and provide a copy of that certification to those committees.

''(D) CONSIDERATION OF COUNTRIES IN THE VISA WAIVER PROGRAM.—Upon notification to the Attorney General that a country is under consideration for inclusion in the visa waiver program, the Secretary of State shall provide all of the information described in subparagraph (B) to the Attorney General.

''(E) DEFINITION.—In this paragraph, the term 'appropriate congressional committees' means the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on International Relations of the House of Representatives.''.

''TITLE III—IMMIGRATION STATUS OF ALIEN EMPLOYEES OF INTELSAT AFTER PRIVATIZATION

''SEC. 301. MAINTENANCE OF NONIMMIGRANT AND SPECIAL IMMIGRANT STATUS NOTWITHSTANDING INTELSAT PRIVATIZATION.

''(a) OFFICERS AND EMPLOYEES.—

''(1) AFTER PRIVATIZATION.—In the case of an alien who, during the 6-month period ending on the day before the date of privatization, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but only during the period in which the alien is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

''(2) PRECURSORY EMPLOYMENT WITH SUCCESSOR BEFORE PRIVATIZATION COMPLETION.—In the case of an alien who commences service as an officer or employee of a successor or separated entity of INTELSAT before the date of privatization, but after the date of the enactment of the ORBIT Act (Public Law 106–180; 114 Stat. 48) and in anticipation of

privatization, if the alien, during the 6-month period ending on the day before such commencement date, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the alien is an officer or employee of any successor or separated entity of INTELSAT.

''(b) IMMEDIATE FAMILY MEMBERS.—

''(1) ALIENS MAINTAINING STATUS.—

''(A) AFTER PRIVATIZATION.—An alien who, on the day before the date of privatization, was a member of the immediate family of an alien described in subsection (a)(1), and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but, only during the period in which the alien described in subsection (a)(1) is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

''(B) AFTER PRECURSORY EMPLOYMENT.—An alien who, on the day before a commencement date described in subsection (a)(2), was a member of the immediate family of the commencing alien, and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the commencing alien is an officer or employee of any successor or separated entity of INTELSAT.

''(2) ALIENS CHANGING STATUS.—In the case of an alien who is a member of the immediate family of an alien described in paragraph (1) or (2) of subsection (a), the alien may be granted and may maintain status as a nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on the same terms as an alien described in subparagraph (A) or (B), respectively, of paragraph (1).

''(c) SPECIAL IMMIGRANTS.—For purposes of section 101(a)(27)(I) (8 U.S.C. 1101(a)(27)(I)) of the Immigration and Nationality Act, the term ''international organization'' includes INTELSAT or any successor or separated entity of INTELSAT.

''SEC. 302. TREATMENT OF EMPLOYMENT FOR PURPOSES OF OBTAINING IMMIGRANT STATUS AS A MULTINATIONAL EXECUTIVE OR MANAGER.

''(a) IN GENERAL.—Notwithstanding section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), in the case of an alien described in subsection (b)—

''(1) any services performed by the alien in the United States as an officer or employee of INTELSAT or any successor or separated entity of INTELSAT, and in a capacity that is managerial or executive, shall be considered employment outside the United States by an employer described in section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)), if the alien has the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of such Act (8 U.S.C. 1101(a)(15)(G)(iv)) during such period of service; and

''(2) the alien shall be considered as seeking to enter the United States in order to continue to render services to the same employer.

''(b) ALIENS DESCRIBED.—An alien described in this subsection is an alien—

''(1) whose nonimmigrant status is maintained pursuant to section 301(a); and

''(2) who seeks adjustment of status after the date of privatization to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) based on section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)) during the period in which the alien is—

''(A) an officer or employee of INTELSAT or any successor or separated entity of INTELSAT; and

''(B) rendering services as such an officer or employee in a capacity that is managerial or executive.

''SEC. 303. DEFINITIONS.

''For purposes of this title—

''(1) the terms ''INTELSAT'', ''separated entity'', and ''successor entity'' shall have the meaning given such terms in the ORBIT Act (Public Law 106–180; 114 Stat. 48);

'(2) the term ''date of privatization'' means the date on which all or substantially all of the then existing assets of INTELSAT are legally transferred to one or more stock corporations or other similar commercial entities; and

''(3) all other terms shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. AMENDMENT TO SECTION 214 OF THE IMMIGRATION AND NATIONALITY ACT.

''Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding the following new paragraph:

''(10) An amended H–1B petition shall not be required where the petitioning employer is involved in a corporate restructuring, including but not limited to a merger, acquisition, or consolidation, where a new corporate entity succeeds to the interests and obligations of the original petitioning employer and where the terms and conditions of employment remain the same but for the identity of the petitioner.''.

''SEC. 402. THE IMMIGRANT INVESTOR PILOT PROGRAM.

''(a) EXTENSION OF PROGRAM.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking ''seven years'' and inserting ''ten years''.

''(b) DETERMINATIONS OF JOB CREATION.—Section 610(c) of such Act is amended by inserting '', improved regional productivity, job creation, or increased domestic capital investment'' after ''increased exports''.

''SEC. 403. PARTICIPATION OF BUSINESS AIRCRAFT IN THE VISA WAIVER PROGRAM.

''(a) ENTRY OF BUSINESS AIRCRAFT.—Section 217(a)(5) of the Immigration and Nationality Act (as redesignated by this Act) is amended by striking all after ''carrier'' and inserting the following: '', including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations which has entered into an agreement with the Attorney General pursuant to subsection (e). The Attorney General is authorized to require a carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a domestic corporation conducting operations under part 91 of that title, to give suitable and proper bond, in such reasonable amount and containing such conditions as the Attorney General may deem sufficient to ensure compliance with the indemnification requirements of this section, as a term of such an agreement.''.

''(b) ROUND-TRIP TICKET.—Section 217(a)(8) of the Immigration and Nationality Act (as redesignated by this Act) is amended by inserting ''or the alien is arriving at the port of entry on an aircraft operated under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations'' after ''regulations''.

''(c) AUTOMATED SYSTEM CHECK.—Section 217(a) (8 U.S.C. 1187(a)) of the Immigration and Nationality Act is amended by adding at the end the following: ''Operators of aircraft under part 135 of title 14, Code of Federal Regulations, or operators of noncommercial aircraft that are owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, carrying any alien passenger who will apply for admission under this section shall furnish such information as the Attorney General by regulation shall prescribe as necessary for the identification of any alien passenger being transported and for the enforcement of the immigration laws. Such information shall be electronically transmitted not less than one hour prior to arrival at the port of entry for purposes of checking for inadmissibility using the automated electronic database.''.

''(d) CARRIER AGREEMENT REQUIREMENTS TO INCLUDE BUSINESS AIRCRAFT.—

''(1) IN GENERAL.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended—

''(A) by striking ''carrier'' each place it appears and inserting ''carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title''; and

''(B) in paragraph (2), by striking ''carrier's failure'' and inserting ''failure by a carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title''.

''(2) BUSINESS AIRCRAFT REQUIREMENTS.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended by adding at the end the following new paragraph:

''(3) BUSINESS AIRCRAFT REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of this section, a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations that owns or operates a noncommercial aircraft is a corporation that is organized under the laws of any of the States of the United States or the District of Columbia and is accredited by or a member of a national organization that sets business aviation standards. The Attorney General shall prescribe by regulation the provision of such information as the Attorney General deems necessary to identify the domestic corporation, its officers, employees, shareholders, its place of business, and its business activities.

''(B) COLLECTIONS.—In addition to any other fee authorized by law, the Attorney General is authorized to charge and collect, on a periodic basis, an amount from each domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, for nonimmigrant visa waiver admissions on noncommercial aircraft owned or operated by such domestic corporation equal to the total amount of fees assessed for issuance of nonimmigrant visa waiver arrival/departure forms at land border ports of

entry. All fees collected under this paragraph shall be deposited into the Immigration User Fee Account established under section 286(h).''.

''(e) REPORT REQUIRED.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate assessing the effectiveness of the program implemented under the amendments made by this section for simplifying the admission of business travelers from visa waiver program countries and compliance with the Immigration and Nationality Act by such travelers under that program.

SEC. 404. MORE EFFICIENT COLLECTION OF INFORMATION FEE.

''Section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

''(1) in paragraph (1)—

''(A) by striking ''an approved institution of higher education and a designated exchange visitor program'' and inserting ''the Attorney General'';

''(B) by striking ''the time—'' and inserting the following: ''a time prior to the alien being classified under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.''; and

''(C) by striking subparagraphs (A) and (B);

''(2) by amending paragraph (2) to read as follows:

''(2) REMITTANCE.—The fees collected under paragraph (1) shall be remitted by the alien pursuant to a schedule established by the Attorney General for immediate deposit and availability as described under section 286(m) of the Immigration and Nationality Act.'';

''(3) in paragraph (3)—

''(A) by striking ''has'' the first place it appears and inserting ''seeks''; and

''(B) by striking ''has'' the second place it appears and inserting ''seeks to'';

''(4) in paragraph (4)—

''(A) by inserting before the period at the end of the second sentence of subparagraph (A) the following: '', except that, in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $40''; and

''(B) by adding at the end of subparagraph (B) the following new sentence: ''Such expenses include, but are not necessarily limited to, those incurred by the Secretary of State in connection with the program under subsection (a).''; and

''(5) by adding at the end the following new paragraphs:

''(5) PROOF OF PAYMENT.—The alien shall present proof of payment of the fee before the granting of—

''(A) a visa under section 222 of the Immigration and Nationality Act or, in the case of an alien who is exempt from the visa requirement described in section 212(d)(4) of the Immigration and Nationality Act, admission to the United States; or

''(B) change of nonimmigrant classification under section 248 of the Immigration and Nationality Act to a classification described in paragraph (3).

''(6) IMPLEMENTATION.—The provisions of section 553 of title 5, United States Code (relating to rule-making) shall not apply to the extent the Attorney General determines necessary to ensure the expeditious, initial implementation of this section.''.

''SEC. 405. NEW TIME-FRAME FOR IMPLEMENTATION OF DATA COLLECTION PROGRAM.

''Section 641(g)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended to read as follows:

''(1) EXPANSION OF PROGRAM.—Not later than 12 months after the submission of the report required by subsection (f), the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall commence expansion of the program to cover the nationals of all countries.''.

''SEC. 406. TECHNICAL AMENDMENTS.

''Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

''(1) in subsection (h)(2)(A), by striking ''Director of the United States Information Agency'' and inserting ''Secretary of State''; and

''(2) in subsection (d)(1), by inserting ''institutions of higher education or exchange visitor programs'' after ''by''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. 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 matter on the legislation under consideration.

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

There was no objection.

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

Mr. Speaker, the visa waiver pilot program allows aliens traveling from certain designated countries to come to the United States as temporary visitors for business or pleasure without having to obtain the nonimmigrant visa normally required to enter the United States. There are currently 29 countries participating in this program.

H.R. 3767 is a bipartisan bill. It was passed unanimously by the Subcommittee on Immigration and Claims in the Committee on the Judiciary. The Senate modifications to the House-passed language were worked out on a bipartisan basis with the Committee on the Judiciary.

Since its initial enactment as a temporary program in 1986, the Visa Waiver Pilot Program has been regularly extended by Congress. However, the latest extension expired on April 30.

Fourteen years is a long time for a pilot program. H.R. 3767, The Visa Waiver Permanent Program Act, makes the visa waiver program more secure and by ending the need to periodically reauthorize it, makes the program.

H.R. 3767 is a bipartisan bill. It was passed unanimously by the Subcommittee on Immigration and Claims and the Judiciary Committee. The Senate modifications to the House-passed language were worked out on a bipartisan basis with the Judiciary Committee.

The tourism and travel industry strongly supports this legislation. Visa-free travel under the program has stimulated tourism in the United States from participating countries. More than 17 million visitors enter the United States under the Visa Waiver Program each year. A permanent program will be a long term benefit to the tourism industry and remove the uncertainty caused by the periodic expiration of the program.

A permanent program should not be authorized if the program poses a threat to the safety and well-being of the United States or allows large numbers of aliens to use the program to circumvent immigration laws. Thus, H.R. 3767 contains several provisions that are needed to strengthen the program.

First, the current requirement that participating countries have a machine readable passport has been strengthened by establishing a date certain for all countries in the program to implement a machine readable passport.

Second, H.R. 3767 requires the INS to develop a fully automated system for tracking the entry and departure of visa waiver travelers entering by air and sea.

Third, H.R. 3767 establishes procedures for periodic reviews of countries already in the program and for suspending a country's participation in the program during emergency situations such as war, economic collapse, or a breakdown in law and order. Such procedures ensure that a permanent visa waiver program does not pose a threat to the law enforcement and security interests of the United States.

Finally, H.R. 3767 requires the INS and the Department of State to upgrade their automated lookout systems for screening visa waiver travelers.

H.R. 3767, as passed by the Senate, includes a number of new provisions that are agreeable to the Judiciary Committee. The first two modify the visa waiver program. The first would allow corporate aircraft to utilize the visa waiver program under the same conditions and with the same safeguards as may commercial air carriers. This provision will facilitate travel for those large number American businesses utilizing non-commercial air transport and will promote the economic health of the business aviation industry.

The second new measure requires the Secretary of State to provide Congress with information regarding countries under consideration for inclusion in the visa waiver program. It requires that visa refusal data not be manipulated by consular officers so as to favor a country's qualification for the visa waiver program.

The bill also includes new provisions not relating to the visa waiver program. The first deals with the immigration law consequences of the privatization of INTELSAT, the International Telecommunications Satellite Organization.

Prior to privatization, foreign INTELSAT employees in the United States received ''G–4'' nonimmigrant visas which are available to officers and employees (and their family members) of international organizations. Such employees (and their family members) are eligible for permanent residence upon retirement (and under certain other circumstances) pursuant to the special immigrant visa program.

Without legislative action, INTELSAT's foreign employees would be forced to leave the United States upon the entity's privatization.

The bill provides that foreign employees (and their family members) who worked for INTELSAT in the United States for at least 6

months prior to privatization can continue to use their G–4 visas for as long as they work for INTELSAT or a successor or separated entity. The bill further provides that these foreign employees (and their families) can continue to make use of the special immigrant visa program despite INTELSAT's privatization.

Finally, the bill provides that those qualifying foreign employees of INTELSAT who work in a managerial or executive capacity may seek permanent residence under the multinational executive and manager green card program.

The bill extends the length of the regional center pilot program of the employment creation immigrant visa program through October 1, 2003. This pilot program sets aside 3,000 visas a year for aliens investing in regional centers that promote economic growth. Under the pilot as amended by this bill, qualifying regional centers may create jobs indirectly through revenues generated from increased exports, improved regional productivity, job creation, or increased domestic capital investment.

The bill modifies the program set up under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to collect information on alien post-secondary students and exchange visitors. In 1995, the Immigration and Naturalization Service issued a report which found that ''Americans have a fundamental, basic expectation that their Government is effectively monitoring and controlling foreign students. . . . Because there have been high profile instances where terrorists and criminal aliens have been linked to student visas, there is a growing degree of public concern about this issue.''

Section 641 of IIRIRA required the implementation (first as a pilot program) of a system which would collect electronically information from schools on foreign students including identity and address, current academic status and any disciplinary action taken by a school against a student as a result of the commission of a crime. The system is soon to go into effect nationwide.

This bill clarifies that the fee funding this program shall be collected by the Attorney General prior to the issuance of a visa, and not by the institution of higher education or exchange visitor program when the alien registers or first commences activities.

In addition, the bill provides that aliens subject to the program who are admitted under ''J'' exchange visas as au pairs, camp counselors, or participants in summer work travel programs shall pay a fee of no more than $40.

Finally, the bill provides that employers utilizing the H–1B program do not have to file amended petitions for alien workers as a result of their being involved in corporate restructurings, including but not limited to mergers, acquisitions, or consolidations, where new corporate entities succeed to the interest and obligations of the original employers and where the terms and conditions of employment remain the same.

I urge my colleagues to vote for the Visa Waiver Permanent Program Act.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me add my appreciation to the chairman of the subcommittee, and, as well, to all of those who worked to move this legislation along.

Mr. Speaker, I support H.R. 3767. It is an important vehicle to improve the ability for tourism in the United States. Many entities worked to ensure that the visa waiver program became permanent.

This is, of course, to allow short-term visitors to travel to the United States without having to obtain a non-immigrant visa, thereby encouraging and facilitating international tourism to the United States. This will help all of our States, and particularly my State of Texas, that ranks number four in the Nation in overall visitor spending and travel.

Mr. Speaker, let me conclude by simply saying that I would hope that we would have the opportunity to look at countries in the continent of Africa, particularly South Africa, to include in this program, and that this program will continue to grow in a positive way so we can continue to have the important exchange that is so very important in the United States of America to promote cooperation and exchange.

Mr. FARR of California. Mr. Speaker, as co-chair of the House Travel and Tourism Caucus, I express my strong support for passage of the Visa Waiver Permanent Program Act (H.R. 3767) to permanently reauthorize the Visa Waiver Pilot Program.

The Visa Waiver Program facilitates and streamlines international travel by allowing visitors from 29 low-risk countries to enter the U.S. visa-free for up to 90 days. A permanent program will encourage international travel to the United States at a time when we should be promoting the U.S. travel and tourism industry. As the fastest growing industry in the United States, the third-largest retail industry, and one of the Nation's largest employers, tourism is one of our most vibrant economic industries.

More than 46 million international visitors come to the United States each year, and the numbers keep on increasing. These tourists spend more than $90 billion in the United States, supporting directly and indirectly 16.9 million American jobs, and creating a tourism trade surplus of $14.2 billion. More than 94 percent of these jobs are created by small businesses located in communities in every corner of the United States. In fact, the travel industry provides jobs for more than 800,000 people in California and 20,000 in my district alone. As the second largest economic engine on the central coast, bringing in $1.5 billion a year, tourism is absolutely integral to my district's economic success story.

Nearly half of all overseas visitors currently arrive under the Visa Waiver Program. Without this program, the number of international tourists will decrease substantially—which will be felt on Main Street, USA nationwide.

This success of the Visa Waiver Program has been an integral component in our increased international tourism, which has in turn provided substantial economic benefits to the United States. Therefore, on behalf of bed and breakfasts, retail shop owners, taxi drivers and tour operators across the Nation, I urge your support for making the Visa Waiver Pilot Program permanent.

Mr. UNDERWOOD. Mr. Speaker, thank you for allowing me the opportunity to comment in support of H.R. 3767, a bill which will make permanent the Visa Waiver Program Act. The original program allowed visitors from certain foreign countries to enter the United States and the Territories without having to apply for a visa.

Since the program expired on April 30 of this year, visitors to Guam from Japan and other countries covered under the program, have entered the island under INS paroling rules. This has created a burden of additional paperwork for INS agents to process; and, as a consequence, visitors are enduring longer lines in immigration. The average waiting period for processing ballooned from 45 minutes to up to 4 hours. Imagine yourself as a visitor traveling from Japan for 3 hours then waiting in line for an additional 4 hours to process through immigration before your able to leave the airport and begin your vacation. This is a reality that some visitors to Guam have had to endure.

This program is crucial to the success of American communities that rely on tourism as their main source of revenue. For 14 years the program has soundly demonstrated its ability to expand our travel and tourism base and aid our country's economic growth. Indeed, Guam has itself reaped the benefits of this program, alleviating the process for applying for a visa to certain visitors traveling to the United States for business or pleasure.

Since 1988, travel to the United States from foreign countries has consistently risen each year. International travel has given our country a trade surplus within the tourism industry totaling as much as $26 billion in 1996. It is clear that with revenues like this, we should make the Visit Waiver Program permanent.

Mr. Speaker, I urge the passage today of H.R. 3767, the Visa Waiver Permanent Program Act, which is instrumental to continuing the prosperity of our nations' economy, including my home island of Guam.

Mr. CONYERS. Mr. Speaker, on April 11, 2000, the House passed H.R. 3767, the Visa Waiver Permanent Program Act, which included an amendment I offered during the Judiciary Committee markup. My amendment prohibits the use of visa refusal rates to disqualify countries from the visa waiver program when visa refusals are based on the discriminatory practices of the adjudicating Consulate. The amendment as passed by both the committee and the House ensures that Consulates and Embassies abroad adjudicate visa applications based on the merits of the applications, and not on the basis of ''race, sex, sexual orientation, or disability.'' Unfortunately, this bill's Senate counterpart has been held up in large part because of opposition to my amendment by the senior Senator from North Carolina and others in the Senate majority.

In an effort to reach a compromise, the Senate bill retains my amendment, except for the prohibition of discrimination on the basis of sexual orientation. In addition, the Senate amendment provides that:

> No court shall have jurisdiction under [the Conyers' amendment] to review any visa refusal or the Secretary's computation of the visa refusal rate.

I would have preferred that these changes not have been made, but, given the lateness

in the session and the importance of the visa waiver program being extended, I am willing to support the legislation before us.

The impetus for the amendment was U.S. District Court Judge Stanley Sporkin's decisive findings in the case of Olden versus Albright in December 1997 that the U.S. Consulate General in Sao Paulo, Brazil, based its nonimmigrant visa determinations in large part on the applicants' race, ethnicity or national origin. For example, Korean and Chinese nationals were rarely issued visas unless they were older and had previously received a visa. According to the Consular Section Head, ''Filipinos and Nigerians have high fraud rates, and their applications should be viewed with extreme suspicion, while British and Japanese citizens rarely overstay, and generally require less scrutiny.'' Further, identifying cities ''known for fraud'' (most with predominantly black populations), the Consulate's manual stated that ''anyone born in these locations is suspect unless older, well-traveled, etc.''

Judge Sporkin correctly stated:

> The principle that government must not discriminate against particular individuals because of the color of their skin or the place of their birth means that the use of generalizations based on these factors is unfair and unjustified.

When, as in the Olsen case, that discriminatory profiling is occurring and where it occurs at the Federal level, it is particularly important that Congress act to prevent further discrimination.

Notwithstanding the Senate's revision to the bill, the final language makes it clear to the U.S. Consulates and Embassies abroad that it is a violation of U.S. law for visa refusals to occur based on generalizations that by their very nature are not applicable to the individual application. The revised language continues to ensure that Embassies and Consulates adjudicate visas based on the merits of the applications, and not on the basis of irrelevant and harmful discriminatory stereotypes. Further, the Olson decision continues to stand for the legal proposition that the use of generalizations based on race, sex, and disability (as well as sexual orientation, nationality, place of birth, and place of residence) is unfair, unjustified, and contrary to law.

The amendment added in the Senate will have no practical legal effect and I understand from my Senate colleagues that it is merely a symbolic gesture. Nonetheless, court stripping provisions, whether symbolic or not, is contrary to our democratic principles. I hesitate before supporting another bill out of this Congress that removes the ability of immigrants to have administrative determinations reviewed by a court. It seems to me ironic that our Republican friends demanded only a short while ago that Elian Gonzalez be afforded the right of judicial review. These demands must also have been only symbolic.

The bill passed by the Senate also includes a new title III to permit INTELSAT's foreign employees to maintain their nonimmigrant status notwithstanding the organization's privatization. At the present time, INTELSAT's foreign employees are in a visa status based on their employment by an international organization. After INTELSAT privatizes, its current employees will no longer be eligible to maintain their current visa status without this change in the law. the purpose of title III is not to give INTELSAT an unfair advantage with regard to its hiring practices as compared with its competitors. Let me just clarify my understanding of two references within Title III.

First, in sections 301(a)(1) and (a)(2), the phrase ''separate entity of INTELSAT'' is intended to address the situation in which, between passage of this bill and privatization, INTELSAT establishes a new separated entity as a shell company in anticipation of privatization. It is not our intent for an employee of INTELSAT who, post-privatization, becomes an employee of a separated entity that predates this legislation (e.g., New Skies Satellites N.V.) to retain his or her nonimmigrant status.

Second, in sections 301(a)(1) and (a)(2), the phrase ''the date of privatization'' means either the date that INTELSAT privatizes or April 1, 2001, whichever is earlier. The ORBIT Act specifies April 1, 2001 as the date by which INTELSAT must privatize, without regard to whether INTELSAT is granted an extension, pursuant to Section 621(5) of the ORBIT Act, to conduct an initial public offering.

Finally, I would like to thank the Travel Industry Association, and in particular its president, Bill Norman, for their exemplary work on ensuring the final passage of this bill.

The Visa Waiver Permanent Program Act is too important to our business and tourism industries to delay it any longer. I therefore urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3767.

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

A motion to reconsider was laid on the table.

DISABLED IMMIGRANT NATURALIZATION OATH WAIVER

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4838) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, as amended.

The Clerk read as follows:

H.R. 4838

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

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by adding at the end the following:

''The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 316(a)(3) with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons applying for naturalization before, on, or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing this bill, and I appreciate the effort she put into it to get to the point it is in today.

Mr. Speaker, H.R. 4838 permits the Attorney General to waive the taking of the oath of allegiance by a naturalization applicant if, in the opinion of the Attorney General, the applicant is unable to understand or to communicate an understanding of the oath's meaning because of a physical or developmental disability or mental impairment.

Mr. Speaker, some disabled, lawful permanent resident aliens have been unable to overcome obstructions at various stages in the naturalization process because of their disabilities. The Immigration and Nationality Act permits the Attorney General to waive the taking of the oath by a child if the child is unable to understand its meaning. Yet, some of those disabled individuals who were granted a medical

waiver for the English, history and government exams due to their physical or developmental disability or mental impairment also cannot communicate an understanding of the oath of renunciation. This bill provides the necessary waiver.

Like the preexisting oath waiver for children, this bill permits disabled applicants who cannot understand the oath or cannot communicate an understanding of the oath to overcome this last obstruction to becoming a United States citizen.

This bill will apply to persons applying for naturalization before, on, or after the date of enactment of this act.

Disabled naturalization applicants who have in the past been denied naturalization because they could not understand or communicate an understanding of the meaning of the oath may reopen their naturalization applications and continue the process of becoming American citizens.

I appreciate the willingness of the gentlewoman from Florida (Ms. ROS-LEHTINEN) to agree to the technical corrections found in this suspension version of H.R. 4838. I also appreciate her dedication to this deserving group of aspiring citizens.

Mr. Speaker, I urge my colleagues to support this bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I begin my remarks, I would like to add a special note of tribute and sadness to the loss of the gentleman from Minnesota (Mr. VENTO).

In particular, I want to acknowledge the work that he did with our subcommittee on the Hmong Naturalization Act, which gave relief to Laotian veterans who fought during the Vietnam War. We have waived their citizenship requirements, and the bill passed in the House and Senate. The gentleman from Minnesota was a great leader on these issues, and we thank him very much for the service he gave. His loss will be very much experienced by all of us.

Mr. Speaker, I rise in support of the bill of the gentlewoman from Florida (Ms. ROS-LEHTINEN), H.R. 4838. This bill would provide a waiver of the oath of renunciation and allegiance for naturalization in the case of certain people who are incapable of understanding such an oath. The oath of allegiance is the last step in the naturalization process. I thank the chairman for seeing this bill through the process and working in a bipartisan manner.

Mr. Speaker, this bill signifies the fact that the person is renouncing allegiance to the country he or she is already a citizen of and declaring allegiance to the United States. It is a meaningless requirement in the case of a person who cannot understand such an oath, and it is causing great harm to many people.

Naturalization applicants are required to demonstrate their ability to take a meaningful oath of allegiance to the United States. Perhaps the potential unfairness of this requirement can be seen most clearly in the case of Alzheimer's victims. Remember, many of these individuals are elderly, and may have waited a long period of time to receive this precious right of citizenship in the United States.

As a country, we have decided to provide medical benefits to our citizens. Alzheimer's victims who have been lawful, permanent residents for decades are in desperate need of these benefits, and they would be entitled to them as U.S. citizens, but for the fact that the Alzheimer's disease is preventing them to take an oath of allegiance. This truly is a catch-22 situation. The very disease that creates the need for medical services is preventing them from receiving the services.

This does not just apply to victims of Alzheimer's disease, it applies to many elderly people in our society who have lived in the United States as lawful, productive members of our society for many years and now desperately need medical assistance.

I have three constituents I want to tell Members about, a man and a woman and their 17-year-old child who has a mental impairment. The man and woman have applied for naturalization, and we have every reason to expect their applications to be granted. The problem is that their child will age out of eligibility for derivative citizenship when she turns 18 at the end of the year. She would then have to apply for naturalization on her own, which would require an oath of allegiance.

The child will lose derivative citizenship because INS cannot process a naturalization application for her parents in a reasonable amount of time. The average processing time for a naturalization application is more than 20 months. Because she is not competent to take an oath of allegiance, she will not be able to pursue a naturalization application on her own when she is 18 years old and has aged out of eligibility for derivative status.

This is terribly unfair. This is dividing and destroying a family. I enthusiastically urge members to support H.R. 4838, and thank my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), enthusiastically for her work.

Mr. Speaker, I rise in support of Representative ROS-LEHTINEN's bill, H.R. 4838. This bill would provide a waiver of the oath of renunciation and allegiance for naturalization in the case of certain people who are incapable of understanding such an oath. The oath of allegiance is the last step in the naturalization process.

It signifies the fact that the person is renouncing allegiance to the country he or she is already a citizen of and declaring allegiance to the United States. It is a meaningless requirement in the case of a person who cannot understand such an oath, and it is causing great harm to many people.

Naturalization applications are required to demonstrate their ability to take a ''meaningful oath'' of allegiance to the United States. Perhaps the potential unfairness of this requirement can be seen most clearly in the case of Alzheimer's victims. As a country, we have decided to provide medical benefits to our citizens. Alzheimer victims who have been lawful permanent residents for decades are in desperate need of these medical benefits, and they would be entitled to them as U.S. citizens but for the fact that Alzheimer's disease is preventing them from taking an oath of allegiance. This is truly a ''catch 22'' situation. The very disease that creates the need for medical services is preventing them from receiving the services.

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I have three constituents I want to tell you about, a man and a woman and their 17-year-old child who has a mental impairment. The man and the woman have applied for naturalization, and we have every reason to expect their applications to be granted. The problem is that their child will age-out of eligibility for derivative citizenship when she turns 18 at the end of the year. She will then have to apply for naturalization on her own, which will require an oath of allegiance.

The child will lose derivative citizenship because INS cannot process the naturalization applications of her parents in a reasonable amount of time.

The average processing time for a naturalization application is more than 20 months. And, because she is not competent to take an oath of allegiance, she won't be able to pursue a naturalization application on her own when she is 18 years old and has aged out of eligibility for derivative status. This is terribly unfair.

I urge Members to support H.R. 4838.

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

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

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, the United States is the world's greatest economic power. We sustain one of the world's highest standards of living that is more diversified than any other on Earth.

As a naturalized citizen, I know that the United States is the greatest country in the world, which is why it is not surprising that every year thousands of people from all over the world wish to be part of our great Nation.

But it is not necessarily the economic prosperity found here in our country that brings people here, because what naturalized Americans cherish most are the basic freedoms of life, liberty, and the pursuit of happiness.

As with many of my constituents, I know firsthand what it means and what it takes to become an American citizen. It is an emotional moment

when one declares to the world that this is their new land and this is indeed where they belong. So many people struggle with distance, language, and culture to come to a moment where they pledge the oath of allegiance, that this is their new countries, the United States of America.

At each naturalization ceremony, new Americans amplify a commitment that they have made in their hearts. As I was, they are reminded not only of America's promise, but of the responsibilities that they will proudly bear.

The U.S. has historically offered opportunities to all people, regardless of race, ethnicity, or religion. However, immigration law has not yet considered a small group of individuals with cognitive disabilities. In fact, a small fraction, only .1 percent, of soon-to-be Americans cannot complete the naturalization process because of a handicap that renders them ineffective in communicating an understanding of the naturalization oath.

These individuals are not exempt from fulfilling requirements of naturalization such as being of good moral character and of residency here in the United States. They must still fulfill those responsibilities. But these severely disabled individuals pose no threat to American society. Yet, they should be entitled to the same responsibilities and opportunities that we as Americans all share.

My legislation will enable individuals suffering from advanced Alzheimer's, from Downs syndrome, and from autism to waive the oath of allegiance in order to become United States citizens.

The United States is the greatest success story of the modern world. So in a Nation such as ours, disability should not hinder a person from achieving one of the loftiest goals, that of becoming a United States citizen.

In our country, persons with disabilities who are given opportunities have never let us down. Waiving the oath for .1 percent of neurologically-impaired persons will help fulfill the American dream for many new American families.

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It will affirm the generous nature of the American spirit, and it will boast of America's compassionate character. I urge my colleagues to vote for passage of my legislation. It will ensure that equality is meant for all persons regardless of their disabilities. And I thank the gentleman from Texas (Mr. SMITH) again for his time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX), the chairman of the Committee on House Policy.

Mr. COX. Mr. Speaker, I thank the gentleman from Texas (Chairman SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their leadership on this legislation, which is so strongly needed in the interests of justice. Everyone is moved by stories of people who work hard and play by the rules. That is certainly the case for one of my constituents who, for 6 years, has been working hard to become legally a citizen of the United States.

Mr. Speaker, unfortunately, when the system of justice does not work, it is heartbreaking for those involved. In the case of Vijai Rajan, who is 25 years old, she has lived in this country her entire life, since she was 4 months old. Both of her parents are naturalized U.S. citizens. Her sister was born in Cincinnati. The Rajan family wanted Vijai also to become a citizen, but you see, Vijai is in a wheelchair. She requires 24-hour-a-day care. She has cerebral palsy, muscular dystrophy, Crohn's disease, and suffers from seizures.

She communicates by sounds and by signs that she understands, and the only expressions are those that she feels. Of course, Vijai could not raise her hand and take the oath of citizenship. But the INS, the Immigration and Naturalization Service, where her family applied for her some 6 years ago has run them through the bureaucratic mill for years.

They contacted my office after having twice filed for citizenship, after having had her in her wheelchair even down to the INS office. She had been working for 4 years with the INS at that point; and not until later, not until the very end, did the INS tell them, even though they had met the other requirements, that she could not become a citizen in any event, because she could not raise her hand and say the oath.

The INS regs already allow an exemption from the English language for people who wish to become citizens. They allow for people with disabilities an exemption from the American history requirement. And a recent court case recently held that a man with Down's Syndrome who could not recite the oath could still be granted citizenship.

But in the case of Vijai Rajan, the INS pressed on, litigated, tried to do everything possible to prevent this woman and her family from letting her become a citizen.

Today with the passage of H.R. 4838, Congress will clearly state that the Attorney General has the authority to waive the oath requirement for people with disabilities. This legislation also sends a strong signal that long delays in bureaucratic impediments are not the greeting that this great Nation will extend to its new citizens. I thank the Rajan family for never losing hope.

It sometimes takes an act of Congress to write a wrong. Vijai may not be able to comprehend the full extent of her legacy, but I know that passing this legislation will bring great comfort to all of her family and friends and all other immigrants who dream of becoming United States citizens. I thank my colleagues for their leadership in bringing this important legislation to the floor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), my colleague and classmate.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Texas (Mr. SMITH), my classmate, for yielding the time to me, for his leadership on this committee and on this subcommittee.

I very much appreciate having this bill come on the floor. I want to certainly thank the author of the bill, the gentlewoman from Florida (Ms. ROS-LEHTINEN), because this is something that is so humane and does help so many people who are so deserving of citizenship.

It will allow the Attorney General to waive the oath requirements for nationalization, if the applicant is an individual with a physical or mental disability or mental impairment, who because of such disability is unable to understand or communicate an understanding of the meaning of the oath.

We all have examples. Let me just try one out. Gustavo Galvez-Letona, a 27-year-old native Guatemalan with Down's Syndrome, arrived in the United States when he was 10 years old. INS waived the English and civics tests for him but refused to waive the oath; thus he is the only member of his family who is not yet naturalized.

A Federal district court granted his petition for naturalization, recognizing that since INS has statutory authority to waive the oath for children, the oath is not an essential eligibility requirement. The court ordered INS to naturalize Mr. Galvez-Letona, stating that because of his severe mental disability, he is no different than a child who is unable to understand the oath and attachment requirements.

The Department of Justice has appealed the court's decision.

By passing this bill, which will waive the oath of renunciation and allegiance for naturalization for individuals with cognitive disabilities, or children who are unable to understand the meaning of the oath, we will enable thousands of families across our country who are living with autism, Down's Syndrome, Alzheimer's and other neurological disorders to realize American citizenship.

It is historically a part of our great country to be an inclusive Nation and provide opportunities for all, so I salute all who are involved in this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this humanitarian bill.

Mr. Speaker, not knowing whether I will appear as a manager of a bill again, let me thank the Committee on the Judiciary staff for their leadership and outstanding service, and particularly those of the subcommittee that

are here: George Fishman, Lora Reis, Kelly Dixon, Leon Buck, and Nolan Rappaport.

Mr. DIAZ-BALART. Mr. Speaker, I rise today in strong support for the critically-needed legislation introduced by my colleague, Ms. ROS-LEHTINEN (H.R. 4838).

This legislation would remove an onerous obstacle for those persons with disabilities who are legal permanent residents, but because of their disabilities, are foreclosed from obtaining citizenship because they cannot recite the naturalization oath.

This legislation gives the Attorney General the authority to waive the oath of renunciation and allegiance for naturalization for individuals with cognitive disabilities, or children who are unable to understand the meaning of the oath. Accordingly, this legislation will enable thousands of families in our nation who have loved ones with autism, down syndrome, Alzheimer's and other neurological disorders to realize American citizenship for their loved ones. It will also give them peace of mind in that their loved ones will be able to attain citizenship and thereby secure the benefits and security accorded to United States citizens. This legislation will also enable disabled people the opportunity, as citizens, to develop their abilities so that they can be the most productive citizens they possibly can be.

Mr. Speaker, I am proud to be a cosponsor of this worthwhile legislation and I applaud my colleagues ILEANA ROS-LEHTINEN and Subcommittee Chairman LAMAR SMITH for advancing it to the House suspension calendar for a vote today.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 4838, which would permit the Attorney General to waive the oath of renunciation and allegiance in instances when the applicant for naturalization is an individual with a severe disability who is unable to understand or communicate an understanding of the meaning of the oath. This legislation is important to families in Connecticut and across this country.

I want to thank Congresswoman ILEANA ROS-LEHTINEN for introducing this legislation and Chairman LAMAR SMITH for working with our offices to bring it to the floor. I also want to thank Connecticut's senior senator, CHRISTOPHER DODD, for his work on this legislation in the Senate.

Under current law, the Attorney General has the authority to waive for disabled applicants the English and civics tests required for naturalization. It makes little sense that the Attorney General has the discretion to waive these tests but is prohibited from waiving the oath of renunciation and allegiance required of these same disabled applicants.

The result is that despite the fulfillment of all other requirements for naturalization, certain disabled individuals are unable to ever become citizens. These instances are rare, but they have terrible implications for the affected families. For example, it is possible under current law for an entire family to be naturalized with the exception of one disabled family member—who then could face possible deportation.

The main purpose of the oath requirement is to prevent the naturalization of people who are hostile to the United States Government or the principles of the Constitution. Waiving this requirement for people with severe disabilities does nothing to defeat this purpose or threaten our national security because these individuals lack the capacity to understand the oath and, therefore, cannot form the intent to act against our government.

Furthermore, individuals with disabilities who receive a waiver would still have to fulfill other requirements of naturalization, including good moral character and residency.

The legislation we are considering today poses no danger and manifests our nation's compassion—a characteristic too often missing from our immigration policy. I urge my colleagues to support its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4838, 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.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 2812) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas (Mr. SMITH) for an explanation.

Mr. SMITH of Texas. Mr. Speaker, let me explain that the purpose of the request is to amend the companion Senate bill and send it back to the Senate with the text of H.R. 4838 which the House has just passed.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank the gentleman for his response.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2812

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

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—The last sentence of section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended to read as follows: ''The Attorney General may waive the taking of the oath if in the opinion of the Attorney General the applicant for naturalization is an individual with a disability, or a child, who is unable to understand or communicate an understanding of the meaning of the oath. If the Attorney General waives the oath for such an individual, the individual shall be considered to have met the requirements of section 316(a)(3) as to attachment to the Constitution and well disposition to the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who applied for naturalization before, on, or after the date of enactment of this Act.

MOTION OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion.

The Clerk read, as follows:

Mr. SMITH of Texas moves to strike out all after the enacting clause of S. 2812 and in lieu thereof insert the text of H.R. 4838 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4838) was laid on the table.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2438) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

The Clerk read as follows:

S. 2438

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Safety Improvement Act of 2000''.

(b) AMENDMENT OF TITLE 49, 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 a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Except as otherwise required by this Act, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT–2000–069).

(b) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) REPORTS BY THE INSPECTOR GENERAL.—The Inspector General shall periodically transmit to the Committees referred to in

subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 3. NTSB SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) PUBLIC AVAILABILITY.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135 (a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) REPORTS TO CONGRESS.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) QUALIFICATION PLAN.—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

(b) REQUIREMENTS.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operator qualification and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry responses to those actions and recommendations.

(2) CRITERIA.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) DUE DATE.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.

Section 60109 is amended by adding at the end the following:

''(c) INTEGRITY MANAGEMENT.—

''(1) GENERAL REQUIREMENT.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2001, whichever is sooner.

''(2) STANDARDS FOR PROGRAM.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

''(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods;

''(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner; and

''(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

''(3) CRITERIA FOR PROGRAM STANDARDS.—In deciding how frequently the integrity assessment methods carried out under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operators of pipelines to conduct internal inspections.

''(4) STATE ROLE.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

''(5) MONITORING IMPLEMENTATION.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.

''(6) OPPORTUNITY FOR LOCAL INPUT ON INTEGRITY MANAGEMENT.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

''(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

''(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

''(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

''(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

''(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.''.

SEC. 6. ENFORCEMENT.

(a) IN GENERAL.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

''(1) operation of the facility is or would be hazardous to life, property, or the environment; or

''(2) the facility is, or would be, constructed or operated, or a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.''; and

(2) by striking ''is hazardous,'' in subsection (d) and inserting ''is, or would be, hazardous,''.

SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

''§ 60116. Public education, emergency preparedness, and community right to know

''(a) PUBLIC EDUCATION PROGRAMS.—

''(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

''(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate

pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

''(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

''(b) EMERGENCY PREPAREDNESS.—

''(1) OPERATOR LIAISON.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

''(2) INFORMATION.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), the operator's program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

''(A) the business name, address, telephone number of the operator, including a 24-hour emergency contact number;

''(B) a description of the facility, including pipe diameter, the product or products carried, and the operating pressure;

''(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

''(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

''(E) a point of contact to respond to questions from emergency response representative.

''(3) SMALLER COMMUNITIES.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

''(4) PUBLIC ACCESS.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

''(c) COMMUNITY RIGHT TO KNOW.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

''(d) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall—

''(1) make available to the public—

''(A) a safety-related condition report filed by an operator under section 60102(h);

''(B) a report of a pipeline incident filed by an operator;

''(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

''(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

''(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible.''.

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) is amended by striking ''authorities.'' and inserting ''officials, including the local emergency responders.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

''60116. Public education, emergency preparedness, community right to know.''.

SEC. 8. PENALTIES.

(a) CIVIL PENALTIES.—Section 60122 is amended—

(1) by striking ''$25,000'' in subsection (a)(1) and inserting ''$500,000'';

(2) by striking ''$500,000'' in subsection (a)(1) and inserting ''$1,000,000'';

(3) by adding at the end of subsection (a)(1) the following: ''The preceding sentence does not apply to judicial enforcement action under section 60120 or 60121.''; and

(4) by striking subsection (b) and inserting the following:

''(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

''(1) the Secretary shall consider—

''(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

''(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

''(C) good faith in attempting to comply; and

''(2) the Secretary may consider—

''(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

''(B) other matters that justice requires.''.

(b) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking ''knowingly and willfully'';

(2) by inserting ''knowingly and willfully'' before ''engages'' in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

''(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

(c) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

''(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.''.

SEC. 9. STATE OVERSIGHT ROLE.

(a) STATE AGREEMENTS WITH CERTIFICATION.—Section 60106 is amended—

(1) by striking ''GENERAL AUTHORITY.—'' in subsection (a) and inserting ''AGREEMENTS WITHOUT CERTIFICATION.—'';

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

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

''(b) AGREEMENTS WITH CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.

''(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

''(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

''(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

''(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

''(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

''(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

''(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2001, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2000 if—

''(A) the State Authority fails to comply with the terms of the agreement;

''(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

''(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.''.

(b) ENDING AGREEMENTS.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

''(e) ENDING AGREEMENTS.—

''(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

''(2) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

''(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

''(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

''(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

''(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.''.

SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting ''(1)'' before ''To'';

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

(3) inserting before the last sentence the following:

''(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

''(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request.''; and

(4) indenting the first word of the last sentence and inserting ''(4)'' before ''The Secretary'' in that sentence.

(c) PENALTY AUTHORITIES.—(1) Section 60122(a) is amended by striking ''60114(c)'' and inserting ''60117(b)(3)''.

(2) Section 60123(a) is amended by striking ''60114(c),'' and inserting ''60117(b)(3),''.

(d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—Section 60117 is amended by adding at the end the following:

''(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.''.

SEC. 11. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) PIPELINE SAFETY AND RELIABILITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) PURPOSE.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipeline materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) POINTS OF CONTACT.—

(A) IN GENERAL.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) DUTIES.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety

advocates, and professional and technical societies.

(6) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUIDS.—Section 60125(a) is amended to read as follows:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

''(1) $26,000,000 for fiscal year 2001, of which $20,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

''(2) $30,000,000 for each of the fiscal years 2002 and 2003 of which $23,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.''.

(b) GRANTS TO STATES.—Section 60125(c) is amended to read as follows:

''(c) STATE GRANTS.—Not more than the following amounts may be appropriated to the Secretary to carry out section 60107—

''(1) $17,000,000 for fiscal year 2001, of which $15,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

''(2) $20,000,000 for the fiscal years 2002 and 2003 of which $18,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.''.

(c) OIL SPILLS.—Sections 60525 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

''(d) OIL SPILL LIABILITY TRUST FUND.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to carry out programs authorized in this Act for fiscal year 2001, fiscal year 2002, and fiscal year 2003.''.

(d) PIPELINE INTEGRITY PROGRAM.—(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 11(b) and 12 of this Act $3,000,000, to be derived from user fees under section 60125 of title 49, United States Code, for each of the fiscal years 2001 through 2005.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention and mitigation of oil spills under sections 11(b) and 12 of this Act for each of the fiscal years 2001 through 2005.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 11(b) and 12 of this Act such sums as may be necessary for each of the fiscal years 2001 through 2005.

SEC. 14. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) IN GENERAL.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

(b) CORRECTIVE ACTION ORDERS.—Section 60112(d) is amended—

(1) by inserting ''(1)'' after ''CORRECTIVE ACTION ORDERS.—''; and

(2) by adding at the end the following:

''(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until—

''(A) the Secretary determines that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

''(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 4 of the Pipeline Safety Improvement Act of 2000 and can safely perform those activities.

''(3) Disciplinary action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.''.

SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60129. Protection of employees providing pipeline safety information

''(a) DISCRIMINATION AGAINST PIPELINE EMPLOYEES.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

''(3) testified or is about to testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the

complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

''(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

''(6) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for a pipeline.''.

(b) CIVIL PENALTY.—Section 60122(a) is amended by adding at the end the following:

''(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by adding at the end the following:

''60129. Protection of employees providing pipeline safety information.''.

SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

SEC. 17. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

SEC. 18. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

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

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

Mr. Speaker, today we are considering a bill to save lives. This legislation is tough new pipeline safety legislation that is going to significantly strengthen our Nation's pipeline safety laws. In the past year and a half, the Nation has suffered two tragic pipeline accidents.

This legislation reauthorizes our Nation's pipeline safety program for 3 years and makes a number of very important, substantive changes to the pipeline safety statute.

It reflects a year of intensive efforts by the Congress to bring a balanced measure to the floor. The legislation we have before us passed the United States Senate unanimously just a week or so ago by a vote of 99–0.

It was supported by the White House, the Secretary of Transportation, the National Governors Association, even the Mayor of Bellingham, Washington, the site of one of the tragic accidents.

Indeed, I would note this is very bipartisan. The Mayor of Bellingham happens to be a Democrat; many of the members of the Washington delegation are Republicans. This is not, and should not be, a political issue. It is a bipartisan issue attempting to deal with safety and save lives. It is a good bill, but it is not a perfect bill. It balances many competing concerns.

I know we are going to hear from my colleagues on the other side of the aisle, some of them at least, who feel that it does not go far enough. I happen to agree with them.

If I had my druthers, I would like to have worked out a House bill that we could bring to the floor, then pass it, then go to conference with the Senate, then negotiate a compromise, bring it back and bring back what I believe could be an even better bill.

The problem, however, is we are running out of time; that simply is not going to happen. The legislation that

we have before us today does indeed address all of the major issues debated during the reauthorization effort on both sides of the Capitol. This legislation that we have before us today provides for mandatory inspections. It requires qualifications of pipeline personnel.

It requires certification so we know that people are competent in looking out for pipeline safety. It expands public access to information on pipeline operations, and it provides, very importantly, a greater role for the States in oversight of interstate pipelines.

It also provides for the ability to reassign employees involved in incidents during the investigation of those incidents. It significantly increases penalties and removes the penalty cap. It provides whistle-blower protection, and it significantly increases funding for the pipeline safety program.

It is a strong step in the direction of reducing risks and, indeed, reducing the awful possibility of losing lives. It improves the current pipeline safety program by several different movements, one of which is addressing criticisms which have been leveled by the NTSB, the IG and GAO, and not only by addressing those criticisms, but providing funding levels to effectively implement those tougher changes.

There are going to be those who say the bill does not go far enough. I happen to agree with that. I know the gentleman from Minnesota (Mr. OBERSTAR), my dear friend, would like the House to act. I agree with him. I would like the House to act also. The problem is we simply are running out of time. And if we do not move this good legislation, this safety legislation to save lives, there is not going to be any legislation, because we are not going to have the time to pass a House bill and go to conference and work out our differences.

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There will not be any safety legislation, and I think that would be regrettable.

I think it is very important to note that Senator MURRAY from Washington strongly supports the bill, Senator BREAUX supports the bill, Senator MCCAIN supports the bill. This really should have been an easy matter for this body. The bill passed the Senate unanimously. It addresses a very serious pressing problem.

Unfortunately, some of my colleagues on the other side of the aisle apparently thought to politicize this issue and kill this legislation. I think that would be regrettable because if we kill the legislation, then we will not have improved pipeline safety. We will not have provided the opportunity to save lives.

So I say let us not let the perfect, which is unattainable, become the enemy of the good. This is a good bill. It is going to save lives. I urge my colleagues to support it.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, on Tuesday, July 8, 1986, a quiet neighborhood in Mounds View, Minnesota, at 4 a.m. was wrenched from its slumber by a shattering explosion. A wall of fire roared through the street, turning the night into an inextinguishable nightmare.

The explosion of a pipeline carrying unleaded gasoline killed a mother and her 7-year-old daughter, incinerated them, and severely injured another woman who emerged from her home.

Lawns were scorched, mailboxes melted, power lines were down, cars set afire, the road buckled, and trees wilted. A quarter of a million dollars of property damage was caused. The origin of it all: a ruptured hazardous liquid pipeline carrying gasoline between St. Paul and Duluth.

It focused the attention of the Congress and of the country and the review of the National Transportation Safety Board and the General Accounting Office on the need to improve the safety of the Nation's pipelines.

I was then chair of the Subcommittee on Investigations and Oversight and had been preparing for a hearing on pipeline safety when this tragedy occurred. We held those hearings.

Following the hearings, my then partner on that subcommittee, Mr. Clinger from Pennsylvania, and I made recommendations for safety improvements, including a substantial increase in pipeline inspections to detect problems before they lead to tragedy, better information on pipelines for persons who live near them, improvement in the data submitted by the Office of Pipeline Safety, improvements in cathodic protection, automatic shut-off valves to detect problems and prevent them from getting worse in suburbanized areas.

The NTSB agreed and issued recommendations that the Office of Pipeline Safety require operators to conduct periodic internal inspection of their lines. But nothing happened because the administration at the time did not want those recommendations to go into effect.

My two Senate Republican colleagues from Minnesota introduced legislation that required 3-year inspections, every 3 years. Tough inspections. Mandatory inspections. Established in legislation. That was reflected in our hearings. So in 1992, Congress passed legislation requiring OPS to set requirements for operators to conduct internal inspections by 1995.

Today, 14 years after Mounds View, little progress has been made. The accident rate has not improved. In fact, it is increasing by 4 percent a year rate of accidents in pipelines. Twenty-four percent of the gas pipelines in this country are now more than 50 years old. The Office of Pipeline Safety has failed to step up to the plate and deal with the problem.

The Office of Pipeline Safety has failed to comply with 22 directives from Congress to adopt regulations and undertake the necessary studies and regulatory action. That office has the lowest rate of any in the Department of Transportation of accepting NTSB recommendations.

The bill before us is not as they, the industry, claim, a ''tough'' bill that will promote pipeline safety. The Senate bill mandates nothing beyond the current inadequate program of OPS. It leaves it to the discretion of OPS whether to adopt stronger programs. That approach has not worked.

This bill will be requirement 23 on the Office of Pipeline Safety to adopt regulations. They have not done it 22 other times, what makes anyone think they are going to do it now?

OPS has not issued a single final regulation requiring inspections. Just a short time ago, in the absence of inspection requirements, we had another tragedy. In Carlsbad, New Mexico, a 50-year-old pipeline exploded, killing 12 people, 5 children. Inspections showed that the pipeline had significant internal corrosion. It had never been properly inspected in 50 years. We cannot wait for OPS to do some more foot dragging in the face of this industry opposition to mandatory actions.

There is a whole group of people that do not want this legislation and want this legislation strengthened. We have been told right from the very outset, we were in the process, I say to the gentleman from Pennsylvania (Chairman SHUSTER), we had reached a staff agreement, we had moved forward with a bill, and then, the Senate, on September 7, passed their bill.

All of a sudden, we heard from the other body, you know the process over here in the Senate. There is not enough time left. That was a month ago. We could have had a bill on the floor. We could have been in conference with the Senate. We could even have some discussions with the Senate and do better, do better.

I resent the implication and the statements made on the floor of the other body down the hall from here that people in this body, with indirect reference to this Member, are objecting to this bill on political grounds. Bologna. Anyone who knows me knows I stand for principle and for safety, and that is what this debate is all about.

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

Mr. Speaker, I want to say that I agree with so very much of what the gentleman from Minnesota (Mr. OBERSTAR) has said about the serious problems that have existed. If I could, I would wave a magic wand and get a bill through the House here that we could go to the Senate with and negotiate a compromise, and I think we could have a better product. Time is not on our side.

So I believe we are faced with the reality of we take this bill, which did, indeed, pass the Senate unanimously, 99 to 0, or we simply will not get any safety bill. I regret that, but I believe that is the reality of where we are.

Mr. Speaker, I am pleased to yield 2 minutes to a distinguished gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, the gentleman from Pennsylvania (Chairman SHUSTER) has said it best, of course we could do a better bill in the House. Of course, if we have the time, we could perhaps resolve all the problems in pipeline safety. But this Senate bill, passed by unanimous consent, is what we have.

It is a strong and effective bill. It makes some very important steps in favor of pipeline safety. It improves and expands the public's right to know about pipeline hazards. It requires pipeline operators to test and inspect. It requires the operators to qualify and test their personnel. It requires spills as small as 5 gallons to be reported. It significantly raises the penalties for safety violations. It invests in new technologies to improve pipeline safety. It provides protections for whistle blowers, an important part of this process. It increases State oversight and local government input. Finally, it increases funding for safety efforts.

Mr. Speaker, if one looked at a map of my State, and my district in particular, the third district in Louisiana, a map of pipelines across my district and the State, it looks like spaghetti. We are just absolutely covered with pipelines that carry all sorts of hazardous and very important products for America, oil, gas, liquids of all kinds.

Pipeline safety is incredibly important to the people of my State. I will say again what the gentleman from Pennsylvania (Chairman SHUSTER) has said, I think if we had the occasion to sit down in this Chamber and write a better bill than this one, I think we could because this bill is not perfect and could be improved.

But what has been agreed upon by the Senate, it dramatically advances pipeline safety. It is an incredibly important step in the right direction. For us not to take this step this session would be a shame. It would be, I think, a disregard of our duty. This is the opportunity for us to improve pipeline safety across this country. We need to take that important step. We need to pass this bill.

We will be back here next year. We can provide the oversight over the DOT and the other agencies to make sure they carry out the intent of both this act and other acts. I urge my colleagues to pass this bill.

Mr. OBERSTAR. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Speaker, I rise in opposition to this embarrassment that is called a piece of legislation, S. 2438. It does nothing to add to the safety of the American people or to ensure the safety of pipelines. There is little in this bill that cannot be done under existing law, and there is little in this bill that cannot be done by regulation at the Office of Pipeline Safety. It does little to correct the weakening that was done in the agreement which produced a bill which slipped through this House and through the Senate not long back and which resulted in significant weakening of the law with regard to pipeline safety.

It is time that we did something meaningful in the area of pipeline safety. The results of inaction by the Office of Pipeline Safety, a very weak agency, and by this Congress, are that there are more than 15 people dead in the last 18 months, including seven children under the age of 10.

The environment has suffered, too. In the first 9 months of this year, property and environmental damages from hazardous liquid pipeline accidents has already surpassed that of any other full year. Consumers have suffered from pipeline accidents on the Explorer pipeline in Texas and the Wolverine pipeline in my own State of Michigan. Those events helped drive the gasoline price to as high as $2.50 a gallon in parts of the Midwest this summer.

Inaction has hurt people. It has killed people. It has hurt the economy. It has raised gas and oil prices. There is no friend outside of this Chamber to the legislation except the pipeline industry. They are the only people that want this bill. They are the only people that do not know it is a sham, because they know there is something in it for them.

There is more inaction by OPS, there is more inaction by the Congress, and there is a weak law under which little, if anything, is going to be done to take care of the safety of the American people.

This legislation is opposed by organized labor. The AFL-CIO, the Teamsters, PACE, the transportation trades, the building and construction trades, the plumbers and the pipefitters all have sent letters urging Members to oppose this bill.

The bill is also opposed by environment and public safety groups, including the League of Conservation Voters, the Environmental Defense Fund, the Natural Resources Defense Council, Physicians for Social Responsibility, Clean Water Action, U.S. PIRG, and the National Pipeline Reform Coalition.

Finally, and most importantly, the families of the Bellingham, Washington pipeline disaster oppose this legislation. They sent a letter to the House of Representatives urging us to vote against this sham safety legislation. The bill, as initiated in the Senate, was named after the two 5-year-old boys in Bellingham who were killed last year. Those names were removed from the bill at the request of the parents of Wade King and Stephen Tsiorvas because, in their view, the legislation is so weak that it is unworthy of being named after their sons.

Who does support the bill? Pipeline companies and their trade organizations. They are the only ones supporting the bill. Why? Because it is a sweetheart deal, because it is not going to do anything.

My counsel to this House is based on years of experience with OPS and with pipeline safety and with the pipeline companies, and that is reject the bill. Nothing is going to happen other than the fact that we will save this House a little bit of time, and we will enable us to approach this bill in a more sensible way next year without the kind of, quite frankly, disgrace that we confront at this particular time.

1700

I would simply observe, no one is going to be hurt by rejecting a bill like this, which does so little. Everyone will be helped by passing a decent piece of legislation. We can do that next year. There is no need to make haste to pass this kind of an abomination.

Mr. Speaker, I urge my colleagues, let us pass good legislation, let us strengthen pipeline safety, let us see to it that people are no longer killed by indifference and by poor legislation and by sweetheart deals cut which result in bad legislation coming to this House, and by weak organizations like the Office of Pipeline Safety, which does not do the job it should do in protecting the American people.

I urge the legislation be rejected. We can do a better job next year. Certainly we cannot do a worse job next year.

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

Mr. Speaker, when my good friend from Michigan, with whom I have stood shoulder to shoulder in fighting so many battles together, says that this legislation, if I heard him correctly, is only supported by the pipeline industry, I have to refer to numerous other important people, I think, and organizations which indeed have expressed their strong support for this legislation.

Senator PATTY MURRAY, Democrat of Washington, who is intimately familiar with the terrible problems, has come out strongly for this legislation; Senator SLADE GORTON, a Republican of Washington. So we have both the Republican and the Democratic Senators representing the whole State, a State which has been so badly hurt in the past, supporting the legislation. The Secretary of Transportation, Rodney Slater, who says this legislation is critical to much-needed improvements in pipeline safety program; Vice President AL GORE, and I might get in trouble with some of my colleagues over here for emphasizing this, but facts are facts. Vice President GORE said, ''I commend the Senate for taking action today on this important issue of pipeline safety and I urge the House to take up this legislation soon.''

The National Association of Regulatory Utility Commissioners. The National Governors' Association, which

says, ''On behalf of the national governors, we are writing to urge you to support this legislation adopted by the Senate to improve oil and gas pipeline safety and to support prompt passage of such legislation.'' The newspaper in Bellingham, where the terrible tragedy occurred, says ''Given where we are now, the reforms provided by the Senate legislation are significant. We cannot wait. The time is now for pipeline safety legislation.''

And indeed, Senator PATTY MURRAY, who has been in the forefront of supporting this on the floor of the Senate said, ''Well, some critics say we'll start again next year; we'll do better next year. That means it will be at least a year. And how can we have so much faith that we will get anything stronger or anything at all under a new Congress and a new President?'' And she says, ''Let me ask a simple question. Will you take that bet, if your family's safety depended upon it? I wouldn't, and I don't think we can shirk our responsibility to protect the public this year.''

I find myself in a bit of an incongruous position in defending, in the midst of this heated political campaign, the Clinton administration, defending a Democratic administration who says we should pass this because it is so critical. And again, I emphasize we could have done a better job here in the House if we had had the time. But that simply is not the reality that we face, and so we should settle for a good piece of legislation, one which we indeed could have made better, but given the time, it is either this or nothing. And, indeed, if we want to bring up something next year to improve it further, we can certainly do that; but let us not continue to jeopardize the lives of American people, and in many cases young children, by doing nothing this year.

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

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time. He is noted for his generosity, and once again that is being exemplified here by his activities on the floor.

This is really a sad day when we are listening to Members of the House of Representatives tell every other Member that we should not have any judgment on a piece of legislation; we should just listen to the Senate.

Now, the gentleman from Pennsylvania would never, under any circumstances, have the Senate make every decision about every highway, every dam, every railroad in the United States. But he is out here today telling us that for pipeline safety, these pipes that go past homes and playgrounds all over the United States, that we should listen to the Senate. Since when did they become so wise?

The bill before us fails to repeal the cost-benefit provision put into the 1996 reauthorization bill. I opposed these provisions then and support their repeal now. Keeping that section on the book's allows for paralysis by analysis. The pipeline companies just squeeze these smaller communities and individual neighborhood groups to death because they cannot get over this huge procedural obstacle which is built into the existing piece of legislation.

Secondly, the bill does not meaningfully address the Department of Transportation's failure to enact many of the proposed safety recommendations issued by the National Transportation Safety Board. Here is what the National Transportation Safety Board, Chairman Jim Hall, said in the Boston Globe on March 5, 1999. He said that he would give the Office of Pipeline Safety a big fat F, F, on everything that it has done regarding the safety of pipelines in our country.

We are reauthorizing a bill with that kind of a grade being attached to it by the chairman of the National Transportation Safety Board? And moreover, the bill itself rejects the amendment which I tried to make in committee which would have held the Department's feet to the fire so they had deadlines that they had to meet in order to ensure there was public safety.

Who opposes this bill? I will tell my colleagues who opposes it. The Environmental Defense Fund, the National Resources Defense Council, and the League of Conservation Voters. In fact, the League of Conservation Voters is going to make this one of the votes for the year to get our grade. That is how important it is to them.

So, please, reject this and do the House of Representatives the honor of being allowed to deal with the subject itself and not allowing the Senate to do our thinking for us.

Mr. Speaker, submitted, as follows, for the RECORD, is a letter from the League of Conservation Voters regarding this matter:

LEAGUE OF CONSERVATION VOTERS,
Washington, October 6, 2000.

Re Oppose S. 2438, The Pipeline Safety Improvement Act of 2000

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

DEAR REPRESENTATIVE: The League of Conservation Voters (LCV) is the bipartisan, political voice of the national environmental community. Each year, LCV publishes the National Environmental Scoreboard, which details the voting records of Members of Congress on environmental legislation. The Scoreboard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to oppose S. 2438, the ''Pipeline Safety Improvement Act of 2000.'' S. 2438 does not contain any of the elements that are needed to significantly improve the safety of natural gas and oil pipelines.

According to the General Accounting Office, approximately four major pipeline accidents occur each week. The GAO also found that major accidents are increasing by approximately 4% annually at the same time that DOT's Office of Pipeline Safety's fines against the industry are declining: currently, only one in 25 violators receives a proposed fine. Oil pipelines spill over 6 million gallons annually, an amount equal to more than half of the Exxon Valdez release, and average spill size has been increasing since 1993 to over 44,000 gallons in 1999.

LCV believes that legislation to address pipeline safety issues must include the following three elements:

1. Strong regulatory standards (including pipeline testing type and frequency, leak detection requirements, etc.), and effective enforcement of those standards;
2. Expanded liability for releases; and,
3. Public accountability through right-to-know reporting and establishment and funding of regional advisory councils (similar to the councils in Alaska created by the Oil Pollution Act of 1990).

Several bills introduced in the House (H.R. 3558, 4792, and 5361) contain some or all of these critical pipeline safety provisions. In addition, LCV believes it is essential to remove the cost-benefit provisions put into section 60102(b) of the pipeline statute during its 1996 reauthorization, which are designed to prevent enactment of new safety and environmental protection regulations by requiring those regulations to meet economic and judicial tests that no other federal agency's standards must meet.

We urge you to vote no on S. 2438 and to pass a bill that is more protective of the environment and the public's health. LCV's Political Advisory Committee will consider including votes on these votes on these issues in compiling LCV's 2000 Scorecard: If you need more information, please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. SHUSTER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON).

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

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER), the distinguished chairman of the Committee on Transportation and Infrastructure, for yielding me this time.

Mr. Speaker, I am a little bit puzzled at some of the opposition from the other side on this issue. My subcommittee held hearings on this legislation last year. My subcommittee passed the bill, I think, by unanimous consent out of the subcommittee. We passed a piece of legislation on this issue either by unanimous consent or with very few no votes out of the full Committee on Commerce, over a year ago. That legislation has languished as the Senate has worked its will on this same issue.

And now, as we are in the waning weeks of this Congress, the Senate has reported a bill that, quite frankly, is much stronger than the bill that came out of the Committee on Commerce. Our bill was a straight reauthorization of the existing pipeline safety law with some modifications. At the time of our hearings and the time of the debate in the committee, the Committee on Commerce, there were some concerns raised. The gentleman from Massachusetts (Mr. MARKEY), who just spoke, raised some concerns; but basically, at that point in time last year, it was felt that straight reauthorization with some modification was acceptable.

Now, what the other body has done is to actually present a much tougher bill in terms of safety. In fact, I think I could say with a straight face on the floor that this is the toughest pipeline safety bill to ever come before the House of Representatives. It increases fines in some cases by a factor of 20. It reduces the reporting requirements for liquid spills to 5 gallons. It increases dramatically the rights of local officials, safety agencies, and community residents to have access to important safety information from pipelines. It provides for a much expanded R&D program to improve pipeline safety technology. It provides, for the first time, whistle-blower protection for pipeline employees who wish to come forward and report possible safety or other types of violations.

Mr. Speaker, I could go on and on. I might add in the political context that the Clinton-Gore administration supported passage of this bill when it came out of the other body. The Democrat Senators from some of the States that have pipeline accidents in New Mexico and Washington State supported this bill when it was on the other body's floor.

So it comes over to us. Now, in a perfect world, we would like to have the Committee on Transportation and Infrastructure pass a bill, then go to the Committee on Rules and merge the Committee on Commerce bill and the Committee on Transportation and Infrastructure bill, then come to the floor and have a debate with some amendments. But we are late in the session, so we have put the Senate bill on the floor under suspension of the rules, which means it will take a two-thirds vote to pass this legislation later this evening.

I think we should be able to get a two-thirds vote. And if there are those that, for whatever reason, think that the Senate bill is imperfect, we can obviously come back to this legislation in the next Congress and, depending on which political party is in control, obviously reopen it and make further improvements, if that is necessary. But the decision today is do we pass the Senate bill. My judgment as subcommittee chairman that has jurisdiction on this issue is that the Senate bill is an improvement over current law, that it needs to be passed.

We should get the two-thirds vote. I have gone through the summary of the Senate legislation. I have looked at all of the analysis of the Senate legislation. I could quote some of the support groups that are supporting it. In addition to the Clinton-Gore administration, the National Governors' Conference is supporting this legislation. So it is a good piece of legislation.

I would hope that our colleagues, when we come to the floor later this evening, do pass this by a two-thirds vote so that we can send it on its way. If for some reason that fails, I would recommend to the leadership that we go to the Committee on Rules, we get a rule, and we bring it out under regular order, have a debate and vote it where it only needs a majority. But we felt like this was a strong enough piece of legislation that it could be put on the suspension calendar.

And, quite frankly, I thought it was noncontroversial enough to be put on the suspension calendar. So I am a little bit surprised about some of the statements that have been made so far on this particular bill.

Mr. Speaker, I rise in support of S. 2438, the Pipeline Safety Improvement Act of 2000. This legislation greatly improves the safe operation of natural gas, oil, and hazardous liquid pipelines and goes far to prevent future accidents.

The bill requires higher safety standards, allows a greater role for State participation, provides for strict accountability by the Department of Transportation to Congress, and allows increased public education and participation. It provides long term solutions for public safety by appropriating funds for Research and Development for innovative technologies for improving the structural integrity of pipelines and preventing accidents. And, it backs up these higher safety standards by sharply raising penalties for safety violators.

The recent accidents in Bellingham, Washington and New Mexico have made us all aware that higher safety standards and additional oversight authority benefit all of us. This legislation answers the concerns raised by those accidents. It requires the Department of Transportation to issue rules and for pipeline operators to develop programs that provide for: increased inspection of pipelines; increased maintenance; public input into the development of these programs; strengthened training for pipeline employees; improved data collection about pipelines and about accidents; public education programs; availability of information to the public; greater emergency preparedness; an expanded State role in oversight, inspection, and investigation of interstate pipelines; and protection for employees that report safety violations. In addition, the legislation requires inspection reports, maps of pipeline facilities, and other data to be available to the public. It raises public awareness by requiring a public education program. Many of these programs have deadlines and require the Secretary of Transportation to report back to Congress on the progress of these programs within a certain period of time. And, as I stated earlier, penalties have been increased, in one instance from 25 thousand dollars to five hundred thousand dollars.

We know that it is essential to have public support for maintaining the safe operation of pipelines. That is why a "whistleblower" protection provision is included in this bill. Other bills do not have these protections for good citizens and employees. This legislation also brings in the experts—it provides for the National Academy of Sciences to advise the Secretary of Transportation on Research and Development for innovative technologies to improve the safety, reliability, and structural integrity of pipelines, and inspection and leak detection technology. Research and Development is also focused on minimizing the environmental impact of pipelines.

In sum, this legislation greatly advances the ultimate goal of preventing future accidents by requiring and enforcing stricter safety standards, and expanding the role of the States and the public to ensure the safe operation of pipelines. I strongly urge my colleagues to support S. 2438.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this is an insult to our intelligence. Let us put our cards on the table; let us say it the way it is. This legislation that we have just received from the Senate requires no periodic inspections. It requires zilch.

Number two, the people who do the inspections do not even have to be trained. Now, who are we kidding? Who are we really kidding on this legislation? This is a disgrace.

There are 2.2 million miles of pipeline in this country. And if my colleagues think this is going to help us, other than helping the pipeline companies, they are dead wrong and others are dead in the past 10 years.

My colleagues have heard the statistics. This is an insult that my colleagues would think that this is pipeline safety. Who are my colleagues doing their bidding for?

I have always stood up here with congeniality, but if my colleagues think this is going to help pipeline safety when these pipelines go into people's houses and through dormitories, do my colleagues know what we are now leading to? We are leading to a moratorium on pipelines until we get our own act together, and I do not care who supports it. We should vote this down.

1715

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I rise to urge a no vote.

And that is not out of disrespect to the work done by Senators MCCAIN and MURRAY in the other Chamber in an attempt to advance this cause. But, Mr. Speaker, the majority leadership has not brought one single House bill on this issue to the floor of this House this session despite multiple tragedies in multiple States of this country, not one single bill.

And why is that important? It is important because, unless we have a strong mandate that pipelines be inspected, a stronger mandate than is in the Senate bill, we will be committing the very same blunder, the very same blunder that Congress has made for 20 years running. They have deferred to OPS to pass rules 22 times, and 22 times that has been ignored. The House bills that we want to vote on a simple chance to vote plug that gigantic hole.

Now, there is one thing I know. I am not a scientist. I am not a meteorologist. I am not a hydrologist. But there is one thing I know, and that is that nobody has ever gotten a different result by doing the same thing.

We must break this chain of failure and statutorily mandate inspections or commit the same blunder that every Congress has made late in the session saying, it is the best we can do. It is not the best we can do, and it is not up to American standards.

I am not alone in this opinion. The people with moral authority on this subject, the three families who sent their young men out on a nice day in Bellingham in June last year whose sons never came home, want us to defeat this bill and move on to a stronger bill.

Now, the oil and gas industry desperately wants this legislation. They have sent armies of lobbyists up here to try to get this bill through. But I am not voting for them. I am not voting with them. I am voting for the families. I am voting for Redmond and Kirkland. I am voting for the environmental community. I am voting for my conviction of conscience that we must enact a strong bill now or forever lose our chance until another string of tragedies occur.

I will say one more thing. The oil and gas pipeline industry understands pressure. Do not let them use this for a relief valve. Keep the pressure on and pass a strong bill.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to point out once again, the Clinton-Gore administration supports passage of this bill. It passed the Senate by unanimous consent, which, if I understand correctly, there are 45 Democrat Senators in the other body. So this should not be a partisan issue.

I want to briefly read from the report that the gentleman from Michigan (Mr. DINGELL) asked the GAO to do on pipeline safety. On page 5, in the summary section, it says, ''The office,'' meaning the office that is responsible for overseeing pipeline safety, ''has historically had the lowest rate of implementation for these recommendations of any Transportation agency and has not implemented 22 statutory requirements, 12 of which date from 1992 or earlier.''

Now, the law that is before us is stronger than the current law. And the Clinton-Gore administration has not implemented the current law.

For my friends on the other side of the aisle that have concerns, legitimate concerns, direct those to the present administration. Help us pass this bill and then get it implemented.

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, on October 3 the White House issued this statement: It is imperative that the House bring legislation to the floor as soon as possible so a new pipeline safety law that can be enacted before the end of the year.

The Secretary of Transportation said, referring to the bill Mr. DINGELL and I introduced, ''I urge the House leadership and its members to act quickly to pass comprehensive pipeline safety legislation and move to a conference with the Senate.''

There is no statement of administration support for this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. METCALF.)

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

Mr. METCALF. Mr. Speaker, I rise to oppose this bill because it is far, far too weak.

Pipeline safety has been one of my top priorities in this, my last term in the House. In a way, it is gratifying to see a bill debated on the floor today which addresses some of the most important safety issues facing our communities. The two Senators from my state, SLADE GORTON and PATTY MURRAY, fought tirelessly for pipeline safety in the other body and moved legislation forward which markedly improves current law in several key areas, including expanded right-to-know provisions, increased civil penalties for bad actors, and whistleblower protections. I am extremely grateful to them both for their sincere efforts.

Unfortunately, I cannot support the bill we will vote on today. At the end of the day, it still leaves far too much discretion in the hands of the Office of Pipeline Safety (OPS), an agency which has habitually ignored Congressional directives and National Transportation Safety Board recommendations. For example: as part of this bill, pipeline operators are required to submit Integrity Management Plans to OPS which include periodic testing of their pipelines. There is no maximum period for frequency of inspections. Similar vagueness exists in the section dealing with employee training. In 1996, I voted against the last pipeline reauthorization bill because it removed the requirement that pipeline operators be certified as qualified to do their jobs. This bill does not reinstate that requirement.

Further, the language allows the states to take a more active role in pipeline safety regulation is weak, and in no way resembles my legislation, which is based on the model of the Clean Water Act. I fear that much of this bill could end up meaning nothing at all. We need to enact a law that leaves very little wiggle room to Federal regulators who have proven that they cannot be trusted to protect the public.

Proponents of this legislation admit that it is far from perfect. In fact, the strongest argument they make for its passage is that time is too short to pass something better. It may well be true that defeat of this bill means the death of pipeline legislation in this Congress. I am retiring at the end of this year, and would love to see a strong bill passed before I leave office. However, I would rather see Congress go back to the drawing board next year than pass this watered-down bill. I will vote against it, and would urge my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, pipelines are certainly important in supplying our Nation's energy needs. But in Travis County, Texas, when gasoline is to be pumped through a 50-year-old line not designed for gasoline located within a few feet of 11 public schools and across a major source of drinking water, the term ''pipeline safety'' is a conflict. It is an oxymoron.

Despite over thousands of Central Texans asking that they place the pipeline somewhere else, the Office of Pipeline Safety has been totally useless.

Frank King, for whose son this bill has been named, came all the way from Washington State to Austin, Texas, to meet with us to describe the horror that can develop when pipeline safety is neglected and pipelines are mislocated. This bill does his family absolutely no justice. It has been so weakened that it has even been blessed by the giant oil companies that are trying to impose the Longhorn pipeline on Central Texas neighborhoods.

We need a real pipeline safety bill, not a legislative illusion that does more to appease special interests than protect America's families. Reject this illusion tonight.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the ranking member for yielding me the time.

This Senate bill that is being proposed here today under the suspension rules falls very far short of the necessary protections that we need. And while some have said that this is a step in the right direction and some have even told us that we should not let the perfect be the enemy of the good, when is it that this House started letting only the passably good be the enemy of the best that we can do?

I agree with the gentleman from Texas (Mr. BARTON), we can do better and we should do better. And if we need to bring it to committee and allow it to come out under a regular rule so that we can put amendments to it, let us do it. But this bill as it came out of the Senate is too inadequate. It needs to be amended. We need to have inspections. We need to have training for workers so that they can do the right job on that for their own good and for the good of the public.

This is a bill that needs sorely to be corrected and to be improved. I ask that we do that in the right process, that we not settle here. There is nothing going to be accomplished by letting this pass in its present form. We can do much better. We can do much for many more people if we do the right thing and bring it back, let us amend it, let us make it a strong bill. Let us have safety in the pipelines.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I just want to repeat the words of Marlene Robinson, mother of Liam Wood, whose life was lost in the Billingham pipeline tragedy.

He was 18 years old. He had just graduated from high school 5 days before. He did not go off on a party with his buddies. He went off fly fishing, the

thing she said that made him happiest, 5 minutes from downtown. What he did not know was that a gas pipeline went through that area. A wall of fumes roared down that canyon and snuffed his life out, and then it exploded and incinerated two other children further on down.

That is what this is all about. Do not tell me this is about the good and the perfect. Do not tell me this is about the other body that will not give us time to consider the bill.

They passed their bill a month ago. We had a month to do something whether in committee or on this floor. We had a month to do something good for life.

And what Marlene Robinson said was that this bill does not do the job. If the Office of Pipeline Safety will not protect the health and safety of our children in the community, she said, then our lawmakers must.

She referred to this bill and said it is fatally weakened by effects of intense pressure from the pipeline industry. It is lives at stake. It is not political careers. It is not who is in charge. It is not who is the majority this year, who may be the majority next year. It is what we can do now.

We will be judged on whether we have made the pile higher and better and left a better legacy. We can do better than this bill. We can do something that we have been waiting 13 years to do, at least this gentleman has since the last hearings that I chaired on the subject and found in a Republican administration failure of this Office of Pipeline Safety to do its job, in a Democratic administration failure of the same office to do its job.

It is up to the Congress, as Mrs. Robinson said, it is up to us to draw the line, to protect communities, and to pass a bill that ensures safety for all of our children.

This is the hour of truth.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I would indeed point out that the complaints which my good friend has alluded to and which I agree with really are complaints about the Clinton-Gore administration for not enforcing the law and not being tough enough with their regulations. And indeed that is what we are trying to fix here.

In fact, I hear so much about the pipeline industry being for this, if we really wanted to help the pipeline industry, we would bottle up this legislation and not pass anything so there would be weaker than the weak current legislation on the books. Instead, we provide what is clearly stronger legislation.

Now, a year ago our good friends on the Committee on Commerce passed legislation on pipeline safety with virtually no substantive change in it and the very gentlemen, my good friends from the Committee on Commerce, who have taken the floor today to oppose this stronger legislation voted unanimously in favor of that weaker legislation which came out of their committee just a year ago.

So this indeed is stronger legislation, not as strong as I would like it to be. And if we had more time, my colleagues can bet we would be attempting to negotiate with the Senate an even better bill.

But the stark choice today is to live with the weak law we have or to accept the improvements passed by the Senate not overwhelmingly, that is not an adequate term, unanimously, 99–0, with 45 Democrats supporting the legislation.

So it clearly is bipartisan. It is a major step in the right direction. I would be happy to join with my friends next year if we are here to try to improve it further. But let us pass legislation which is going to save lives rather than defer that until another year.

And so, I strongly urge that this legislation be passed.

Mr. Speaker, I submit this Joint Explanatory Statement for the gentleman from Virginia (Chairman BLILEY) and myself.

S. 2438 requires the Secretary of Transportation to implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report. In addition, the legislation requires the Secretary of Transportation to submit reports on the implementation of those recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The Committee on Commerce of the House of Representatives also shares responsibility for pipeline safety legislation. Therefore, in addition to the abovementioned Committees, the Secretary of Transportation should also transmit such reports to the Committee on Commerce of the House of Representatives.

Mr. HOLT. Mr. Speaker, this nation has 157,000 miles of aging pipeline. The fact is that pipelines transport most of the natural gas and hazardous liquids in the United States.

In many places, pipelines go unnoticed. Sometimes people don't even know that there is a pipeline near their home.

However, in places like Lively, Texas; Mounds View, Minnesota; Bellingham, Washington; and Edison, New Jersey, just north of my district, pipelines are no longer taken for granted. Explosions have rocked these communities and taken innocent lives.

We need to ensure accidents like these will never happen again. We need stronger pipeline standards.

There must be statutorily required inspections at least once every five years.

There must be a national safety certification program for pipeline operators, like programs for railroad engineers or FAA mechanics.

And we need penalties for spills occurring on land to be made as stringent as existing penalties for spills occurring in water under the Clean Water Act.

S. 2438 does not ensure that these protections are provided.

I am proud to join my colleagues Representative INSLEE and Representative PASCRELL (PALLONE, BAIRD, SMITH, DICKS, MCDERMOTT are also sponsors) in sponsoring the ''Comprehensive Pipeline Safety Improvement Act of 2000'' (HR 4792) that will make these protections mandatory.

Time is running out in this Congress to provide these protections. We need to act now. For all these reasons, I will be opposing this bill today. I urge my colleagues to defeat S. 2438 so that we can bring up real, strong, pipeline safety legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in reluctant opposition to S. 2438, the Pipeline Safety Improvement Act of 2000.

All too often, Members of this body are faced with the unpleasant task of choosing between doing nothing at all or doing something that is inadequate. I will readily admit that S. 2438 is an improvement over the current pipeline safety regime. However, this Congress could have done so much more, and I believe that doing the inadequate would be a grave injustice to those who lost their lives in recent pipeline accidents and to the loved ones they left behind.

Proponents of S. 2438 tacitly admit that there bill does not do enough to improve pipeline safety standards and enforcement. They instead urge that we pass this bill because Congress simply does not have enough time to work on a stronger bill. The reality is that the House had plenty of time to consider how to improve on the Senate bill. Furthermore, even before we received the Senate bill, staff on the communities with jurisdiction over the bill were negotiating in good faith to reach a compromise to incorporate the key provisions of several bills introduced in the House. The failure of the House to act on true reform measures to improve pipeline safety merely epitomes this Congress' failure to enact a whole host of legislation to improve the health and safety of ordinary Americans.

It is still not too late to pass a strong pipeline safety bill before the 106th Congress adjourns. Representatives OBERSTAR and DINGELL recently introduced H.R. 5361, a bill that includes necessary provisions pertaining to accountability to the public, stronger safety standards, and more diligent enforcement. Now that the bill has failed to obtain the requisite two-thirds support to pass under suspension of the rules, I hope that S. 2438 will be reconsidered under regular order, thereby enabling the House to consider H.R. 5361 as an amendment in the nature of a substitute.

Mr. Speaker, it is still not too late to act on pipeline safety. I urge the House to pass H.R. 5361 or similar legislation.

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to S. 2438, the Senate pipeline bill in its current form. Pipeline safety is an issue of great importance, and one that hits very close to

home for those of us in the Pacific Northwest, a pipeline explosion in Bellingham, Washington on June 10, 1999 killed three children. This and other recent tragedies have highlighted the need for strengthening federal pipeline safety laws; that is why I cosponsored H.R. 5361. Unfortunately, the bill that provides the greatest protection for workers and their families did not make it to the floor of the House. Since the House Leadership has scheduled a vote on S. 2438 under suspension of the rules, and no amendments may be offered for its improvement, I must vote against it.

S. 2438 fails to adequately protect our communities because the federal Office of Pipeline Safety (OPS) would not be required to take action on such critical matters as pipeline inspection, leak detection, worker protection and training, and fines. This is in stark contrast to the mandatory requirements that are included in H.R. 5361. The pipeline industry has succeeded in circumventing meaningful regulation for decades because of weak legislation. Passing S. 2438 would send yet another message to OPS that the industry can continue to do so.

Critics of the stronger House legislation say it has no chance of passing during this Congress, therefore, we must support the weaker Senate version—something is better than nothing. I disagree, once pipeline safety legislation is passed, the urgency to revisit the issue will diminish. At least until another deadly explosion.

Mr. Speaker, I submit the following Seattle Times op-ed into the RECORD. It is written by the parents of the three children killed in the Bellingham, Washington pipeline explosion and calls for Congress to pass the stronger House legislation.

[From the Seattle Times, Editorials & Opinion, Fri., Oct. 06, 2000]

PIPELINE SAFETY: DON'T SACRIFICE THE GOOD FOR THE STATUS QUO

(By Marlene Robinson and Bruce Brabec, Frank and Mary King, Katherine Dalen and Edwin Williams Special to The Times)

We are the parents who lost children when the Olympic pipeline exploded on June 10, 1999. As we struggled with our own loss, we also have struggled to give meaning to that loss by trying to make pipelines safer in this country. To our sadness and despair, before we were able to see meaningful pipeline reform occur, tragedy struck again with a pipeline explosion that killed 12 family members in New Mexico.

The Washington state delegation to Congress, led by Reps. Jay Inslee and Jack Metcalf, and Sens. Slade Gorton and Patty Murray, have done a wonderful job of pushing pipeline safety into the consciousness of Washington, D.C. Without their efforts, there would not now be a debate regarding whether to pass the weak bill that the Senate approved, or to wait for a real, meaningful bill from the House. For their efforts, we thank them.

In her recent guest commentary, Sen. Murray said that our push for a meaningful pipeline safety bill from the House means that we are willing ''to sacrifice the good for the perfect.'' We wish our choice was between good and perfect but, unfortunately, the bill that passed the Senate was so watered down by those who pay homage to the powerful oil and gas lobbyists, that in reality it would change very little.

The Senate pipeline bill leaves almost all decisions on critical matters, such as pipeline testing, pipeline leak detection, employee training, public involvement and fines, up to the discretion of the federal Office of Pipeline Safety (OPS). According to the General Accounting Office, OPS has failed to implement 22 legislative mandates Congress has passed since 1988. If you tell an agency to do something 22 times and they ignore you, by what logic do you think they will pay attention the 23rd time?

After a terrible pipeline explosion killed a mother and her daughter in Mounds View, Minn., in 1986, the industry and the OPS said they would develop new standards to ensure safety. They did not. After a huge pipeline explosion destroyed part of Edison, N.J., in 1994, the industry and OPS said they would develop new standards to ensure safety. They did not!

After three dead here in Bellingham, and now 12 more dead in New Mexico, guess what the industry and OPS are saying. Why should we trust them this time? Ask yourself why pipeline-safety organizations across the country are opposed to the Senate pipeline bill, while the pipeline industry is now trying to push for its passage.

For a pipeline bill to have real meaning, it has to take the discretion away from the industry-controlled Office of Pipeline Safety. It has to spell out clearly how often pipelines need to be tested, and how that testing is to be accomplished. It has to set strict penalties for companies that do not pay enough attention to their pipelines. It has to include strong local oversight of pipeline safety so those who have the most to lose it something goes wrong have a say in making sure that pipelines are safe. And it needs to ensure that the public can review a wide range of information regarding the pipeline that runs through their communities.

These requirements all made common sense, practical sense, and represent what a good pipeline safety bill would do. The Senate bill does not accomplish any of these, and we call on the members of the House to do what it takes to pass a stronger ball that secures the public true safety improvements.

Those who are advocating our acceptance of the inadequate Senate bill urge us not to ''sacrifice the good for the perfect.'' But the reality is that the Senate bill is a long way from ''good'' and will result in business as usual in an industry that enjoyed a net profit of 40 percent in 1999, while communities across the nation will continue to experience horrific failures of aging pipelines.

How many more sons and daughters will be lost before meaningful pipeline-safety reform is passed? We do not want to wait until next year, but we will if we must.

Fortunately, good pipeline-safety bills have already been drafted and introduced in the House. The House needs to pass one promptly, and the Senate needs to follow the House's lead and not sacrifice the good for the status quo.

The authors are parents of the three young people killed in the Bellingham pipeline disaster.

Mr. SHOWS. Mr. Speaker, pipeline safety is of great importance to environmentally sensitive areas. Some of the most environmentally sensitive pipeline facilities are cable suspension bridges that convey pipelines above rivers and canyons.

As a former state highway commissioner, I strongly believe that it is critical to maintain the approximately 4,000 pipeline bridges in this country or we will face the prospect of having to bore underground to replace this essential part of our infrastructure. It is important to clarify that cable suspension pipeline bridges have unique qualifications in addition to other pipelines that must be addressed to ensure safety through regular maintenance and inspection.

Pipeline safety legislation under consideration today requires that the operators and inspectors be properly trained to inspect all pipeline facilities. It is imperative that the inspectors of these pipelines possess specialized knowledge to properly determine the structural integrity and soundness of the cable suspension bridge that supports the pipeline as well as the pipeline itself. Such knowledge should include an understanding of and training in: steel fabrication, structural engineering fundamentals, pipeline behavior under operating pressure, the characteristics of all cable types used in suspension bridges, and the characteristics of reinforced concrete foundation structures.

It will be required through this bill that the Office of Pipeline Safety's technical experts, in conjunction with the industry, develop specific plans to ensure the integrity and safety of all pipelines. These regulations will ensure that all pipelines, including cable suspension pipeline bridges, are properly maintained and inspected to ensure the highest safety standards possible.

Mr. GREEN of Texas. Mr. Speaker, I am pleased today to rise in support of S. 2438, the Pipeline Safety Improvement Act of 2000. This legislation will provide tough new financial penalties for safety violations and will lower the spill reporting threshold to five gallons as opposed to 50 barrels under existing law. In addition, the bill requires pipeline companies to implement stronger training and qualifications requirements for their personnel and strengthens the public ''right to know'' and ''whistle-blower'' protections for pipeline company employees.

Each of these changes is designed to rebuild confidence in what has been one of the safest industries in the country. Unfortunately, no industry is perfect and the need for this legislation was highlighted by two recent pipeline explosions in Washington State and New Mexico. These two events have galvanized my belief that S. 2438 will move towards improving the industry safety record.

Although I would still like to include other public safety protections, I understand the need for a pipeline safety bill this year is clear. I look forward to continuing working with my colleagues on the Committee on Commerce that I serve on but also in the Committee on Transportation and Infrastructure if necessary to move even stronger legislation next year. Pipelines have been shown to be a much safer way to transport products than trucks or other methods and the current bill increases that safety factor.

I also want to point out what I believe should be the model pipeline in terms of safety. I, along with several of my Texas colleagues, have been working to secure Federal approval of a project called the Longhorn Pipeline. The Longhorn Pipeline begins at Galena Park, Texas, in east Harris County in the district I represent and goes across Texas for approximately 700 miles to El Paso, Texas.

The Longhorn Mitigation Plan protects the environment and all the people along the pipeline route and is of a scope and rigor unprecedented in the pipeline industry. It includes measures designed to reduce the probability of a spill as well as measures designed to provide greater protection to the more sensitive areas, including areas where communities and drinking water supplies could be affected.

Longhorn was willing to take extraordinary steps to protect the people living in close proximity to their pipeline and I believe they have set the industry standard.

Mr. Speaker, transporting hazardous materials by pipeline is the safest and most economical way to deliver these products to market. S. 2438 will raise the bar of safety on our pipeline companies and punish those bad actors who operate on the margins of the safety envelope. Human lives and environmental quality are too important for us not to take action immediately.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of S. 2438, the Pipeline Safety Improvement Act, a bill introduced by Senator JOHN MCCAIN which had bipartisan support in the Senate. My home state of Texas has more pipeline mileage than any other state, so maintaining the safe operation of these systems is important. In 1996, two teenagers were killed in my Congressional district while they were trying to warn their neighborhood about a leak from a pipeline carrying flammable butane. More can be done to improve pipeline safety, and this legislation represents the best—and for this Congress, the only—opportunity to make constructive changes.

Several of my colleagues have argued that we should kill this bill now, and work to pass another bill later, more along the lines of the bill introduced by my friends Mr. DINGELL and Mr. OBERSTAR. I respect the concerns of these gentlemen, but I would say to my friends that the bill before us today is a good bill. The question of which bill is tougher is relative—in some areas the McCain bill is tougher, and in other areas the Dingell/Oberstar bill is tougher. For example, the McCain bill has higher penalties for safety violations, protections for pipeline employee whistleblowers, more defined pipeline safety research and development goals, and temporary job assignment requirements for pipeline employees involved in an accident. But more importantly, it is worth noting that the McCain bill, and the bill introduced by Messrs. OBERSTAR and DINGELL, are much more alike than different. I think it's important that we not lose sight of this fact.

Mr. Speaker, the McCain bill has one other key advantage over any House legislation—it has already passed the Senate by a unanimous vote. Let's not drop the ball in the last few seconds of the game. Americans want safe pipelines. In this final week of the 106th Congress, we ought to join together to pass this laudable legislation, and work in the next Congress with Mr. DINGELL and Mr. OBERSTAR to ensure that the Act is implemented in a responsible manner.

Let's not let the perfect be the enemy of the good. I urge my colleagues to vote ''yes'' on S. 2438.

Mr. BLILEY. Mr. Speaker, I rise in support of S. 2438, the Pipeline Safety Improvement Act of 2000. This is a good bill which will improve the safety of our natural gas and hazardous liquid pipelines.

There are 325,000 miles of natural gas pipelines and almost 156,000 miles of hazardous liquid pipelines in the United States. These pipelines transport over 20 trillion cubic feet of natural gas and 616.5 billion ton-miles of oil and oil products each year. These pipelines are critical in moving the fuels necessary to heat and light our homes and businesses and power our cars. As we discovered last winter, when heating oil was in short supply in the Northeast, and this past summer, when certain types of gasoline had difficulty reaching cities in the Midwest, these pipelines are also an important part of our economy. Therefore, it is important that these pipelines are operated as safely as possible, not only to protect individuals living or working near these lines and the environment, but to also assure that these fuels get to where they are needed.

The natural gas and hazardous liquid pipeline safety programs are essential to preserving the safety of our communities from the risk posed by pipelines. Since 1968, the Natural Gas and Hazardous Liquid Pipeline Safety Acts have been the primary authorities through which the Department of Transportation has instituted regulations safeguarding our national pipeline system. This statute must be periodically reauthorized and the current authorization expires at the end of Fiscal Year 2000. The Commerce Committee shares jurisdiction over pipeline safety and has worked towards reauthorization of this important Act since early last year. We are including in the record today, a joint explanation with Chairman Shuster, indicating that reports required by S. 2438 should be provided to the Committee on Commerce, as well as the Committee on Transportation and Infrastructure, so that both Committees can continue to monitor the implementation of this Act.

With the recent accidents in Bellingham, Washington and New Mexico, the Department of Transportation's pipeline safety program has been placed under scrutiny by Congress and others. Unfortunately, that scrutiny has revealed some real shortcomings in the program. As analysis of the pipeline safety program conducted by the Inspector General of the Department of Transportation recommended six things that could be done to improve the pipeline safety program. For the most part, these are simple things: complete the actions Congress mandated in 1992 and 1996, expand the focus of its research and development programs, develop a program to better train its inspectors on the latest technologies, revise its system of collecting and processing accident date to allow for more detailed trend analysis, require revised accident reports when necessary, and respond to open National Transportation Safety Board safety recommendations. These simple actions can have big impacts on improved pipeline safety.

S. 2438 requires the Office of Pipeline Safety to comply with these recommendations. It also contains provisions requiring periodic testing of pipelines, improved training for pipeline operators, improved public information, increased reporting of spills. In addition, the bill increases State and local oversight and input, provides for more targeted research and development to improve pipeline safety, and provides increased funding for the Office of Pipeline Safety. Finally, the bill provides important protection for whistleblowers.

I know there are some who would like to put in place even more mandates. I don't think that is the answer. Greater accountability is key. Unfortunately, as long as we have an Office of Pipeline Safety that fails to act on the Congressional mandates already in place both new and old mandates will not be worth the paper they are written on. And one thing Washington doesn't need more of is paper.

I believe this bill strikes the right balance between new mandates targeted at specific problems and accountability for implementing old mandates. I urge my colleagues to support this legislation.

Mr. ROTHMAN. Mr. Speaker, I rise today in strong opposition to S. 2438.

I oppose this bill because it is weak and does next to nothing to ensure the safety of my constituents who live or work near a natural gas pipeline.

Sadly, thirteen years after the National Transportation Safety Board first recommended that pipeline operators inspect their pipelines to identify corrosion or other mechanical damage—nothing has been done.

The Department of Transportation has not moved on the NTSB's 1987 recommendation and no regulations exist today to force pipeline operators to regularly inspect their pipelines.

I am deeply concerned over the issue of pipeline safety because in New Jersey, the most densely populated state in the nation, tens of thousands of residents live and work near areas cris-crossed by pipelines.

As my colleagues from New Jersey will remember, it was only six years ago that a massive natural gas pipeline explosion occurred in Edison, New Jersey.

That pipeline explosion destroyed eight apartment buildings and disrupted what was once a stable neighborhood.

Mr. Speaker, there are plans to today to expand a natural gas pipeline in Bergen County, New Jersey, a pipeline that would run very near a residential neighborhood and a playground in North Arlington, New Jersey.

How can this Congress, in good conscience, pass a bill that simply extends the status quo—and does not require the Department of Transportation to issue any meaningful regulations designed to address pipeline safety issues?

What will we say when and if a pipeline problem harms innocent individuals in North Arlington, New Jersey or elsewhere in America?

I urge my colleagues to oppose this weak bill that fails and honor our obligation to protect the public's safety.

Mr. SANDLIN. Mr. Speaker, I rise in strong support of S. 2438, the King and Tsiorvas Pipeline Safety Improvement Act. In order to know why this legislation is so important, one only has to remember that seventeen U.S. citizens have died in pipeline accidents during this Congress.

By passing this legislation, the House will be taking an important step in avoiding future pipeline tragedies. We all recognize that natural gas, oil, gasoline, diesel fuel, and other industrial liquids play key roles in the nation's economy. Over 3,000 natural gas operators and 52,000 master meter and liquefied natural gas operators and over 200 hazardous liquid operators bring these products to market. Transporting both gaseous and liquid materials safely through an intricate network of over 1,750,000 miles of pipeline is a complex undertaking. Today, we have the opportunity to better protect the public from the dangers of pipeline operations.

Among other things, S. 2438 will improve current law by investing in new technology to improve pipeline safety, increasing civil penalties for safety violations, and requiring pipeline operators to conduct periodic inspections of their systems. In addition, in response to accusations that the Office of Pipeline Safety (OPS) has not always done its job in the past S. 2438 provides a significant increase in funds for the OPS to enable it to hire more personnel to handle the mandates that Congress has already required.

Some of our colleagues will argue that this bill is not strong enough. In fact, S. 2438 is the strongest pipeline safety reform ever adopted by either body of Congress. This bill represents meaningful reform. It was crafted by a bipartisan group of legislators who worked through months of meetings and negotiations to develop the best bill possible. The resulting legislation is so strong that both the Vice President and the Secretary of Transportation supported passage of S. 2438.

Let's not put process over results. Our nation needs strong pipeline safety legislation this year. The safety of millions of Americans is at stake, and S. 2438 is a strong, workable bill that will result in vast improvements over the current safeguards for pipeline operations. I urge all Members to support S. 2438. It is a good bipartisan bill that will take an effective first step towards improving pipeline safety.

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

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2438.

The question was taken.

Mr. OBERSTAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

1730

DISASTER MITIGATION ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendment to Senate amendment:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Disaster Mitigation Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. Disaster grant closeout procedures.
Sec. 305. Public safety officer benefits for certain Federal and State employees.
Sec. 306. Buy American.
Sec. 307. Treatment of certain real property.
Sec. 308. Study of participation by Indian tribes in emergency management.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

''SEC. 203. PREDISASTER HAZARD MITIGATION.

''(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term 'small impoverished community' means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

''(b) ESTABLISHMENT OF PROGRAM.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

''(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

''(d) STATE RECOMMENDATIONS.—

''(1) IN GENERAL.—

''(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than 5 local governments to receive assistance under this section.

''(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

''(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

''(2) USE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

''(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

''(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

''(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—Technical and financial assistance provided under this section—

''(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

''(B) may be used—

''(i) to support effective public-private natural disaster hazard mitigation partnerships;

''(ii) to improve the assessment of a community's vulnerability to natural hazards; or

''(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

''(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

''(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

''(1) shall be not less than the lesser of—

''(A) $500,000; or

''(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

''(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

''(3) shall be subject to the criteria specified in subsection (g).

''(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

''(1) the extent and nature of the hazards to be mitigated;

''(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

''(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

''(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

''(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

''(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

''(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

''(8) the opportunity to fund activities that maximize net benefits to society;

''(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

''(10) such other criteria as the President establishes in consultation with State and local governments.

''(h) FEDERAL SHARE.—

''(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

''(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

''(i) NATIONAL PREDISASTER MITIGATION FUND.—

''(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

''(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

''(A) amounts appropriated to carry out this section, which shall remain available until expended; and

''(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

''(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

''(4) INVESTMENT OF AMOUNTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

''(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

''(i) on original issue at the issue price; or

''(ii) by purchase of outstanding obligations at the market price.

''(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

''(E) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

''(k) MULTIHAZARD ADVISORY MAPS.—

''(1) DEFINITION OF MULTIHAZARD ADVISORY MAP.—In this subsection, the term 'multihazard advisory map' means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

''(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than 5 States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

''(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

''(4) USE OF MAPS.—

''(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

''(B) AVAILABILITY OF MAPS.—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

''(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

''(ii) supporting the activities described in subsection (e); and

''(iii) other public uses.

''(l) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

''(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.''.

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

''TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE''.

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

''SEC. 204. INTERAGENCY TASK FORCE.

''(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

''(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

''(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

''(1) relevant Federal agencies;

''(2) State and local government organizations (including Indian tribes); and

''(3) the American Red Cross.''.

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 322. MITIGATION PLANNING.

''(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

''(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

''(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

''(2) establish a strategy to implement those actions.

''(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

''(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

''(2) support development of local mitigation plans;

''(3) provide for technical assistance to local and tribal governments for mitigation planning; and

''(4) identify and prioritize mitigation actions that the State will support, as resources become available.

''(d) FUNDING.—

''(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

''(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or

tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

''(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

''(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

''(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

''(A) eligibility criteria for property acquisition and other types of mitigation measures;

''(B) requirements for cost effectiveness that are related to the eligibility criteria;

''(C) a system of priorities that is related to the eligibility criteria; and

''(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

''SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

''(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

''(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

''(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

''(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.''.

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of enactment of this Act, except that additional assistance provided under this subsection shall not exceed $6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking ''section 409'' and inserting ''section 322''; and

(B) in the third sentence, by striking ''The total'' and inserting ''Subject to section 322, the total''.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking ''section 803 of the Public Works and Economic Development Act of 1965'' each place it appears and inserting ''section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))''.

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

''SEC. 324. MANAGEMENT COSTS.

''(a) DEFINITION OF MANAGEMENT COST.—In this section, the term 'management cost' includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

''(b) ESTABLISHMENT OF MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

''(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of enactment of this Act.

(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

''SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

''(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

''(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

''(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

''(B) could result in a significant reduction of assistance under the program.

''(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

''(b) CONSULTATION CONCERNING INTERIM POLICIES.—

''(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

''(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

''(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

''(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

''(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.''.

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

''(c) PROGRAM ADMINISTRATION BY STATES.—

''(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

''(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

''(A) the demonstrated ability of the State to manage the grant program under this section;

''(B) there being in effect an approved mitigation plan under section 322; and

''(C) a demonstrated commitment to mitigation activities.

''(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

''(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

''(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.''.

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

''(a) CONTRIBUTIONS.—

''(1) IN GENERAL.—The President may make contributions—

''(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

''(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

''(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

''(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

''(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

''(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

''(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

''(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

''(ii) the owner or operator of the facility—

''(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

''(II)(aa) has been determined to be ineligible for such a loan; or

''(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

''(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term 'critical services' includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

''(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

''(A) the Committee on Environment and Public Works of the Senate;

''(B) the Committee on Transportation and Infrastructure of the House of Representatives;

''(C) the Committee on Appropriations of the Senate; and

''(D) the Committee on Appropriations of the House of Representatives.''.

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

''(b) FEDERAL SHARE.—

''(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

''(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

''(A) that has been damaged, on more than 1 occasion within the preceding 10-year period, by the same type of event; and

''(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.''.

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

''(c) LARGE IN-LIEU CONTRIBUTIONS.—

''(1) FOR PUBLIC FACILITIES.—

''(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used—

''(i) to repair, restore, or expand other selected public facilities;

''(ii) to construct new facilities; or

''(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

''(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

''(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

''(2) FOR PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

''(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

''(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

''(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person's services and functions in the area affected by the major disaster.

''(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

''(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).''.

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

''(e) ELIGIBLE COST.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

''(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

''(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

''(B) COST ESTIMATION PROCEDURES.—

''(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

''(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

''(2) MODIFICATION OF ELIGIBLE COST.—

''(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

''(B) ACTUAL COST LESS THAN ESTIMATED COST.—

''(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

''(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

''(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

''(3) EXPERT PANEL.—

''(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

''(B) DUTIES.—The expert panel shall develop recommendations concerning—

''(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

''(i) cost estimation procedures described in subparagraph (B)(i); and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

''(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

''(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of enactment of this Act and applies to funds appropriated after the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) CONFORMING AMENDMENT.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

"SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

''(a) IN GENERAL.—

''(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

''(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

''(b) HOUSING ASSISTANCE.—

''(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

''(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

''(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

''(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

''(c) TYPES OF HOUSING ASSISTANCE.—

''(1) TEMPORARY HOUSING.—

''(A) FINANCIAL ASSISTANCE.—

''(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

''(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

''(B) DIRECT ASSISTANCE.—

''(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

''(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

''(iii) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

''(2) REPAIRS.—

''(A) IN GENERAL.—The President may provide financial assistance for—

''(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

''(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

''(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

''(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(3) REPLACEMENT.—

''(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

''(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

''(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

''(A) no alternative housing resources are available; and

''(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

''(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

''(1) SITES.—

''(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

''(i) is complete with utilities; and

''(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

''(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

''(2) DISPOSAL OF UNITS.—

''(A) SALE TO OCCUPANTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

''(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

''(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

''(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

''(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

''(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

''(i) may be sold to any person; or

''(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

''(I) to comply with the nondiscrimination provisions of section 308; and

''(II) to obtain and maintain hazard and flood insurance on the housing unit.

''(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

''(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

''(f) STATE ROLE.—

''(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

''(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

''(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

''(g) COST SHARING.—

''(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

''(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

''(A) the Federal share shall be 75 percent; and

''(B) the non-Federal share shall be paid from funds made available by the State.

''(h) MAXIMUM AMOUNT OF ASSISTANCE.—

''(1) IN GENERAL.—No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster.

''(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.''.

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking ''temporary housing''.

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking ''(a) The President'' and inserting the following:

''(a) IN GENERAL.—The President'';

(2) by striking ''The amount'' and inserting the following:

''(b) AMOUNT.—The amount'';

(3) by striking ''Repayment'' and inserting the following:

''(c) REPAYMENT.—

''(1) CANCELLATION.—Repayment'';

(4) by striking ''(b) Any loans'' and inserting the following:

''(d) EFFECT ON OTHER ASSISTANCE.—Any loans'';

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking ''and shall'' and inserting ''shall''; and

(B) by inserting before the period at the end the following: '', and shall not exceed $5,000,000''; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

''(2) CONDITION ON CONTINUING ELIGIBILITY.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.''.

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

Not later than 3 years after the date of enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.''.

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking ''the Northern'' and all that follows through ''Pacific Islands'' and inserting ''and the Commonwealth of the Northern Mariana Islands'';

(2) by striking paragraph (6) and inserting the following:

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

''(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

''(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

''(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.''; and

(3) in paragraph (9), by inserting ''irrigation,'' after ''utility,''.

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

''SEC. 420. FIRE MANAGEMENT ASSISTANCE.

''(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

''(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

''(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

''(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

''SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

''(a) STATUTE OF LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

''(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

''(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

''(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

''(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

''(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

''(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

''(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

''(1) the payment was authorized by an approved agreement specifying the costs;

''(2) the costs were reasonable; and

''(3) the purpose of the grant was accomplished.''.

SEC. 305. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

''(7) 'public safety officer' means—

''(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

''(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

''(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the head of the agency to be hazardous duties.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

SEC. 306. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) DEFINITION OF DEBAR.—In this subsection, the term ''debar'' has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 307. TREATMENT OF CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) REAL PROPERTY.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

(1) Maple Terrace Phase I;
(2) Maple Terrace Phase II;
(3) Maple Terrace Phase III Unit 1;
(4) Maple Terrace Phase III Unit 2;
(5) Maple Terrace Phase III Unit 3;
(6) Maple Terrace Phase IV Unit 1;
(7) Maple Terrace Phase IV Unit 2; and
(8) Maple Terrace Phase IV Unit 3.

(c) REVISION OF FLOOD INSURANCE RATE LOT MAPS.—As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 308. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) REQUIRED ELEMENTS.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) CONSULTATION.—In conducting the study, the Director shall consult with Indian tribes.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

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

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN) who I am sure will be able to tie our interest in this legislation back to the pipeline safety bill that we have just passed.

Ms. DUNN. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. SHUSTER) for bringing Senate bill 2438 to the floor and I want to make a few comments on it. I appreciate his leadership and commitment to passing a very strong pipeline safety bill.

We are all aware of the tragedy of pipeline accidents. In Washington State, as I am sure Members have heard from the gentleman from Washington (Mr. METCALF), we have been dealing with this important issue ever since three young boys were tragically killed by a pipeline explosion in Bellingham on June 10, 1999, in our State of Washington. After consulting with the parents of the three youngsters and the mayors of the communities in the district I represent, I have supported stronger pipeline inspection requirements than this bill provides. But I truly believe that Senate bill 2438 is a meaningful step forward in strengthening our laws and protecting the people we represent. I believe, too, that a vote against this pipeline safety bill is a vote for the status quo. A status quo in which communities are unable to gather information about the pipelines that run under their schools and neighborhoods; a status quo that does not increase penalties for those who fail to comply with the law; and a status quo that says pipeline companies do not have to report a leak until 2,100 gallons have been spilled into our communities.

Mr. Speaker, the status quo is not enough. We cannot simply place our hopes on future legislation and fail to protect those who live near the pipelines today. It is time to pass a strong pipeline safety bill and demand that the Office of Pipeline Safety enforce it. Today, we have an opportunity to pass a substantive pipeline bill that will increase and improve safety in our communities. It requires pipeline companies to provide information to the public and emergency agencies. It increases fines for noncompliance and the caps on maximum enforcement penalties. It requires pipeline companies to report any spills over five gallons so that our communities will be well informed and ready to respond. And it provides local citizens a forum in which to make recommendations to the Federal Government about the pipelines in their own neighborhoods.

Pipeline safety does not end today. This is a beginning. And we can build upon this beginning by holding the Office of Pipeline Safety and pipeline companies accountable to Congress and to our communities. I strongly urge my colleagues to support this bill.

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

Returning now to H.R. 707, I would note that I have no further requests for time but simply would point out, I understand we have strong bipartisan support on this legislation which is the norm in our committee. What this legislation does, the Disaster Mitigation Act of 2000 marks the first major amendments to the Stafford Disaster Relief Act since 1988. I would urge strong support for it.

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

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

I will resist the temptation to rebut the statements just made on pipeline safety, made out of order, out of regular time, except to say that we had time to get a better bill. We still could do it, there is plenty of time left in this session, we still can work things out, and we ought to.

This disaster mitigation legislation does represent the very best, however, of comity between the two parties in this House and the two sides of our committee. The benefit of this bill is that it establishes a predisaster mitigation program based on the very effective Project Impact initiative that emphasizes local community involvement critical to the success of implementing long-term strategies for disaster resistance.

This is the first time at the Federal level that we will be providing a mechanism and funding to address problems before they occur. If we can avoid losses, we can avoid future tragedies, we will save tens of millions of dollars, and that is the essential character of this legislation, the essential contribution that it makes.

I rise in support of H.R. 707, the Disaster Mitigation Act of 2000, the third and final time that we take up this legislation in this body. This legislation represents tireless work on the part of the gentlewoman from Florida who has given exhausting hours of her time to fashion a bill that will be effective and that will respond to the concerns that she has expressed so well, not only in Florida but elsewhere around this country. The cooperative work that she has undertaken with our ranking member, the gentleman from Ohio (Mr. TRAFICANT), has been exemplary. I appreciate the many visits that we have had about this and about the terrorism commission legislation which I will address in a moment.

The benefits of the disaster mitigation bill are that first of all it establishes a predisaster mitigation program based on the very effective Project Impact initiative. Project Impact emphasizes local community involvement that is critical to the success of implementing long-term strategies for disaster resistance.

This is the first time that we will be attempting at the Federal level to address problems before they occur. I think properly so, because if we address problems that we know cause increased losses, we can avoid those losses

in the future disasters that we know are likely to occur. These initiatives, rather modest in this bill, will translate into millions of dollars of savings.

There are, however, a couple of concerns that I have about the legislation. Both House and Senate bills require non-profit entities to seek loans from the Small Business Administration as a precondition of assistance. But, certain non-profits are singled out not for what they do but for who they are. Libraries, museums and shelters should not be discriminated against in this fashion. It is not a fatal flaw in the bill, not one that would cause me to oppose it, but one that I hope can be revisited and fixed in the future.

Second, the bill authorizes funding only for the next three fiscal years. I believe that oversight of this program will demonstrate its value, and that there will be a continuing need to work with communities for many years. I look forward to working to extend this program.

The Senate has removed language requiring the establishment of a President's Council on Domestic Terrorism and Preparedness within the Executive Office of the President. The gentlewoman has again devoted tireless hours and very deep personal conviction to this legislation. This is not something that she has undertaken as a gesture, but as a matter of very deep conviction. I have been greatly persuaded by her activism, by her profound self-assurance based on case studies and careful analysis of the situation and the failure of the existing system to perform as intended.

I support the establishment of the President's council. I worked to mediate between the subcommittee and the Office of Management and Budget and White House staff. I think under the circumstances this is a sound, reasonable, responsible initiative. As the gentlewoman has said to me, in years to come after she enters retirement, she does not want to look back on a tragedy and say, ''That could have been prevented. I could have done something while I was in Congress.'' She tried her hardest to do something, Mr. Speaker. But, the Senate has refused to acquiesce. That is unfortunate, but the unwillingness of the Senate causes us to accept the agreement on mitigation and address terrorism preparedness at a later date.

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

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

I would like to comment that I understand there has been some byplay among our staffs, perhaps, on an issue of whether or not we are going to move to the next bill which is strongly supported by the gentleman from West Virginia (Mr. RAHALL). It has been suggested to me that there might be some tactics on both our parts to delay this. That is not my style. I am quite prepared once we dispose of this to move ahead with the gentleman from West Virginia's legislation because it is the right thing to do. If we have anything else we need to fight out, we can do that later.

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

Mrs. FOWLER. Mr. Speaker, I rise in strong support of this important legislation.

In 1992, Hurricane Andrew slammed into the coast of Florida resulting in total losses exceeding $30 billion. Andrew is the costliest major disaster in U.S. history.

Of course, Floridians are not the only ones at risk from natural disasters. In the past 10 years every State and territory in the Union has been adversely impacted by a natural disaster.

This Nation simply can't afford to keep exposing our people and their property to these disasters.

In the past, Congress has focused on assisting the victims of disasters after the damage is done: Since 1989, Congress has spent over $25 billion on disaster relief.

Our emphasis needs to change. H.R. 707 significantly increases Federal assistance for projects that prevent damage before hurricanes and other disasters strike.

This money can be used for such projects as strengthening schools, providing shelters for evacuees, and hurricane-proofing homes. If used in the right way, such spending should decrease overall Federal spending by reducing the disaster relief needed after a disaster hits.

With more emphasis on mitigation we will have less to fear from natural disasters and reduce the threat to our families and property.

I want to thank Mr. BOEHLERT for all his work on this bill as well as the ranking member of the subcommittee Mr. TRAFICANT.

I also want to thank Chairman SHUSTER and the ranking minority member of the full committee, Mr. OBERSTAR, for their support and encouragement.

While I am very pleased to support final passage of H.R. 707, I am disappointed that the Senate failed to retain a section of the bill establishing a President's council to coordinate domestic terrorism preparedness programs.

There is clearly more work that needs to be done to prepare and protect the public from man-caused disasters. I have no doubt that the next Congress will continue to grapple with this important issue.

Regardless of this omission, this is still an excellent bill and I urge my colleagues to support H.R. 707.

I want to thank my subcommittee staff: Marcus Peacock, Charlie Ziegler, Miki White, Denise Beshaw, and Dan Shulman for their dedication and hard work throughout the year in getting this legislation passed.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of H.R. 707, the Disaster Mitigation Amendments Act of 2000. The amendments establish a predisaster mitigation grant program, make it easier for states to administer the Federal program, and enhance state efforts to prepare for and respond to disasters.

Before I continue, I would like to thank Chairman SHUSTER and Ranking Democratic Member OBERSTAR for their assistance on this legislation. I also would like to commend and thank Chairman FOWLER for her leadership, her hard work and her willingness to listen to all the stakeholders, the Administration and Members, in an effort to make this the best legislation it could be. She indeed has done an admirable job.

The Disaster Mitigation Act of 2000 is about being prepared for natural disasters. By establishing and funding a pre-disaster mitigation program, we can lessen the human and financial losses associated with natural disasters such as hurricanes, floods, and earthquakes.

This bill also simplifies the Federal-State relationship in providing Federal disaster assistance. It encourages States to be more active in providing assistance, and to assume responsibility for administering benefits where the state chooses to do so. It also protects the taxpayer by encouraging those communities suffering from repetitive losses to undertake efforts to reduce those losses. But it also protects the local community by establishing a 3-year limitation on FEMA's ability to review an assistance grant for compliance with law and regulation.

It is my understanding that there were some Members of the other body that had some concerns about the part of the bill that contained the Council for Terrorism Preparedness. I am sorry that we were not able to work out those concerns. We missed a tremendous opportunity to help organize and prepare for any future terrorist attacks against our nation. I am disappointed about that. I hope we will have a chance in the future to pass a bill on terrorism preparedness.

Mr. Speaker, disaster mitigation is such an extremely important and urgent issue for our country. I support the Disaster Mitigation Act of 2000, and urge my colleagues to support it.

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

Mr. SHUSTER. 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. SHUSTER) that the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment to the bill, H.R. 707.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment to the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. 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. 707, the bill just passed.

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

There was no objection.

MOTOR CARRIER FUEL COST EQUITY ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4441) to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4441

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 ''Motor Carrier Fuel Cost Equity Act of 2000''.

SEC. 2. MANDATORY FUEL SURCHARGE.

(a) IN GENERAL.—Chapter 137 of title 49, United States Code, is amended by adding at the end the following:

"§ 13714. Fuel surcharge

''(a) MANDATORY FUEL SURCHARGE.—

''(1) ASSESSMENT OF SURCHARGE.—Any motor carrier, broker, or freight forwarder subject to jurisdiction under chapter 135 regularly providing truck-load transportation service shall assess under each contract or agreement for such service the payor of transportation charges a surcharge under this section, or a surcharge or other fuel cost adjustment permitted under section 13715, for fuel used in the transportation provided to such payor commencing when an increase in the price of such fuel surpasses the benchmark in paragraph (2). A surcharge assessed under this section by the motor carrier, broker, or freight forwarder shall be calculated on the basis of mileage or percentage of revenue (whichever basis the motor carrier, broker, or freight forwarder elects) and shall be the amount necessary to compensate the motor carrier, broker, or freight forwarder or other person responsible for paying for fuel for the difference in the price of fuel between the Current Fuel Price and the Fuel Price Norm determined under paragraph (2).

''(2) BENCHMARK.—

''(A) IN GENERAL.—The benchmark referred to in paragraph (1) is the difference between the Current Fuel Price and the Fuel Price Norm, when such difference exceeds $0.05.

''(B) CURRENT FUEL PRICE.—The Current Fuel Price referred to in paragraph (1) and subparagraph (A) shall be determined from the latest weekly Energy Information Administration's Average Retail On-Highway Diesel Prices, National U.S. Average, as published by the Department of Energy.

''(C) FUEL PRICE NORM.—The Fuel Price Norm referred to in paragraph (1) and subparagraph (A) shall be determined by calculating the latest 52-week average of the Average Retail On-Highway Diesel Prices referred to in subparagraph (B).

''(b) IMPLEMENTATION.—The surcharge referred to in subsection (a)(1) shall be—

''(1) calculated on the date the shipment is tendered to the motor carrier, broker, or freight forwarder;

''(2) itemized separately on the motor carrier, broker, or freight forwarder's invoices; and

''(3) paid by the payor of the related transportation charges.

''(c) FACTORS.—For purposes of calculating a surcharge under this section—

''(1) average fuel economy is 5 miles per gallon for calendar year 2000 and shall be determined on January 1 of such year thereafter by the Secretary of Transportation; and

''(2) mileage means the number of paid miles driven as determined under the Department of Defense, Military Traffic Management Command's 'Defense Table of Official Distances'.

''(d) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this part, any action to enforce this section under section 14704 may only be brought by the motor carrier, broker, or freight forwarder that provided the transportation services against the payor of the transportation charges or by the payor of the transportation charges against the motor carrier, broker, of freight forwarder that provided the transportation services. In such action, a court shall only have the authority to determine whether a fuel surcharge assessed under this section has been assessed or paid. A court shall not have the authority in such action to review any other charges imposed by the provider of the transportation services. Neither the Secretary of Transportation nor the Surface Transportation Board shall have regulatory or enforcement authority relating to provisions of this section.

''(e) EFFECTIVE PERIOD.—Subsections (a) through (d) and section 13715 shall be in effect beginning the 60th day following the date of enactment of this section and ending September 30, 2003.

"§ 13715. Negotiated fuel adjustments

''(a) IN GENERAL.—Nothing in section 13714 shall be construed to abrogate provisions relating to fuel cost adjustments in any transportation contract or agreement in effect on the date of enactment of the Motor Carrier Fuel Cost Equity Act of 2000 and any renewal of such a contract or agreement thereafter. Nothing in this section and sections 13714 and 14102 shall be construed to prohibit any motor carrier, broker, or freight forwarder from including any reasonable privately negotiated fuel cost adjustment provision in any contract or agreement to provide transportation.

''(b) CONTINUATION OF AUTHORITY.—Nothing in section 13714 shall impair the ability of any person to enter into any contract or agreement after the date of enactment of the Motor Carrier Fuel Cost Equity Act of 2000 that provides for a fuel adjustment under this section or section 13714 during any period in which no fuel surcharge is required under section 13714.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 137 of such title is amended by adding at the end the following:

''13714. Fuel surcharge.

''13715. Negotiated fuel adjustments.''.

SEC. 3. CONFORMING AMENDMENT.

Section 14102 of title 49, United States Code, is amended by adding at the end the following:

''(c) MANDATORY PASS-THROUGH TO COST BEARER.—

''(1) IN GENERAL.—A motor carrier, broker, or freight forwarder providing transportation or service using motor vehicles not owned by it and using fuel not paid for by it—

''(A) shall pass through to the person responsible for paying for fuel any fuel surcharge required pursuant to section 13714, or fuel cost adjustment permitted under section 13715, or provided for in transportation contracts or agreements;

''(B) shall disclose in writing to the person responsible for paying for fuel the amount of all freight rates and charges and fuel surcharges under section 13714 and fuel cost adjustments permitted under section 13715 applicable to such transportation or service; and

''(C) is prohibited from—

''(i) intentionally reducing compensatory transportation costs (other than the fuel surcharge) to the person responsible for paying for fuel for the purpose of adjusting for or avoiding the pass through of the fuel surcharge; and

''(ii) intentionally imposing a fuel cost adjustment in accordance with section 13715 for the purpose of avoiding any payment under this section or section 13714.

''(2) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this part, the person responsible for paying for fuel may only bring an action to enforce this section under section 14704 against the motor carrier, freight forwarder, or broker providing the transportation services with vehicles not owned by it. Neither the Secretary of Transportation nor the Surface Transportation Board shall have regulatory or enforcement authority relating to provisions of this subsection.

''(3) EFFECTIVE PERIOD.—Paragraphs (1) and (2) shall be in effect beginning the 60th day following the date of enactment of this section and ending September 30, 2003.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

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

Today, the House is considering H.R. 4441, the Motor Carrier Fuel Cost Equity Act of 2000. Earlier this year, the Subcommittee on Ground Transportation held a hearing to examine the price spikes in gasoline and diesel markets. At this meeting, a number of options were discussed to bring relief to those hardest hit by those spikes, such as enabling truckers to negotiate rates that reflect their increased fuel costs. Three months later, the subcommittee convened a panel of truck drivers, shippers and representatives from motor carriers and other transportation intermediaries to hear testimony on the gentleman from West Virginia's (Mr. RAHALL) bill, H.R. 4441, to require a mandatory fuel surcharge.

The Committee on Transportation and Infrastructure then worked for several months to address the concerns raised and to craft a bill we could all support. The bill we are considering today includes numerous changes to the original bill.

In July, the Subcommittee on Ground Transportation approved a substitute amendment by voice vote and later that day the full committee approved the subcommittee's amendment unanimously, which is generally the way our committee works. H.R. 4441 helps trucking companies and particularly independent operators weather the diesel fuel price spikes in the same way that the large trucking companies have been able to do for years. By including a fuel surcharge as part of the total transportation bill, these small business truckers, these independent truckers, will not see their already slim margins disappear when the price of diesel fuel rises sharply and suddenly.

This bill, as amended in committee, has my support. I urge its passage here today.

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

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

Mr. Speaker, I would first like to express my deep appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) for bringing this piece of legislation to the floor. I commend the statesmanlike manner in which he has just conducted himself in the statement he made prior to consideration of this bill. I have known that to be true through our many years of work together on the Committee on Transportation and Infrastructure. We have worked in a very gentlemanly manner and in a bipartisan manner, I might add, as well. I commend the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for his support of this legislation and his help as well.

It is supported, as the chairman has said, by a bipartisan group of Members, including the assistant whip on the majority side the gentleman from Missouri (Mr. BLUNT). This bill seeks to address a real and pressing crisis facing an important segment of our trucking industry. That problem is twofold: First, owner-operators are being hit hard by high diesel fuel prices and simply do not have the market clout to negotiate the same sort of arrangement

that the larger companies can to offset those costs. Unable to cope with high diesel prices, many owner-operators are simply unable to continue in business. In fact, fuel prices were the primary factor in the 1,365 trucking company bankruptcies which occurred during the first 6 months of this year. Second, coupled with a national driver shortage, just-in-time deliveries are being threatened, fewer transportation alternatives for shippers are available, and consumers could face a rise in the price of various goods and commodities.

As such, the pending legislation provides owner-operators, shippers and consumers with a safety net by ensuring that any fuel surcharges assessed are ultimately passed on to the entity which actually purchases the fuel. And just what is a fuel surcharge? It is a long established practice in the industry under which a shipper pays to the trucking companies the difference between what is deemed to be a baseline cost of diesel fuel and any sudden and dramatic increases in the cost of that fuel, such as what we are experiencing today. Independent owner-operators, however, are not in the position to negotiate fuel surcharges or, where they exist, be paid the fuel surcharge. And when you consider that two-thirds of the trucking operations in the country today operate six or fewer trucks, we are talking about a sizable segment of the industry.

The pending legislation, as originally introduced, would have imposed a mandatory fuel surcharge program. It has been modified to fully take into account privately negotiated fuel surcharge programs. No existing fuel surcharge arrangement would be abrogated and any future privately negotiated programs of this nature would not be precluded.

Let me repeat. Any current and future privately negotiated fuel surcharge agreements are fully respected by the pending legislation. And I repeat that a third time. Past, current or future privately negotiated fuel surcharge agreements are fully respected.

The essential feature of this bill is that it provides a private right of action as a means to ensure that the entity which actually pays for the fuel receives the surcharge. No Federal Government enforcement. No cost to the taxpayers. Just simply equity and fairness.

Mr. Speaker, America watched the economies of Britain and France thrown into chaos on the issue of diesel fuel prices. I have already noted the large number of industry bankruptcies taking place in this country.

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Coupled with a shortage of up to 80,000 truck drivers, we have a formula for disaster in the making.

I might add that high fuel prices have also had a devastating effect on the Nation's port drivers as well. Their poor working condition has come to the attention of the Teamsters Union, which is exploring ways to organize these truck drivers and is working to bring public attention to their plight.

In conclusion, Mr. Speaker, I say let us strike a blow for the little guy, the small businessman, and for the integrity of our economy by passing the pending legislation.

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

Mr. SHUSTER. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. PETRI), the distinguished chairman of the Subcommittee on Ground Transportation.

Mr. PETRI. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Speaker, I rise to speak on H.R. 4441, the bill before us today. Before I do, I just think I would like to take a minute to point out that this may be the last piece of legislation that comes out of the subcommittee that I have had the privilege of chairing for the last 6 years. Under the rules that have been set in the House since 1994, we have term limits for chairmen and subcommittee chairmen, so I will not be chairing that subcommittee in the next Congress, should I be fortunate enough to be reelected.

During those 6 years I have had the opportunity to work with a remarkable ranking Democrat on that subcommittee, and that is my colleague from West Virginia (Mr. RAHALL). Our committee has been, I think, the most productive committee, as a whole, in the Congress of the United States over this period of time, and that is something that no one person could bring about. Only a group of people working cooperatively together were able to accomplish that.

That means that that is a bipartisan accomplishment, and I think that while we clearly do not agree on everything that this committee has to deal with or this Congress has to deal with, we all agree, regardless of party on our Committee on Transportation and Infrastructure, on the importance of transportation infrastructure and transportation investment and a need to keep up on the public side of the ledger with investment and needed infrastructure to keep our economy strong and growing; and we have worked together, industry, labor, the safety community, the environmental community, in this effort.

The door has always been open of our chairman, of the gentleman from West Virginia (Mr. RAHALL), and I hope I can say that of myself, to listen to different people with ideas on legislation and to do what we could to bring them together to a common productive result.

This legislation before us today is just one example of that spirit. Its prime author is a member of the minority party; but it is before us today, and I think it is going to receive bipartisan support. It came out of a hearing that our committee had, or perhaps a series of hearings on the fuel crisis; meeting with industry groups and the Teamsters Union and others to explore different ideas about what we could do as a Congress to react to this crisis to help the little guy, to help the person who does not have the power in the marketplace to impose pass-through clauses and provisions as some of the larger truckers do, so that they are not overwhelmed by swings in energy prices, but do have an opportunity to adjust and to continue in business; and that is the basic purpose of the act before us.

This reflects, I think, the sensitivity and the concern that my colleague, the gentleman from West Virginia (Mr. RAHALL), and that we all have to try to do something constructive in this area. I think that this crisis continues. I am sure, regardless of what happens in the upcoming election, our committee will be eager and responsive to deal with the problems that people in the transportation sector have.

The bill before us, H.R. 4441, as has been mentioned, seeks to ease the effect of sudden and dramatic increases in the cost of fuel on the trucking industry by ensuring that these added costs can be recovered. Under the provisions of the bill, the spike in the price of diesel fuel will trigger a mandatory surcharge to be assessed to the party paying for the transportation costs of the motor carrier transporting the goods. This automatic surcharge is imposed when there is a 5 cent disparity between the latest week's national average and the previous year's national average for diesel fuel. In this way, those businesses hit hardest by surges in the fuel market will be able to recoup additional costs by passing them along to the shipper as part of the total bill.

This past July, the Committee on Transportation and Infrastructure approved a substitute amendment that represents a bipartisan effort to perfect the original text of the bill. This substitute permits companies to include privately negotiated fuel adjustments; and, second, it clarifies the provision and provides the right to sue to collect the surcharge; and, third, it includes a sunset provision that terminates the mandatory surcharge at the end of budget year 2003. At that point, Congress will be able to review the effectiveness of the bill before us.

Mr. Speaker, our committee is the largest committee in the Congress; our subcommittee is the largest subcommittee in the Congress. The potential for chaos, or at least disorder and delay, was perhaps great; but in fact the cooperation and the achievement instead have been great. We hear a lot about the decline of civility and an increase of partisan bickering in this Congress; and I think the fact of the matter is, those who go about their business quietly achieving results sometimes are lost among the din but are, in truth, a growing number. This committee has prospered in this Congress. Members have sought to be on

the committee. The fact that people seek to be on this committee shows that most Members of this House, when given the chance, want to be a part of a productive team.

So I just want to say that as we conclude the second session of this Congress with the passage of this important legislation, H.R. 4441, I appreciate the spirit that has enabled us to reach this point; and I commend it to some other committees in this Congress.

Mr. RAHALL. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I certainly want to commend the gentleman from Wisconsin (Mr. PETRI) for his excellent statement and say to him as well that it has been my pleasure to serve with him for the last 6 years under his chairmanship of the Subcommittee on Ground Transportation. It has truly been an enjoyable experience, not necessarily the position where my chair is; but certainly serving next to the gentleman from Wisconsin (Mr. PETRI) has been a delight. He has always held comprehensive and very timely hearings on not only this issue but other issues. He has spoken of the bipartisanship of our committee and the camaraderie, and I certainly salute him and wish him Godspeed.

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

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of our committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from West Virginia (Mr. RAHALL) for yielding me this time.

Mr. Speaker, I, first of all, want to congratulate our full committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER), on his superb leadership over these 6 years. This may not be the last bill we bring to the floor of the House. We certainly have plenty of time for another bill on pipeline safety. We could do that yet. But over the years of his chairmanship, he has done a superb job reconciling differences; bringing people together; building America; investing in the Nation's future; strengthening the Nation's infrastructure. It has been an extraordinary record of achievement, not only in our field of transportation and related issues but also I think, as the gentleman from Wisconsin (Mr. PETRI) alluded to, in a time when politics is rife and rancor is rampant both inside and outside this body, the Committee on Transportation and Infrastructure has proceeded in a cooperative, bipartisan spirit of understanding and keeping our eye on the objective and doing something good for America.

In addition, in the last Congress this committee handled more than 24 percent of all the bills enacted into law. So far in this Congress, at least in this session of the Congress, nearly a third of all the bills that moved through the House moved through this committee and about 25 percent of all of those were enacted into law. That is an extraordinary record. One does not get those just by being good scouts. It is done by working together, resolving differences, coming to the floor with a unified product that can win the respect and the majority vote in the House.

This bill before us today, the Motor Carrier Fuel Cost Equity Act of 2000, is an example. I commend the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), the gentleman from West Virginia (Mr. RAHALL), the ranking member of the subcommittee, who initiated the legislation and whose sensitivity to the problems of this segment of the trucking industry has made it possible for us to be here today. He listened. He understood the problems. He told the small motor carriers who have less influence in transportation markets than the larger motor carriers that he would initiate legislation on their behalf; would take the action; would first get a hearing and then see if we could draft legislation, which he did. Now we are here on this floor today, and I hope this bill moves not only through our body but the other body and on to the President for signature into law.

Fuel costs represent a larger proportion of small carriers' operating budgets. Assuming that freight rates are based on true costs, it is obvious small carriers have greater difficulty passing along price increases that represent a larger portion of their operating costs than do the large carriers.

Data provided in 1998 by carriers with $3 million or more in annual revenue show that fuel costs represent only 5 to 6 percent of large carrier operating budgets. Those percentages may be one or two points higher today due to recent price increases. Owner-operators typically do not report cost information to the Department of Transportation. We understand, however, from our discussions with the industry that fuel costs really represent about 30 percent of an owner-operator's operating budget. Obviously, those conditions put the smaller carriers at a disadvantage in a fuel price inflationary era such as we are now experiencing. Seventy percent of owner-operators have lease arrangements with larger carriers, and they ought to be treated fairly by the carriers they lease to. This bill requires that the fuel surcharge paid by shippers be passed on through to whoever is paying for fuel under the lease arrangement. Most often, that is the independent owner-operator.

So the gentleman from West Virginia deserves high praise for recognizing the very real and personal hardships faced by independent truckers and their families, brought on by these higher fuel prices. The gentleman has been out in the highways and the byways and listened to those who drive the trucks, listened to those who face the financial cost price squeeze and recognize that independent truckers should be treated fairly when the Nation goes through the kind of fuel price spikes that we have been experiencing these last several months.

1800

This bill goes a long way toward providing the kind of relief that those hard-pressed, hard-working men and women need in these difficult times. I urge the passage of this legislation.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding time to me, and thank him and the ranking member for their support of this legislation. I certainly am appreciative that the gentleman from West Virginia (Mr. RAHALL) saw this problem and drafted legislation, and I was glad to join him as one of the early cosponsors of this bill, H.R. 4441.

This Motor Carrier Fuel Cost Equity Act is a bill that is really designed to bring temporary emergency relief to an industry that, maybe more than any other industry in the country, has been caught in a devastating situation by these rapid increases in fuel prices.

This is an industry where the cost of fuel is everything, and it is an industry where so many trucks are operated by the people who own those trucks. Their entire livelihood is dependent on what happens in that truck that month. Their entire livelihood is dependent on what the repair costs of the trucks are, what the fuel costs, what the tire costs are.

Many of these owner-operators, I see them in my district, are husband-and-wife driving teams, sometimes with a child that is not ready for school yet riding right along with them and seeing the country.

But their plans were made, their bids were offered, their arrangements were entered into anticipating a much lower cost in the price of fuel, so we have seen this huge increase in fuel in the last several months. Over 70 percent of motor carriers have six or fewer trucks. These are men and women who haul almost all of our produce, livestock, consumer goods, building materials, raw materials. They are the indispensable engine that drives this economy. They fill in the gaps where people need a load taken here or taken there, where people have not really adequately planned to have everything they needed done done, but there is an independent owner-operator there ready to do that job.

As they have seen these fuel prices go up 70 percent, reaching record high prices in just the last month, thousands of truckers have gone out of business. Fuel prices are only predicted to go even higher in the next few months, putting in peril the future of thousands of small businessmen and businesswomen.

Safety is an issue as they are more and more stressed to pay the bills with

the bids that they have out there. They have many problems. This bill helps small businesses at no cost to taxpayers. There is no Federal enforcement. It helps truckers cope with the high cost of diesel by ensuring that any fuel charge assessed is paid to the person who actually purchased the fuel.

We need to end this series of bankruptcies among small truckers. We need to be sure that we keep competition in this marketplace. Competition is ultimately what keeps prices down and makes our economy work. I am wholeheartedly in support of this bill.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his opposition to H.R. 4441, the Motor Carrier Fuel Cost Equity Act. This legislation would require any motor carrier, broker or freight forwarder regularly providing truckload transportation service, to assess the payer of transportation a fuel surcharge whenever an increase in the price of fuel surpasses the benchmark difference between the current fuel price and the fuel price norm by five cents.

Most assuredly, this Member is very concerned about truckers, especially small and independent trucking firms, regarding the burden of high costs of fuel. However, H.R. 4441 is very ill-considered legislation because it decreases the pressure on the petroleum industry to keep prices down by placing the burden of higher prices on consumers across America. This tactic is clearly a mistake. Federal regulations requiring companies to forward increased prices to consumers will not decrease fuel prices. This Member is committed to helping the small and independent truckers who are hurting from higher gasoline prices by working to decrease the price of fuel.

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

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

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4441, 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. SHUSTER. 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. 707 and H.R. 4441.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

S. 2438, de novo;

H.R. 208, by the yeas and nays;

H.R. 762, 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.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2438.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2438.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 158, not voting 42, as follows:

[Roll No. 519]

YEAS—232

Aderholt
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
King (NY)
Kingston
Kuykendall
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Millender-McDonald
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—158

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett (WI)
Becerra
Bereuter
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Cardin
Chenoweth-Hage
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Dixon
Doggett
Engel
Evans
Filner
Forbes
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gordon
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Moore
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Phelps
Porter
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Skelton
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—42

Archer
Barr
Blagojevich
Bliley
Bono
Brown (FL)
Campbell
Carson
Cook
Crane
Danner
Eshoo
Etheridge
Farr
Fattah
Ford
Franks (NJ)
Gutierrez
Hoekstra
Jefferson
Kasich
Klink
Knollenberg
Kolbe
Largent
Lazio
McCollum
McIntosh
Meeks (NY)
Miller (FL)

Miller, George
Mink
Pelosi
Pombo
Reyes
Riley
Stark
Talent
Weygand
Wilson
Wise
Wu

1830

Messrs. RAHALL, OWENS, MEEHAN and NADLER changed their vote from ''yea'' to ''nay''.

Ms. MILLENDER-MCDONALD and Mr. BARCIA changed their vote from ''nay'' to ''yea''.

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

FEDERAL THRIFT SAVINGS PLAN PARTICIPATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 208.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 208, 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 382, nays 0, not voting 50, as follows:

[Roll No. 520]

YEAS—382

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—50

Archer
Barr
Bartlett
Blagojevich
Bliley
Bono
Brown (FL)
Campbell
Carson
Cook
Crane
Danner
Davis (FL)
Eshoo
Etheridge
Farr
Fattah
Ford
Franks (NJ)
Gillmor
Gutierrez
Hoekstra
Jefferson
Kasich
Klink
Knollenberg
Kolbe
Largent
Lazio
Manzullo
McCollum
McIntosh
Meeks (NY)
Miller (FL)
Miller, George
Mink
Pelosi
Pombo
Rangel
Reyes
Riley
Salmon
Stark
Stearns
Talent
Weldon (FL)
Weygand
Wilson
Wise
Wu

1837

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 520, I was unavoidably detained. Had I been present, I would have voted ''yes.''

LUPUS RESEARCH AND CARE AMENDMENTS OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 762, 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 Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 762, 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 385, nays 2, not voting 45, as follows:

[Roll No. 521]

YEAS—385

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ewing
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly

Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—45

Archer
Barr
Blagojevich
Bliley
Bono
Brown (FL)
Campbell
Carson
Coburn
Cook
Crane
Danner
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Franks (NJ)
Gutierrez
Hoekstra
Jefferson
Kasich
Klink
Knollenberg
Kolbe
Largent
Lazio
McCollum
McIntosh
Meeks (NY)
Miller (FL)
Miller, George
Mink
Pombo
Reyes
Riley
Schakowsky
Spratt
Stark
Talent
Weygand
Wilson
Wise
Wu

1846

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 184, H.R. 745, H.R. 1640, AND H.R. 3634

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the following bills: House Resolution 184, H.R. 745, H.R. 1640, and H.R. 3634.

I believe there may have been some confusion with the gentleman from Pennsylvania (Mr. BRADY).

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 2389. An Act to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–951) on the resolution (H. Res. 615) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–952) on the resolution (H. Res. 616) waiving points of order against the conference report to accompany the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–953) on the resolution (H. Res. 617) waiving points of order against the conference report to accompany the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-299)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval, H.R. 4733, the ''Energy and Water Development Appropriations Act, 2001.'' The bill contains an unacceptable rider regarding the Army Corps of Engineers' master operating manual for the Missouri River. In addition, it fails to provide funding for the California-Bay Delta initiative and includes nearly $700 million for over 300 unrequested projects.

Section 103 would prevent the Army Corps of Engineers from revising the operating manual for the Missouri River that is 20 years old and needs to be updated based on the most recent scientific information. In its current form, the manual simply does not provide an appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river. The bill would also undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable and much-needed changes to the operating manual for the Missouri River. The Corps and the U.S. Fish and Wildlife Service are entering a critical phase in their Section 7 consultation on the effects of reservoir project operations.

This provision could prevent the Corps from carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern and pallid sturgeon, and the threatened piping plover.

In addition to the objectionable restriction placed upon the Corps of Engineers, the bill fails to provide funding for the California-Bay Delta initiative. This decision could significantly hamper ongoing Federal and State efforts to restore this ecosystem, protect the drinking water of 22 million Californians, and enhance water supply and reliability for over 7 million acres of highly productive farmland and growing urban areas across California. The $60 million budget request, all of which would be used to support activities that can be carried out using existing authorities, is the minimum necessary to ensure adequate Federal participation in these initiatives, which are essential to reducing existing conflicts among water users in California. This funding should be provided without legislative restrictions undermining key environmental statutes or disrupting the balanced approach to meeting the needs of water users and the environment that has been carefully developed through almost 6 years of work with the State of California and interested stakeholders.

The bill also fails to provide sufficient funding necessary to restore endangered salmon in the Pacific Northwest, which would interfere with the Corps of Engineers' ability to comply with the Endangered Species Act, and provides no funds to start the new construction project requested for the Florida Everglades. The bill also fails to fund the Challenge 21 program for environmentally friendly flood damage reduction projects, the program to modernize Corps recreation facilities, and construction of an emergency outlet at Devil's Lake. In addition, it does not fully support efforts to research and develop nonpolluting, domestic sources of energy through solar and renewable technologies that are vital to America's energy security.

Finally, the bill provides nearly $700 million for over 300 unrequested projects, including: nearly 80 unrequested projects totaling more than $330 million for the Department of Energy; nearly 240 unrequested projects totaling over $300 million for the Corps of Engineers' and, more than 10 unrequested projects totaling in excess of $10 million for the Bureau of Reclamation. For example, more than 80 unrequested Corps of Engineers construction projects included in the bill would have a long-term cost of nearly $2.7 billion. These unrequested projects and earmarks come at the expense of other initiatives important to taxpaying Americans.

The American people deserve Government spending based upon a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expands health care coverage to more families, and funds critical investments for our future. I urge the Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 7, 2000.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that further consideration of the veto message be postponed until Wednesday, October 11.

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

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE BRUCE VENTO, MEMBER OF CONGRESS FROM THE STATE OF MINNESOTA

Mr. OBERSTAR. Mr. Speaker, I offer a privileged resolution (H. Res. 618) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 618

Resolved, That the House has heard with profound sorrow of the death of the Honorable Bruce F. Vento, a Representative from the State of Minnesota.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore (Mrs. FOWLER). The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 1 hour.

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

Madam Speaker, it was with great sadness, a sense of personal loss, and a loss to this body that at the opening of session today I took the well to announce that at 11:20 this morning our colleague, our dear friend, BRUCE VENTO, succumbed to mesothelioma, asbestos-induced cancer of the lung and peritoneal cavity.

Madam Speaker, I will reserve my comments for this great and distinguished legislator, friend, hard-working great American until later in this 1-hour.

Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. SABO).

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

Mr. SABO. Madam Speaker, I thank my colleague, the gentleman from Minnesota (Mr. OBERSTAR), for yielding me this time.

It is a sad day. BRUCE VENTO and I have been friends for 30 years. I remember him when he came to the Minnesota State legislature as a new member. We served 6 years together there, then he preceded me by 2 years in Congress. I watched this young man, who came to the State legislature as an eager young freshman legislator, grow into one of our great national leaders on so many issues.

I want to offer my condolences to his wife, Susan, to his sons, his grandchildren, and the rest of the Vento family. BRUCE was always very close to his family and so proud of them. That was part of his being, just as being from the east side of St. Paul was part of his being. He never forgot those roots. He represented the people of that district with a passion.

BRUCE was a person with passion for many, many things: to make sure that the recent immigrants, the Hmong from his district, who had served our country, could become citizens.

1900

A broad array of housing legislation with little special emphasis on the homeless, but it really went to the totality of housing programs in this country because he felt people needed decent housing, to dealing with the complexity of how we deal with financial institutions in this country.

I always thought it was so fitting that BRUCE, the biology teacher in south Minneapolis, became chair of our Subcommittee on National Parks and Public Lands because this was another real passion for him. And he left a real legacy in terms of expanded public lands, expanded parks and a whole variety of other public facilities in this country that will be a legacy for many, many future generations to enjoy.

So it is a sad day. But I think, and most importantly, of simply a good friend.

Mr. OBERSTAR. Madam Speaker, I am now happy to yield to the gentleman from New York (Mr. GILMAN) the chairman of the Committee on International Relations.

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

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in support of the privileged resolution offered by the gentleman from Minnesota (Mr. OBERSTAR).

I want to express my deep sorrow regarding the passing of not only a good

colleague who was an outstanding Member of this Chamber, but a dear friend.

I have known BRUCE VENTO since he first came to this Chamber back in 1976. He brought with him at that time an enthusiasm, a dedication and patriotism which caused him to become one of our most respected colleagues on both sides of the aisle.

Having enjoyed three successful terms in the State legislature of Minnesota, BRUCE brought with him to this Chamber a deep understanding of the legislative process and the knowledge of how to get things done.

In a testimonial just this past June, President Clinton credited BRUCE with steering into law more than 300 bills to protect our Nation's natural resources.

I had the opportunity to come to know BRUCE well when we had occasion to travel together overseas. He participated on several occasions in the U.S. delegation that meets with the European parliament where he made particularly significant contributions to discussions on areas such as transatlantic cooperation to protect the environment.

As chairman of the House Committee on International Relations, I worked closely with BRUCE in his commendable efforts to make American citizens of the Hmong, an ethnic Laotian group which fought with our own forces during the Vietnam conflict. These courageous people were indeed fortunate to have such a champion as BRUCE VENTO.

When Democrats controlled the House, BRUCE VENTO served as chairman of our Subcommittee on Natural Resources, and in that capacity he helped my own district preserve Sterling Forest as a virgin territory.

To his wife Susan and his three sons, my spouse Georgia and I and our colleagues unite in extending our deep condolences with the knowledge that BRUCE VENTO was a giant among us whose shoes will be difficult to fill.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for his remarks, and I yield to the gentleman from Minnesota (Mr. PETERSON).

(Mr. PETERSON of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Minnesota. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, it is a tough day for all of us from Minnesota. BRUCE was not only a good friend of ours and a colleague, but he was someone that was, in the tradition of Minnesota, which has sent all kinds of outstanding elected leaders to Washington and St. Paul and throughout our elected offices in Minnesota, without a doubt, BRUCE VENTO was at the top of that list of great leaders that we have sent to Washington from Minnesota.

As many of you know, he spent a good part of his life teaching and then serving the interests of his people there in St. Paul, both in the legislature and in Congress. And he did that with so much compassion, so much dignity. I am sure that his constituents are the ones that are feeling the loss as much as anybody, because he really went to bat for them. No matter who they were, no matter what status in life they came from, BRUCE VENTO was always there fighting for his constituents.

I extend the deepest condolences to his wife Susan and his family, who BRUCE thought so much of.

BRUCE and I worked together on a lot of things. We agreed on a lot of things, and there were things that we did not agree on. But the thing that I really appreciated about BRUCE was that, even though we sometimes would be on opposite sides of the issue, we always were good friends and he always treated us with tremendous respect and dignity.

I just think that he is, without a doubt, one of the greatest Members of this House. He will be missed a lot by myself and I think all of our colleagues and especially by the people of Minnesota.

So I thank the gentleman very much for inviting me to speak.

Mr. OBERSTAR. Madam Speaker, I now yield to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Madam Speaker, I thank my friend for yielding and for organizing this resolution and tribute to our dear friend and colleague, the gentleman from Minnesota (Mr. VENTO).

This is, Madam Speaker, truly a sad day for all Minnesotans. We have lost a great public servant. Congress has lost its champion of the environment.

Our thoughts and prayers are certainly with BRUCE's family, with his wonderful wife, Susan Lynch Vento; with BRUCE's sons, Michael, Peter and John; and their families as well.

For 24 years, BRUCE VENTO served the people of Minnesota's Fourth Congressional District with great integrity and a strong commitment to helping people in need. His work to protect the environment, provide affordable housing, his work to help the homeless and open new doors for immigrants, his work has truly established a lasting legacy.

I was privileged over the last 10 years to work in this body closely with BRUCE VENTO on a number of legislative initiatives, and I deeply respected BRUCE as a colleague and a friend like all of us here in the House.

The people of Minnesota and the Nation will sorely miss BRUCE's vigilant protection of our environment. When it comes to protecting the environment, BRUCE VENTO was truly a global champion. Whether it was defending our precious Boundary Waters Canoe Area wilderness, helping the homeless, providing affordable housing, or aiding our newest immigrants in Minnesota, our Hmong community, BRUCE always made his case with great eloquence and great passion.

BRUCE VENTO, Madam Speaker, represented the best in public service. And his integrity, his work ethic, his strong commitment to the people of Minnesota will continue to inspire all of us.

May you rest in peace, dear friend.

Mr. OBERSTAR. Madam Speaker, I yield now to the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Madam Speaker, I thank very much the gentleman from Minnesota (Mr. OBERSTAR) for organizing this evening's effort, the leader of our delegation in Minnesota.

Madam Speaker, I think one of the most difficult things that any of us can do is to come to this floor to talk about the passing of a friend and a colleague. And I, like the others, want to extend my sympathies to Susan, a good friend as well, and to the entire Vento family. The family is just an outstanding Minnesota family, and I want to extend my sympathies to each and every member.

BRUCE was a dear friend and an extremely sincere, hard-working, dedicated person as a Member of this body. He touched all of us in so many ways.

The adjectives could go on and on when describing a person like BRUCE. I think most people will remember him for his tireless work on behalf of the environment, on behalf of the homeless. I will remember him for these efforts and a dimension that has already been touched on here but that is the dimension of always looking out for the interest of the common person.

No matter what the issue was, BRUCE just had this ability to see beyond the special interests and all the glamor of Washington and the influences in Washington and just look at how this would affect the common person and how he could best represent that common person.

I will also remember BRUCE as a legislator who was more concerned about rolling up his sleeves and getting the job done rather than issuing press releases and taking credit. And I think that really truly earned him the respect and friendship of so many people in this body. So that, even if he could have a battle over an issue with others in the body, he developed an incredible friendship and following here within this body.

I think that was pointed out so vividly at the time that he came to the well of the House and actually advised us of his particular illness. The outpouring of support that day just shows that a person that conducts himself the way he did, the kind of support and friendship that he can have in this body.

I think young people looking to get involved in public service in our country can look to BRUCE VENTO as a model of a public servant, the kind of person we learned about as young people that are the models for us. And I think young people today can look at his life.

Perhaps most vivid in my own personal memory will be the way in which

he welcomed me to the House when I was first elected here after the 1994 election. I had served briefly with BRUCE in the Minnesota legislature for a couple of years before he came to Congress; and so, I knew BRUCE. But he had moved on to this body long before I had. He welcomed me with open arms. There simply is no one who spent more time making sure that I was adjusted, that I understood how this institution operated compared to the Minnesota legislature.

Afterwards I started thinking about that and I thought to myself, you know, he is not treating me any different than he would treat anyone else. Yes, I knew him from the Minnesota legislature. But it did not matter who you were, BRUCE VENTO would open his arms to you, he would welcome you in, he would take whatever time was necessary in order to make sure that you felt comfortable, that you were achieving what you wanted to achieve. That is the kind of person we are talking about here this evening. He was really just an outstanding Member of Congress and an outstanding individual. I have no doubt that his legacy will live on for many years.

In conclusion, I would simply say that, now that he has passed away, it is up to the rest of us to carry on the work and the commitment of BRUCE VENTO.

Mr. OBERSTAR. Madam Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Madam Speaker, I want to thank my colleague from Minnesota for offering this resolution tonight.

This hardly seems possible. It seems just a few months ago that BRUCE was strong and healthy and vigorous. I would see him in the House gym in the morning. He loved to go for a swim, and so did I. And he would be in the pool when I got there at 7 o'clock and he would still be in the pool when I left. He was probably in better condition than virtually any other Member here in the Congress. And to think that this terrible disease drained the life out of him in such a short period of time just really does not seem possible.

1915

In many respects, BRUCE VENTO typified, I think, the best of public service. And I think those of us from Minnesota do have a special pride for the kind of public service that BRUCE VENTO believed in. In many respects, the way he died also symbolized the way he lived. He was prepared to fight for what he believed in, even against insurmountable odds, as he fought these last several months against a disease which would not surrender. But he was passionate about those things. And I have come to respect and admire him so much for the way that he would fight even on those issues on which we disagreed, and as a member of the Minnesota delegation, the institutional wisdom that he brought on all of the issues that affected our entire State and when we worked together on issues that were important to Minnesota, we all worked together and we all listened when he spoke and we all appreciated his wisdom. The contributions that he made on the environment and so many other issues will be remembered for many, many years to come.

There is an expression up above the Speaker's rostrum, a quote from Noah Webster and it closes with these words: ''So that we in our day and generation may not perform something worthy to be remembered.'' Well, BRUCE VENTO will be remembered, because he performed many things in this body worthy to be remembered. BRUCE VENTO will be remembered and ultimately he will be succeeded. But he will never be replaced. We can only hope and pray, and I will say that as he approaches the next part of life's journey, that he will be greeted with these words, ''Well done, o good and noble servant.''

Mr. OBERSTAR. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Madam Speaker, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) for arranging for this opportunity to pay our tributes to BRUCE VENTO. BRUCE had a distinguished and very vigorous career here in Congress. He was an advocate for the environment and for all Americans. His work set a high standard for public service. He raised the bar for all of us. We are and we will continue to be challenged to match his level of commitment and accomplishment.

I certainly learned from him of the ways to be more effective in this legislative process, in this body. I have been inspired as have many others by his commitment to opportunity, particularly in the areas of education, housing, financial services and citizenship. BRUCE clearly believed that all Americans, especially those of us from humble backgrounds and limited means, must have full opportunity to participate in our society and that this meant very vigorous and dedicated work on behalf of all of our constituents.

I would like to simply point out two things that BRUCE worked on that I deeply respected and certainly felt keenly his sense of accomplishment. The first is his work on behalf of Hmong residents of our country, a group of individuals from Laos that had come to the United States after the Vietnam War who were essentially people without a nation, without a home. He championed their cause here in Congress and spearheaded the effort in the House of Representatives to grant citizenship to Hmong.

In connection with conservation and the environment, he and I shared a keen interest in cleaning up and providing wildlife habitat in the river systems in the upper Midwest, and particularly the Minnesota and the Mississippi Rivers. What he did for the river front area of St. Paul is truly remarkable and is a lasting accomplishment for our State and our Nation. What he did in connection with the Boundary Waters Canoe Area is also outstanding. He was a tireless advocate. It was a controversial issue within our delegation, within our State. But BRUCE would not give up. He insisted on protecting this important resource. And in the end, he and the gentleman from Minnesota (Mr. OBERSTAR) reached an understanding or an accommodation, shook hands and moved forward shoulder to shoulder on behalf of an arrangement which he believed preserved the very best and the very essence of this important Boundary Waters Canoe Area. I and many others shared that commitment and that concern with him.

I have gotten to know BRUCE's wife, Susan Lynch, a remarkable person, and our sympathies go out to her and to BRUCE's sons, to his grandchildren and others in the Vento family in this great loss. It certainly is an occasion for all of us to examine our priorities, our commitments, our role and, as I said earlier, when it comes to our role and our work, BRUCE VENTO raised the bar and all of us are challenged to redouble our efforts to maintain the level of commitment and accomplishment that BRUCE has established.

Mr. OBERSTAR. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Iowa (Mr. LEACH), chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Madam Speaker, I thank the gentleman from Minnesota and his fellow Minnesotans for taking responsibility to introduce this resolution for our friend BRUCE. BRUCE and I came into Congress together and for 24 years we served on the same committee. Of all the Members I have ever dealt with and known, BRUCE combined an almost innate sense of idealism with a can-do practicality and how to apply it to the legislative process.

Ralph Waldo Emerson once wrote:

> To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty, to find the best in others; to leave the world a bit better, whether by healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded.

BRUCE succeeded in each and every way. He will be much missed.

Mr. OBERSTAR. Madam Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, it is a high privilege for me this evening to join in this resolution introduced by the dean of the Minnesota delegation and the Minnesota Members to participate in this remembrance of our beloved colleague, BRUCE VENTO. I can

say that I have known BRUCE for 18 years now. As a new Member of Congress, he sat right behind me, that meant he had more seniority, on the Committee on Banking and Financial Services. He welcomed me just as other Members have indicated he welcomed them as they came. What was great for me, and I say this to his family as they are enduring this great, great loss, he was so friendly. In the days when he first came, there were only about two dozen women in the House, and I was not an attorney in a body with about 75 percent of the Members who were attorneys, and to discover he was a biologist who had been an educator made me feel right at home. As we would go through amendments in the committee, I found a real friend who would talk to me and who would bring me along, that made me feel that I was an equal Member. As I came to know his other committee work outside of banking where he championed the needs of the homeless before it became a popular expression in the country, or homes for people who had difficulty with affordability. I learned about his tremendous interest in the environment. He was quite a bicyclist. And I watched his work in literally every congressional district across this country, as a real successor to Johnny Appleseed and the great American tradition of love of the outdoors.

In my own district, for example, we have the Maumee Heritage Corridor now. The Maumee River is the largest river that empties into the Great Lakes. Without BRUCE VENTO, that designation would not be possible. And the discovery of the Fallen Timbers battle site which ranks with Yorktown and Gettysburg as one of the three most important battle sites in the founding of the republic would not be possible without the legislative efforts of BRUCE VENTO.

And so I just wanted to come down here to say that I shall always remember BRUCE VENTO. And as a representative of the people of my district, I will say that I remember his great ability, his great humor, his great service as an educator as well as a lawmaker. I will remember him talking to me throughout my career about the importance of housing as well as the needs of the underserved and America's greatest, greatest lawmaker in my era in terms of the environment and our open spaces and our needs to continue to conserve our beautiful land and our resources.

I just say again to his family and to his beloved Minnesota colleagues, we have lost a dear friend and a great lawmaker.

Mr. OBERSTAR. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Madam Speaker, I want to express my appreciation to the gentleman from Minnesota (Mr. OBERSTAR) for organizing this opportunity for us to pay tribute to a great representative of the American people. The men and women of this House have lost a warm and wonderful colleague. The people of St. Paul and Minnesota have lost a passionate and powerfully effective advocate. And the people of America have lost a very model of what a Member of this Congress should and ought to be. BRUCE VENTO was all of that and more. I had the privilege of serving with him for 6 years on both the Committee on Banking and Financial Services and the Committee on Resources. In that experience, I learned a great deal from him about the Nation's banking system and our need to protect and preserve soundness and security within that system, and although I thought I knew a great deal about the environment and America's natural places, I learned more than I ever thought was possible from listening to BRUCE and traveling with him.

My first term here in the Congress, he organized a trip as chairman of the Subcommittee on Parks of the Committee on Resources into the Bob Marshall which is the wildest area in the lower 48 States. After a day of traveling to a remote camp, we arose early the next morning and rode 10 miles on horseback and then later in the day another 10 miles on foot to a very remote lake on the edge of the Cascade Mountains. In that experience with BRUCE and members of the Forest Service, I learned a great deal about America's wild places and the need to protect and preserve them. And I learned them from someone who as a biologist was fortified with the knowledge that made his advocacy as a conservationist and a naturalist even more effective.

BRUCE VENTO was, yes, a great representative for the people that he served and for all of the people of this Nation, but I think fundamentally he was a teacher. In everything that he did, he sought the opportunity to expand knowledge, his own as well as those around him. Anyone who had the opportunity to spend any time with him whatsoever, engaged in conversation with him, learned a great deal about a myriad variety of subjects on which he was very, very knowledgeable. We have lost a dear friend, a good colleague, a strong advocate.

I would hope that at a time not far from this moment, this Congress would turn its attention toward designating some appropriate place in this country among the wild areas, among the natural areas of America, to name in honor of the service of BRUCE VENTO to the people of Minnesota and to the people of America.

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

Madam Speaker, I thank the gentleman for his comments and for his suggestion of a naming, and I would say that we are working on one or two in Minnesota. Already an elementary school has been named for BRUCE VENTO. There are two other designations that we are working on that we hoped to have accomplished before the end of this session, but his death preceded our best efforts.

Madam Speaker, I yield such time as she may consume to the gentlewoman from Cleveland, Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Madam Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for organizing this hour.

Madam Speaker, as I sit here, I realize I am probably the person who is speaking who knew BRUCE VENTO the least amount of time. I just came to Congress in this 106th Congress and had the fortune of serving on the Committee on Banking and Financial Services with BRUCE VENTO, as well as the Subcommittee on Housing and Community Opportunity. Now, when one is a freshman, as the gentlewoman from Ohio (Ms. KAPTUR) said, one sits way down in the front and the more higher ranking members sit way in the back. So when we started, because this is such a large body, one does not get to know all of the Members; but one gets to know the people they serve on the committee with.

The thing I remember first about BRUCE VENTO was that deep voice. So when we went through the roll, they would say VENTO, here or yes, and I would turn around and try to figure out who it was.

Luckily on the Subcommittee on Housing and Community Opportunity, the room was much smaller, and so he sat right behind me. Many chances I got to say so and so and how are you doing and the like. All I can say is having only known him about 20 months or less, he was good at, as everyone said, instructing and teaching. Through the H.R. 10 financial modernization, I always looked to hear what he had to say as we went through our hearings. Through the housing situations, I agreed with him about the need for affordable housing.

Dr. Martin Luther King says these words: ''God can do tremendous things through the person who does not care who gets the credit,'' and I think that most exemplifies BRUCE VENTO.

I am pleased to be here this evening. I did not know his wife. I did not know his family; but as just one little Member of Congress, I say to them that they have my condolences and my prayers, and I know where BRUCE VENTO is. He is up among the birds and the trees on a lake somewhere just laying back and enjoying it, and I pray that he enjoys the rest of his time.

Mr. OBERSTAR. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE), who sat side by side with Mr. VENTO for so many years on the Committee on Resources.

Mr. KILDEE. Madam Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

BRUCE VENTO and I came to Congress together in 1977, and for many years we

were seat mates on the Committee on Resources. Like me, he was a schoolteacher and brought his ability to instruct others to this Congress. He understood and could explain the intricacies of banking legislation in very, very clear detail. His well-known love for the environment and its protection has enriched our country beyond measure. For several years, his family and my family would celebrate Thanksgiving together, with great joy and filled with wonderful animated conversation.

This country is clearly a better country because of BRUCE VENTO, and I know that I am a better person because of BRUCE VENTO. May the angels receive you into paradise, dear friend.

Mr. OBERSTAR. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS). He may be the gentleman from Georgia, but he is also the gentleman from all America.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my friend and colleague, the gentleman from Minnesota (Mr. OBERSTAR), for holding this special order and paying tribute to our friend, our colleague, and our brother, BRUCE VENTO.

Madam Speaker, I came to the Congress in 1987 when I first met BRUCE VENTO. I was more than lucky but really truly blessed to serve on the old Interior Committee with BRUCE. BRUCE was our Chair, the Chair of the Subcommittee on National Parks and Public Lands; and it was a delight and wonderful to serve with this wonderful, gifted, talented human being.

He loved America. He loved open space, the land. He wanted to do as much as possible to preserve some of this beauty and leave it a little cleaner for future generations.

I had an opportunity to travel with BRUCE on one occasion, I will never forget, for a hearing we held in Minnesota at the State Capitol, dealing with protecting the Mississippi. While I was there, I am not sure whether it was on a Monday or a Tuesday, but it was a Taste of Minnesota Day. BRUCE took me out of the State Capitol, and the members of the subcommittee. We went out on the grounds and we tasted all of this wonderful food that BRUCE introduced me to.

He was very delightful in introducing a poor guy who grew up in Alabama, now living in Georgia, to this very special and wonderful food in Minnesota.

I had an opportunity to invite BRUCE to come to Atlanta, and he came to Georgia. We held a hearing on the Martin Luther King Historic Site, and I would say today if it had not been for our friend and colleague, BRUCE VENTO, neither the Martin Luther King Historic Site in Atlanta, nor the historic trail, Highway 80 from Selma to Montgomery, would be in existence.

BRUCE never gave up. He had a vision of making America better, saving the land, saving the forests; and I truly believe when historians pick up their pens and write about this period in our history they will have to say this man, our colleague, our friend, BRUCE VENTO, made a difference.

So on behalf of myself and my wife, Lillian, that BRUCE would ask me about from time to time, how is Lillian, I want to say to BRUCE's family, his wife and children, you have our sympathy. You will be kept in our prayers; and we will never, ever forget the likeness of this one giant among us. He will be deeply missed.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for those heartfelt, very touching words.

Madam Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Speaker, I want to thank the gentleman from Minnesota (Mr. OBERSTAR), my good friend and colleague, for giving me time to say these things concerning this great American.

Madam Speaker, I too am truly saddened to learn of our colleague's passing today. Congressman BRUCE VENTO was truly a champion and one of the outstanding leaders of this institution whenever conservation and environmental issues were deliberated and debated in this Chamber. As a senior member of the House Committee on Resources, the gentleman from Minnesota (Mr. VENTO) let it be known to all the members of our committee and to all of our colleagues where the line is drawn whenever environmental issues are taken up by this body.

In the many years that he served as chairman of the Subcommittee on National Parks and Public Lands, I can attest to my colleagues and to our Nation that some 300 bills that have become law have VENTO's signature on them. I can honestly say that even the national park that is now established in my own district was due mainly to VENTO's leadership and legislative skills that Congress passed a law to have this national park in my district.

I want to express the sense of appreciation and gratitude from our traditional leaders and from the people of American Samoa to Mr. VENTO.

Madam Speaker, I am going to miss this gentle giant, and I say giant, from Minnesota. I have always valued his opinions and how much he has influenced my own thinking about life itself. I remember when he visited our national park in American Samoa, none of us were able to catch up with them when he was climbing one of the steep mountains, even on the roads and the trails that were so muddy that not even the four-wheel vehicles could make it.

Madam Speaker, I want to convey to Mrs. Vento and the family the condolences of the people of my district. Our people have a saying in a traditional sense, ia manuia lau faigamalaga lau afioga BRUCE VENTO. May you have a good and successful voyage, Your Honor, BRUCE VENTO.

Again, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me time to honor this great American.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for those wonderful words from your native land that our colleague would so much appreciate.

Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank my friend, the gentleman from Minnesota (Mr. OBERSTAR), for yielding me this time.

Madam Speaker, I commend him and the rest of the Minnesota delegation for organizing this special order to pay tribute to a dear friend, BRUCE VENTO.

BRUCE VENTO was a dear friend and a dear colleague of mine, who I greatly respected and admired. Even though I have had the privilege of serving with him for the past 4 years in the United States Congress, I knew of BRUCE VENTO as an admirer from afar, given his work on conservation and environmental measures and as a resident of western Wisconsin just across the river from his congressional district.

Since coming to Congress, I had the privilege of serving with him on the Committee on Resources and the Subcommittee on National Parks and Public Lands; and he was a natural leader on the Committee on Resources, unquestionably, given his profound interest and depth of knowledge and expertise on these issues of 24 years serving on the Committee on Resources; 10 of those years as Chair of the Subcommittee on National Parks and Public Lands, to which the Nation owes him a debt of gratitude.

His strong leadership on the Committee on Resources resulted in protecting hundreds of thousands of acreage and the enactment of over 300 laws preserving the environment, from the Boundary Waters Canoe Area Wilderness Area, a place that holds special meaning to me since I try to get up there for a week every summer with some brothers and friends to spend time in the Boundary Waters Area canoeing and camping; to the Minnesota National Wildlife Refuge; to the new parks and wilderness that were created in Alaska and even in American Samoa, as our good friend just stated earlier.

What especially impressed me about BRUCE VENTO was his concern about some of the most disenfranchised and politically powerless people that exist in our country, from the homeless to his concern for housing issues but especially his tireless advocacy for the Hmong population in this country. Both BRUCE VENTO and I share a sizable Hmong population in our respective congressional districts. That is why I was especially proud to be able to join forces with BRUCE on a number of issues that affected Hmong rights, but most particularly the Hmong Veterans Naturalization Act that BRUCE championed for quite a few years and which

ultimately was passed into law this year, that recognizes the tremendous contribution that Hmong veterans and their families gave U.S. armed services personnel during the war in Southeast Asia.

These were people who fought side by side with our veterans of the Vietnam conflict. They were there building the landing strips for our air personnel. They were there rescuing downed pilots during the Vietnam War, and they were the ones who were most persecuted after the war, many of whom were able to seek refuge and safety in the United States. But these were not a very politically powerful or a large political constituency, and they were a group of people who were in search of a leader to represent their views and to bring fairness and decency to their cause, and that is what BRUCE VENTO provided them.

This was not a political issue for him, but it was an issue of doing right by our friends and allies and recognizing their contribution. Perhaps there are going to be many living legacies that BRUCE VENTO has given us in this Nation, but I could not think of one more important or more lasting than providing a home in a country for the Hmong population who live with us today.

The people in Minnesota and Wisconsin and the entire United States will sorely miss Congressman BRUCE VENTO. I am proud to have served with him and to have called him my friend, but I especially appreciated the moments we shared together on our numerous flights to and from the Twin Cities and out here to Washington.

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He and I would oftentimes be sitting next to each other, which gave me a wonderful opportunity to pick his brain and talk about legislation and policy issues. I enjoyed listening to his stories of his recent bike trips that he enjoyed doing time and time again, but I especially liked listening to his stories about his family.

For a guy who was as busy and as committed as BRUCE VENTO was on the great public policy issues of our day and the work that he did in the United States Congress, he always kept family first. He was so proud of his children, but especially proud of his grandchildren. You could just see his face light up with joy and excitement talking about his latest discovery of a grandchild, or of seeing the world anew through his grandchildren.

That, for a young Member of Congress, that drove home a very important point and lesson that I have committed to my own service here. That was to not lose focus or proper perspective on the role and the importance of family life and spending enough time with our own children, and hopefully someday for myself, even my grandchildren.

He will be missed. He will never be replaced. But I can honestly say that this country is definitely a better place due to his efforts. I thank him for his advice and guidance, and may he rest in peace.

Mr. OBERSTAR. Madam Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I thank the gentleman for yielding time to me.

I am feeling very sad today and bad today because I had meant to write a note to BRUCE VENTO and did not do it in time. What I wanted to tell him, maybe I can pass on in some way to his family, was to thank him for his incredible generosity to a freshman Member of the United States Congress.

I served with him on the Committee on Banking and Financial Services and on the Subcommittee on Housing and Community Opportunity. At one point last year, early in my very first term, I had a press conference dealing with funding for low-income housing. While I had invited a lot of Members to come, one of the few that showed up was Bruce Vento, who is a very important member on that committee. I was really honored for him to be there.

Among the things he said were nice things about me, which was so greatly appreciated, and so unnecessary. When I presented my very first amendment on the floor of the House, rather clumsily, it would have been a whole lot worse if BRUCE VENTO had not been there, because he stood by my side and told me exactly what I should do. And then he spoke to the amendment, which was fairly noncontroversial, a big deal to me, and I think he knew that, because he came down not so much because he supported it, which he did, but I think he came down to the floor to support me, which, again, was greatly appreciated.

In a town where people say, ''If you want a friend, get a dog,'' BRUCE VENTO was the kind of person who would really be a friend, no strings attached. He wanted to help people because he was a kind and a generous and a decent and a nice person.

So in addition to all the wonderful contributions that he has made to our country, I wanted to tell him that I really appreciated how kind he was to me. I want to express my deepest condolences to his family, and just to say that I will miss him very much.

Mr. OBERSTAR. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

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

I, too, rise to pay tribute to the passing of our friend and colleague, the gentleman from Minnesota, BRUCE VENTO. Much has been said already by a number of Members regarding how he dealt with freshman Members and how willing he was to devote his time and energy to explain things.

I would have to say that as a first-termer elected in the 103rd Congress, he was chairman of the Subcommittee on National Parks and Public Lands. He helped me pass my very first bill, which was a bill relating to the War in the Pacific Park in Guam, and how he took the time not only to help me shepherd that bill through, but there was a significant amount of time that he devoted committee resources to.

He was a marvelous teacher, and in many respects, coming from the field of education, I feel a very special kinship to him because I, too, am a teacher. He was able to evidence the best in teaching behavior, not only in how he carried himself here as a legislator, but how he interacted individually with Members.

He was a persistent, unrelenting friend of the environment, constantly on focus, sometimes much to the distraction of those who opposed him. Having observed him and participated with him in many discussions in the Committee on Resources, he was very unrelenting, but I think in an admirable way in and in a way that people honored and recognized his expertise and his commitment and his passion.

There will be or there should be no occasion for any American not to know the work of BRUCE VENTO when they go around and see the national parks in this country, and see his commitment to protecting the environment and making sure that, for generations yet unborn, they, too, will benefit and profit from green spaces and from understanding the connection that we all have to the environment and to each other.

In my capacity as chairman of the Congressional Asian Pacific caucus, I learned another dimension about BRUCE; that is, his passion and his work for the Hmong people, and again, in a way that I had not thought about. Again, he demonstrated what kind of a legislator he was; that he was wide-ranging, that he understood his responsibility to his constituents, and he understood the unique circumstances which the Hmong people in his district lived under, and he took steps to alleviate and to mediate, help mediate their experience here in the United States.

Of course, his work for the homeless is legendary.

So in many, many ways, we will all miss BRUCE. I wanted just to have the opportunity to express my personal gratitude for his efforts in helping me as a freshman Member shepherd my first piece of legislation through this body and through committees, and also to thank him for his efforts in that regard; to pay tribute to his unrelenting commitment and passion for the environment; and to express my sincerest condolences to his family.

We will miss him, and I am sure he is in a better place.

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

Madam Speaker, I thank the gentleman for his comments. I would express my great appreciation to all the

Members who have stayed long after the legislative business of the House to express their profound respect for the work of BRUCE VENTO in this body, for the friendship that he has meant to each of them.

BRUCE VENTO, like all of us, had great moments in this body, but none was greater than the moment that he took some months ago in the well of this House to address us all about the illness which had afflicted him and which he knew would take his life.

What stands out is that in a time of rancor, in a body where campaigns have moved from the hinterlands to the House floor and have so often spilled over into invective, that was a shining moment for this House, where he spoke of the politics of joy and of hope, of the meaning of public service, and his pride in serving the people of his district, of his State, and of his country.

It was a great moment for the House of Representatives, one that will be enshrined forever, not just in the RECORD, but in the hearts of all of us who were privileged to hear that beautiful outpouring of the meaning of this great deliberative body.

Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from West Virginia (Mr. RAHALL), who sat side by side with BRUCE VENTO throughout all these 12 terms.

Mr. RAHALL. Madam Speaker, I think my friend for yielding time to me.

Indeed, BRUCE VENTO was a dear colleague to me, as well. Having served with him, as well as the gentleman from Michigan (Mr. KILDEE), side by side, first on the Interior and Insular Affairs Committee, and now on the Committee on Resources for my 24 years in this body, to say that BRUCE VENTO knew what was in every piece of legislation that came before our committee is not an understatement.

As I said, having sat next to him, I could see him and would marvel at the way he would read every piece of bill upon which he were asked to vote, with that red highlight pen underlining the pertinent pieces of every piece of legislation that came before our committee.

Truly, he was a knowledgeable Member of this body. He was dedicated to our environment. He came with me to my district in southern West Virginia, rode on our whitewater rivers, and came back and helped me craft legislation to preserve those rivers for generations to come.

BRUCE was in my class. We came to this body in 1977. Throughout our years together, he was a man who truly lived the words ''public servant'' to their fullest.

To his wife, to his family, to his friends back in Minnesota who he so ably served, I do say, we shall all miss him. BRUCE VENTO was a dear friend to all of us.

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

Madam Speaker, in the few moments that remain, there was only one other person who in my memory stands out for having taken the well of the House to address his colleagues on the meaning of life and the meaning of legislative service. That was Senator Hubert Humphrey, who was invited by this body to address the House from the Clerk's desk.

Parenthetically, when he arrived there, he looked out over this assembled gathering of Members of the House and Members of the Senate and said, ''Oh, you don't know how long I have waited to stand here and make this speech.''

BRUCE and I were standing together and marvelled at this wonderful expose of the meaning of the legislative process and of service to humanity. Little did either of us realize years later he, too, would take the well to give a similar civics lesson, one from the heart, on the meaning of comity and of service.

At the fundraising event in BRUCE's honor where funds were raised for a scholarship program for science students, little red pine seedlings were handed out. I took three of those, one for each of his sons, because I had a sense then that we were witnessing a drama that would play itself out in the end of his life in some months.

I planted those seedlings in our backyard. They are thriving. They will get another place where they will get more light, more strength. They will be a symbol to all of us of this recurring resource that BRUCE fought so hard to preserve, to protect: the flora, the fauna, the water, the air, the land.

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At the end of life, we will not be judged by how large a surplus we left, how large a nuclear arsenal, how great an Army we left behind us, or by how many bills had been enacted into law. We will be judged by, I was naked and you clothed me; I was hungry and you fed me; I was homeless and you took me in.

When we cloth our fellow human beings in dignity, when we take the homeless into our hearts, into our lives, and when we feed the hungry with the spirit that gives life, we are truly doing the Lord's work in this life. That was BRUCE VENTO. That was all that he committed himself to do in public service.

With Samuel Gompers, BRUCE can say I came into the labor movement with one purpose, to leave it a better place and a better movement than I found it in. BRUCE leaves this body, his city, his district, his constituents these resources of land and air and water and the creatures among them in better condition than he found them in.

Mrs. MALONEY of New York. Madam Speaker, it is with a heavy heart that I join my colleagues tonight in this tribute to Congressman BRUCE VENTO. We all knew that someday Members of Congress would stand in the well of the House in tribute to BRUCE VENTO's many accomplishments, it is truly sad that this day has come too soon. Since coming to Congress 8 years ago, I have had the pleasure of a close relationship with Congressman VENTO on the Banking Committee.

The Banking Committee deals with some of the most complex issues in all of Congress. Congressman VENTO put in the time, attended all the hearings, and mastered all these complex problems. As a teacher himself prior to coming to Congress, he became a resource to all Committee members, providing counsel on a host of from financial modernization to complex housing programs.

Congressman VENTO served as a tireless advocate for all consumers on the committee. He truly stood up for working people of all stripes time and time again. He made it a focus to make sure that individuals rights are protected by law as they interact with the most powerful financial companies in the world. His legacy on the committee and his impact on consumer banking law will live forward for decades to come.

From timeless issues such as housing for the poor, to newer issues like the protection of consumers' private banking information in the online world, Congressman VENTO was ahead of the curve, and on the people's side. I will truly miss Congressman VENTO, Congress is truly diminished by his absence. Let me convey to Congressman VENTO's family, his dedicated longtime staff here in Washington and Minnesota, and to the people of Congressman VENTO's 4th district my strongest, and heartfelt condolences.

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

The SPEAKER pro tempore (Mrs. FOWLER). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she 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.

Any record votes on postponed questions will be taken tomorrow.

SENSE OF CONGRESS REGARDING BURMA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 328) expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma, as amended.

The Clerk read as follows:

H. CON. RES. 328

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma estimates more than 1,300 people continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Strategy Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are ''involved in the drug business or are paid to allow the drug business to be conducted by others'', conditions which pose a direct threat to United States national security interests;

Whereas Daw Aung San Suu Kyi has been denied the basic rights to freedom of movement and assemble with members of the NLD by Burmese security authorities who, on August 24, 2000, forcibly blocked her and her party from traveling to NLD township offices near Rangoon;

Whereas after having been halted for nine days at a roadblock, Daw Aung San Suu Kyi and her party were forcibly returned to Rangoon by Burmese security authorities;

Whereas since their forcible return to Rangoon Daw Aung San Suu Kyi and other NLD leaders have been held incommunicado in their residences and diplomats and others have been denied access to them;

Whereas the refusal to allow Daw Aung San Suu Kyi to leave her compound or to allow others access to her has created grave concern for her safety and welfare;

Whereas the NLD party offices have been ransacked and documents seized by Burmese authorities and access to the party headquarters has been denied to NLD members;

Whereas the Burmese authorities have continued to refuse to engage in a substantive dialogue with the NLD and other elements of the democratic opposition; and

Whereas despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the Sense of the Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethnic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 328, as amended.

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

There was no objection.

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

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

Mr. BEREUTER. Mr. Speaker, we are on with the House business now after a very important and moving tribute to our late colleague, BRUCE VENTO. As I begin, I must reflect upon the service I had with him for almost 20 years on the Committee on Banking and Financial Services and earlier for 4 years on what was then the House Committee on Interior and Insular Affairs, where he really accomplished remarkable things in both jurisdictions, but I think he will be known so much for the kind of things that he assisted America to preserve and protect in our national environment.

I remember well how much assistance he gave to this Member on a very controversial measure related to a scenic river designation in my own State.

Today, Mr. Speaker, H. Con. Res. 328 is before us. It was introduced on May 16 by the distinguished gentleman from Illinois (Mr. PORTER) and was unanimously approved by the Subcommittee on Asia and the Pacific on September 13 and by the House Committee on International Relations on September 21.

For over 10 years, the Burmese military regime, now known as the State Peace and Development Council, the SPDC, has refused to implement the results of the 1990 elections which were won overwhelmingly by the National League for Democracy, the NLD. During this period, and indeed since 1962, when General Ne Win and the military seized control, the Burmese military has engaged in egregious systematic violence and abuse of the fundamental human rights of ethnic minorities and other people of the country.

The abuses of the junta in Rangoon again came under international scrutiny when, on August 24 of this year, Aung San Suu Kyi was denied the ability to visit NLD party offices outside the capital. For 9 days, she was detained at a roadblock and eventually was forcibly removed to her residence. She and other NLD party leaders were placed under virtual house arrest.

Despite the military's denials, no independent observer was allowed to visit her; and the British ambassador, for example, was roughed up when he attempted to force his way into her compound. In addition, party offices were ransacked and papers seized.

To justify their action, the junta has issued the ludicrous charge that the NLD had formed an alliance with rebels in the provinces.

On September 21, the day the committee passed this measure, Aung San Suu Kyi was again blocked from traveling outside Rangoon by the military regime.

She planned to travel by train to Mandalay in order to visit with NLD party members. Officials at the Rangoon's central train station, insisting that there were no train tickets available, refused to sell tickets to her and her accompanying party.

Eventually, after hours of stalemate, police removed her from the train station and forced her to return home. Since her September 21 attempt to travel to Mandalay, Aung San Suu Kyi and other NLD party leaders remain under de facto house arrest, and the regime has denied any contact with foreign diplomats.

NLD vice chairman Tin Oo is being detained by the military regime.

This week, the U.N. Secretary General special envoy, Malaysian diplomat, Ambassador Razali Ismail, has

been in Rangoon meeting with senior leaders in the Burmese military regime, including Foreign Minister Win Aung and General Khin Nyunt. Despite his mandate to promote human rights and restore democracy in Burma, Ambassador Razali has yet to meet with Aung San Suu Kyi or any other NLD party leaders.

This is Razali's second visit to Burma as the U.N. Secretary General's special envoy. Clearly not meeting with Aung San Suu Kyi or any other NLD leaders brings the U.N.'s credibility into question.

Mr. Speaker, it is entirely proper, therefore, that the House of Representatives go on record condemning these human rights abuses. Since her electoral victory in 1990, Daw Aung San Suu Kyi has repeatedly been arrested, threatened, and harassed.

The illegal SDPC military regime has done everything possible to discredit NLD and its leaders. This is simply wrong, and this body should say so.

Mr. Speaker, at the subcommittee markup, an amendment was approved that had the concurrence of the resolution's distinguished author, the gentleman from Illinois (Mr. PORTER), and which was designed to update the situation in Burma.

The amendment updated the current standoff between Aung San Suu Kyi and the military by including six new whereas clauses. These clauses detailed the denial of right to movement and association, and the seizure of documents at NLD party offices.

The new language makes it clear that Aung San Suu Kyi was clearly within her rights in attempting to visit party offices and that there was no justification for the roadblock established by the SDPC.

Mr. Speaker, this Member urges the body to approve H. Con. Res. 328, as amended.

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, like my colleague, the gentleman from Nebraska (Mr. BEREUTER), the chairman of our Subcommittee on Asia and the Pacific and the Committee on International Relations, I, too, echo the same sentiments as I expressed earlier about the passing of our colleague, BRUCE VENTO, from the State of Minnesota, expressing the same sympathy and condolences to the members of his family.

Mr. Speaker, I want to certainly thank the gentleman from Illinois (Mr. PORTER) and the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. GILMAN), chairman of our Committee on International Relations, and also the gentleman from New Jersey (Mr. SMITH) as the chief cosponsors of this resolution.

Mr. Speaker, I rise in strong support of this resolution. I would first like to say introducing this resolution was very appropriate and the fact of the matter is that 12 years ago, thousands of Burmese citizens demonstrated in the streets calling for democratic change in Burma.

In May 1990, the National League for Democracy, led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliament seats in the elections.

Despite this, Mr. Speaker, instead of turning over the power to the winner of the elections, however, the Burmese military rejected the results of the election and, for the past 10 years, have continued their brutal crackdown on organized political opposition, free press, and freedom of assembly.

Daw Aung San Suu Kyi has remained under tight control since the elections, and Burma's dictators have even denied her ailing husband permission to visit his wife one last time before he passed away.

Mr. Speaker, the State Department's annual human rights report identifies more than 1,300 people who continue to suffer inhuman detention conditions as political prisoners in Burma. Furthermore, the State Department Narcotics Control Report for the year 2000 determined that Burma is the second largest worldwide source of illicit opium and heroin trafficking.

The United Nations General Assembly and the Commission on Human Rights have responded to this continuing crackdown on basic freedoms by condemning nine consecutive resolutions, the persecution of religious and ethnic minorities and the political opposition.

The resolutions have also criticized Burma's record of forced labor, exploitation and sexual violence against women. Both the Clinton administration and the European Union have similarly condemned conditions in Burma and have imposed travel restrictions and other sanctions against Burma's dictators.

Mr. Speaker, the resolution before the House today reiterates that it is U.S. policy to support the restoration of democracy in Burma, including the implementation of the 1990 elections.

The resolution also calls on Burma's leaders to guarantee the basic human rights of its citizens, to accept a dialogue with Daw Aung San Suu Kyi, to immediately release all political prisoners, and to promptly uphold the terms of international resolutions on Burma's situation.

Finally, Mr. Speaker, the resolution states that the U.S. should continue policies designed to secure the restoration of democracy, human rights and civil liberties in Burma and to support U.S. national security and counternarcotics interests.

This is a great piece of legislation, Mr. Speaker; and I urge my colleagues to support this bill.

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

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), my colleague on the Committee on International Relations, the chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from Nebraska (Mr. BEREUTER), for yielding me the time; and I thank him for his work on behalf of Burmese people, for the fine remarks of the gentleman from American Samoa (Mr. FALEOMAVAEGA), for the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from New York (Mr. GILMAN) for the work on this resolution and, above all, to the gentleman from Illinois (Mr. PORTER), the prime sponsor of it.

Mr. Speaker, just over 10 years ago, in the spring of 1990, the people of Burma courageously embraced democracy. In the face of intimidation by the Burmese military, they turned out in record numbers to participate in freedom and fair elections.

In those elections, the National League for Democracy, led so aptly by Daw Aung San Suu Kyi, won more than 60 percent of the popular vote; and as my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), reminded us 80 percent, 80 percent of the seats in parliament went to the National League for Democracy. The Burmese military responded by rejecting the election results, imprisoning hundreds of NLD Members, including Daw Aung San Suu Kyi and severely curtailing the civil liberties of the Burmese people.

Since that time, the ruling military thugs, who currently call themselves the State Peace and Development Council, have inflicted massive human rights violations and economic privations on the people in Burma. More than 1,300 political prisoners, including the woman elected to lead Burma, Aung San Suu Kyi, still suffer at the hands of their government captors.

Just last month, as we all know, she was forcibly detained when Aung San Suu Kyi attempted to travel outside the Burmese capital to Mandalay. The Burmese regime routinely uses forced labor, and it continues to wage a brutal war against ethnic minorities within its borders.

Mr. Speaker, in August of 1998, I traveled to that region in an effort to secure the release of one of my constituents, Michele Keegan, who had been seized by the Burmese authorities for passing out cards the size of our voting cards that said ''We have not forgotten you. We support your hopes for human rights and democracy.''

The SLORC repeatedly refused my requests for a visa to enter Burma, so I had to help negotiate her release from Bangkok, Thailand. After 5 days of detention, Michele and 17 other foreign activists were expelled from Burma, but not until they had been sentenced to 5 years imprisonment for sedition.

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Let me remind Members, they handed out a card that said we have not forgotten you, we support your hopes for human rights and democracy, a little card just handed out on the streets in Rangoon; and for that, a 5-year sentence. That is just an indication of what they do to their own people.

Mr. Speaker, I am also proud to note that the State Department reauthorization bill, H.R. 3472, the Embassy Security Act, which I introduced last year that, thankfully, became law, retained a provision that helps ensure that the United Nations Development Program, UNDP, does not enrich the Burmese military regime. It reduces U.S. contributions to UNDP by the amount that that program spends in Burma unless UNDP's activities in Burma: One, are focused on eliminating human suffering; two, are carried out only through private voluntary organizations that are independent of the regime; three, do not benefit the regime; and four, are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

The resolution before us today, Mr. Speaker, H. Con. Res. 328, properly commemorates the 1990 elections, describes adequately and accurately the situation in Burma and expresses the sense of the Congress that the United States should strongly support the restoration of democracy in that country. It urges the military regime in Burma to guarantee basic freedoms for Burmese citizens, to undertake a political dialogue with the National League for Democracy and ethnic leaders, and to immediately release all political prisoners, and to fulfill the conditions of international human rights instruments.

It also recognizes the current sanctions in place against the government of Burma as appropriate means of pursuing democracy and civil liberties for the people of Burma.

Again, I want to thank all those involved, but especially the gentleman from Illinois (Mr. PORTER) for offering this resolution.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from Illinois (Mr. PORTER) who has offered this and many other resolutions important to human rights. He will be sorely missed when he retires at the end of this session.

Mr. PORTER. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for those kind words, for yielding me the time, and for the leadership that he has brought to bear on this and so many other issues in Asia and all around the world.

I also want to commend the gentleman from New York (Mr. GILMAN) as well as the gentleman from New Jersey (Mr. SMITH) for bringing the resolution together with the gentleman from Nebraska (Mr. BEREUTER) to the floor, and for their leadership on human rights in so many instances. For such a long time they have stood up and stood for those who were oppressed in foreign countries and for the expansion of their rights. I commend them again for doing so with respect to the people of this country, Burma.

Mr. Speaker, I have a written statement I will submit for the RECORD.

Mr. Speaker, Burma is a country of almost 50 million people. We talk today about the National League for Democracy. We talk about Daw Aung San Suu Kyi and her great leadership for the things that all human beings on this planet ought to be accorded, basic human dignity and basic rights as opposed to the rights of their governments. Yet, in Burma, it is not just the National League for Democracy or Daw Aung San Suu Kyi, it is all the people of Burma who suffer at the hands of this terrible military dictatorship.

There are no rights in Burma. There are no rights to speak freely. There are no rights to worship freely. There are no rights to assemble. There are no rights to stand up and be counted for the things that people believe ought to be done. There are no free elections.

The only free election that has been held in Burma in at least the last 50 years was the one held in 1990 that was won by the National League for Democracy, as has been detailed by each of the gentlemen today.

Unfortunately, that chance for a better life for the Burmese people was stolen away by the military who now run one of the worst regimes in the world in terms of abusing their population.

In August, as the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New Jersey (Mr. SMITH) detailed, Daw Aung San Suu Kyi and her followers in the National League for Democracy were again particularly abused as they have been in the past.

But I want to say today, there is nothing this regime can do that will ever overcome this lady. She won the Nobel Prize for Peace. She has an indomitable spirit that cannot be crushed. She is a person of great integrity, great intelligence and great articulation. She is a person of beauty because she stands as an example to the Burmese people of what life could be, how beautiful it could be if only they could live in freedom.

Lately, the international community, thank God, has finally begun to see the regime in Burma for what it is. Most recently, Switzerland decided not only to condemn the conduct of the SPDC, but also to impose sanctions, not as strong as I would like to see, not as strong as those that the United States has imposed, but sanctions; and perhaps we are beginning to see some change in the international community to bring pressure to end the repression in Burma.

Gradually this world is changing. Gradually the world is coming together to stand up for basic human rights for all peoples. The fall of Slobodan Milosevic. The war crimes tribunal that brings people who violated the rights of others, even in times of war, before a tribunal for accountability. Maybe some day soon we will find a way to believe that the most important thing that we can do on this Earth is to care about one another and to care about establishing a rule of law that guarantees basic human rights.

It is unfortunate that in so many places in the world today that is not being observed, in China and Sudan and Turkey and Burma and many other places. But we are gradually moving in the right direction. The message today is that we must always, always stand and knock on the door day after day, week after week, month after month, year after year until the rights of every single human being on this planet are established and protected. Because the denial of the rights of any single person is the denial of the rights of every one of us.

I want to commend the committee and the subcommittee for bringing this resolution forward, for insisting that we recognize that it has been 10 years since the people of Burma chose a freely elected government and 10 years of ongoing repression by a military regime that wants to offer no rights.

Someday soon, Mr. Speaker, this is going to change. The United States of America must stand up and be counted day after day and year after year to make certain that this happens.

Mr. Speaker, I rise today in strong support of H. Con. Res. 328, commemorating the tenth anniversary of the free and fair elections in Burma. I would like to thank the gentleman from New York (Mr. GILMAN), the gentleman from Nebraska (Mr. BEREUTER), and the gentleman from New Jersey (Mr. SMITH) for their leadership in bringing this resolution to the floor.

Mr. Speaker, Burma is a country governed by a military junta. Burma is a country with no respect for human rights and no rule of law. On May 27th, 1990, the National League for Democracy (NLD), led by Daw Aung San Suu Kyi, won a majority of the parliamentary seats in the nationally held elections. This was a great victory for the champions of democracy and human rights in Burma.

However, the Burmese military regime, known as the State Peace and Development Council (SPDC), arbitrarily annulled the results and arrested Aung San Suu Kyi and hundreds of NLD members. Many were forced to flee the country, and ever since, freedoms of assembly, speech and the press have been severely restricted. Hundreds of NLD members are political prisoners and still hundreds more live in exile around the world.

Daw Aung San Suu Kyi has been forced to live under house arrest in Rangoon most of the time since 1989. The past two months have seen the outrageous treatment of the Nobel Peace Prize winner exacerbated. Twice in less than two months, Suu Kyi has been detained when she has tried to travel outside the capital. Soldiers have surrounded her car on the road side, removed her from the train station and surrounded her house, while she is forced to sit idly inside.

Since September 22nd when she was again placed under house arrest, her telephone lines have been cut, and she has been denied all communication. Presently, it is not only Suu Kyi being suppressed, other members of the NLD's central executive committee are either in detention or being kept incommunicado under virtual house arrest, with approximately one hundred NLD members, including members of the NLD women's group having been arrested by the military in recent days.

I commend the statements in recent days from the international community, condemning the SPDC. Switzerland announced last week that it would impose sanctions on Burma, similar to those imposed by the European Union, which include freezing assets, visa bans and an arms embargo. Although these sanctions are not as strong as current U.S. sanctions, slowly the international community is coming together to demonstrate that we will not do business or work with these egregious violators of human rights.

We must stand together as one, against those who, when they violate the rights of one of us, violate the rights of all.

The United States is seen as a beacon of light and of hope around the world. We must remember what our country stands for: democracy, the rule of law, freedom of speech and free and fair elections. The Burmese can not exercise any of these basic human rights.

I hope that all of my colleagues will join me in standing with our fellow duly-elected representatives in Burma and join their call to take their rightful places in parliament.

The SPEAKER pro tempore (Mr. PEASE). Does the gentleman from Nebraska (Mr. BEREUTER) yield to the gentleman from New York (Mr. GILMAN) to control the time?

Mr. BEREUTER. Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN) and ask unanimous consent that he be permitted to control the time.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, I ask the Chair how much time we have remaining.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) has 4 minutes remaining.

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

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

Mr. GILMAN. Mr. Speaker, this measure recognizes the 10th anniversary of the freedom and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma. Aung San Suu Kyi and members of the parliament who were elected in 1990 have not been able to establish a government inside of Burma. Many of her supporters have been and still are in prison. Thousands have been tortured and murdered.

The government relies heavily on slave and forced labor for construction projects. The International Labor Organization, the ILO, has even banned it from participating in any ILO meetings.

The government of Burma is indifferent to the illicit drug trade and was recently decertified for not fully cooperating to our Nation. It has provided a safe haven to notorious Burmese drug dealer Khun Saw. It was just reported that Secretary of Defense Cohen was in Thailand 2 days ago and that the Thai are now asking for 50 helicopters to fight against the drug traffickers.

The Thai military has estimated that some 600 million amphetamine pills flooded Thailand just last year from across the border with Burma. Thai community leaders have frequently accused Burma of destroying Thai youth, warning that drug addiction was reaching crisis proportions in Thailand with more than 600,000 young people reportedly hooked on amphetamines.

On September 19, Secretary Cohen said, ''We understand now that there is a serious problem concerning Thailand by virtue of methamphetamine being produced and distributed from Burma. The drug problem will be high on the agenda of the commander of the U.S. forces in the Pacific, who is due to visit Thailand next week.

On September 21, Aung San Suu Kyi was prevented from boarding a train to leave Rangoon, and many of her supporters were arrested. Since that time, diplomats and friends have been prevented from seeing her, and no one knows the whereabouts of her arrested colleagues.

Just 2 days ago, Mr. Speaker, the government-run newspaper in Rangoon issued a statement by officials stating, ''Anyone confronting the military government in Myanmar is committing what amounts to high treason.''

Mr. Speaker, the only way for the drug production to end in Burma is for our Nation and for the world to take a stronger stand against the illegal Burmese government so that it steps down and hands over the reigns of power to the democratically elected government of Aung San Suu Kyi.

Accordingly, Mr. Speaker, I urge my colleagues to support this measure.

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

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

Mr. Speaker, I would truly be remiss, and it will probably be the last opportunity I have before we adjourn, if I did not express my personal sense of appreciation and gratitude to the gentleman from Illinois (Mr. PORTER), not only as cochairman of our Human Rights Caucus, but certainly for his outstanding leadership and service that he has rendered to our Nation.

I want the gentleman from Illinois (Mr. PORTER) to know how much I really appreciate his friendship over the years that I have got to know him.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 328, as amended.

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

A motion to reconsider was laid on the table.

CALLING FOR IMMEDIATE RELEASE OF MR. EDMOND POPE FROM PRISON IN RUSSIAN FEDERATION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 404) calling for the immediate release of Mr. Edmond Pope from prison in the Russian Federation for humanitarian reasons, and for other purposes.

The Clerk read as follows:

H. CON. RES. 404

Whereas Mr. Edmond Pope of State College, Pennsylvania, is a husband, father, grandfather, son, and United States businessman;

Whereas Edmond Pope has visited the Russian Federation 27 times in order to foster better business and university-based research relationships;

Whereas Edmond Pope traveled to the Russian Federation in late March 2000 in order to purchase commercially advertised underwater propulsion technology, as stated in his visa approved by the Government of the Russian Federation;

Whereas Edmond Pope was arrested on April 3, 2000, in Moscow, imprisoned in Lefortovo, and charged with espionage;

Whereas the Russian who allegedly committed an act of treason by aiding Edmond Pope was released and has been living with his family;

Whereas Edmond Pope has been treated for hemangiopericytoma, a rare form of cancer, that was in remission prior to his travel;

Whereas Edmond Pope's father is dying of multiple myeloma, a type of bone cancer that can be hereditary;

Whereas Edmond Pope should receive routine medical care by a qualified, trained professional in order to monitor the possibility of a recurrence of cancer due to his high-risk potential;

Whereas Edmond Pope has missed his annual monitoring visit resulting in a 14 month lapse since his last visit;

Whereas Edmond Pope's prison conditions have caused a dramatic loss in weight and his physical stature has deteriorated;

Whereas Edmond Pope has been denied the basic human right of proper medical attention deserving of an individual in his condition;

Whereas two Americans have died in the past few months within prisons in the Russian Federation and another individual has recently died in Lefortovo;

Whereas Edmond Pope has been unjustly arrested and detained for more than 5 months, preventing him from celebrating his 30th wedding anniversary and the marriage of his son, and during which time his mother-in-law passed away;

Whereas recent events have shown that trials in the Russian Federation involving alleged violations in the area of national security can take several years;

Whereas it is unlikely that Edmond Pope would survive a lengthy trial; and

Whereas United States business and academic interests with the Russian Federation are beginning to be detrimentally impacted by this event: Now, therefore, be it

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

(1) the Congress calls on the Russian Federation, under the leadership of President Vladimir Putin, to immediately release Mr. Edmond Pope of State College, Pennsylvania, and to ensure that proper and qualified medical attention is provided to him in order to ensure that another loss of life does not occur in a prison in the Russian Federation;

(2) it is the sense of Congress that if Edmond Pope is not released immediately the President should continue all efforts afforded to the administration to secure his release, including the consideration of—

(A) terminating all assistance to the Government of the Russian Federation under the Foreign Assistance Act of 1961 and the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act for purposes of preparing the Russian Federation's entrance or accession to the World Trade Organization (WTO); and

(B) opposing any further debt relief of obligations owed to the United States Government from the Government of the Russian Federation; and

(3) the President should increase efforts to secure appropriate medical attention for Edmond Pope.

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

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 404.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, this resolution, House Concurrent Resolution 404, introduced by the gentleman from Pennsylvania (Mr. PETERSON), supports Mr. Edmond Pope, an American citizen who has been jailed by the Russian government for several months on the charge of espionage that, by all accounts, is based on extremely dubious evidence. I commend the gentleman from Pennsylvania (Mr. PETERSON) for his tireless work on behalf of one of his constituents, Mr. Pope.

This resolution calls on the Russian government to immediately release Mr. Pope and to ensure that he is provided proper medical attention for the rare form of cancer with which he is afflicted.

Let me point out to my colleagues that Mr. Pope is a businessman and that he has been to Russia many times over the past few years on business trips.

I simply do not believe that the Russian government has proved its case, particularly in light of the fact that a Russian citizen who supposedly worked with Mr. Pope in the alleged espionage case has already been released by the Russian government.

This resolution makes it abundantly clear that, if Mr. Pope is not released, the President of the United States should continue to seek his release and should consider terminating all assistance that our Nation provides to the Russian government under our Foreign Assistance Act for purposes of preparing Russia to enter the World Trade Organization.

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It also calls on our President to refuse further debt relief for the Russian Government if it does not release Mr. Pope.

My colleagues, the actions of the Russian Government in this case do not appear to be those of a country interested in proper treatment of businessmen and investors. I believe it is, therefore, appropriate to send this message in the form of a nonbinding resolution that we expect a nation that wants to be part of an international trade organization, that wants debt relief, and that wants more American investment to treat our American businessmen appropriately.

I would point out to my colleagues that over the past few years our government has reportedly arrested several Russian spies here in our Nation, some under diplomatic cover and others operating without it. I understand we have allowed those Russian spies in recent years to return home to Russia, even when our FBI believed them to be career members of the Russian intelligence agencies. Even when a Russian espionage device was found in our State Department headquarters itself, we sent the so-called diplomat back home.

We are all aware of the reports that Russian spying conducted here in our Nation and from espionage facilities, such as the one at Lourdes, Cuba, is today at record levels. It is ironic, Mr. Speaker, that Russia would arrest and imprison for months an American businessman who may very well be innocent, all the while conducting espionage against us at records that exceed those of the Cold War.

Mr. Speaker, I support this nonbinding resolution and I urge my colleagues to adopt it.

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 rise in strong support of this resolution.

Mr. Pope was arrested in Russia on April 3, 2000, while negotiating the purchase of an underwater propulsion technology which was advertised for commercial use. Mr. Speaker, I submit Mr. Pope is not a spy. His Russian visa states that the purpose of the trip to Russia was to acquire such technology.

It is outrageous, Mr. Speaker, that Mr. Pope has been languishing at the Lefortovo prison, the former KGB stronghold, for nearly 6 months now. Mr. Pope has been diagnosed with a rare form of bone cancer which requires annual screening and which he has missed this past August because of his arrest.

His health may be getting worse, but the Russians refuse access to him by a qualified Western oncologist. The Russian authorities have said that the Russian doctors are capable of examining Mr. Pope, and based on that examination, they supposedly say he is fit to stand trial.

Mr. Speaker, this case has been discussed at the highest levels of the American and Russian governments. Our own President, President Clinton, has raised this issue with President Putin several times now, most recently at the U.N. Millennium Summit in New York City. At every opportunity, the Russians have been told the charges against Mr. Pope are groundless and they must let him come home to his family.

I share some of the State Department concerns about the call in the resolution for cutting all foreign assistance to Russia, which includes denuclearization assistance and support for democratic institutions and independent media. I would hope that the administration could effectively utilize policy levers short of this drastic step to achieve Mr. Pope's release.

We should at least commend our good friend and colleague, the gentleman from Pennsylvania (Mr. PETERSON), for doing such a fantastic job supporting Mr. Pope's family in support of this resolution, and I urge my colleagues to support this resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I want to thank the chairman for yielding me this time. I appreciate the very strong support we have had from the gentleman from New York (Mr. GILMAN); the ranking member, the gentleman from Connecticut (Mr. GEJDENSON); as well as the gentleman from American Samoa (Mr. FALEOMAVAEGA), who has been such a good friend; and I want to thank the staff who have worked so hard on this issue. I also want to thank the leadership and the majority leader, who have personally helped me at every turn.

Mr. Speaker, this has been one of the most difficult issues I have ever dealt with. Let us just think about it for a moment. For 11 days, Edmund Pope

has been in a Russian prison. If my colleagues have not been in a Russian prison, I was there a few months ago. It is no place to be.

He went over there in March on his 27th trip to do business. He was arrested on April 3 and thrown in prison. For 13 weeks, his wife never received a note from him, a phone call from him or any word. He never received one of her letters that she sent daily. Between two countries that have normal relations in business, a prisoner never heard from his family or was allowed to communicate with his family for 13 weeks.

In June, Cheri Pope, his wife, and two of my staff went to Russia. They found out he did not have a competent lawyer, a 73-year-old lawyer that was not considered good; and so they were able to hire him a good lawyer who has been very helpful and who started to build a case. It was not long before he found out that there was no real case against Edmund Pope. In fact, the Russians had never even told us what the case was about; it was just that he had committed espionage.

On August 5, his son was married in State College without his father. Then a little later, in August, Cheri Pope, his wife, and I and two of my staff returned to Russia. We were able to elevate this issue to an international issue. Before that it had not been well covered by the press. It was obvious then. And after we arrived there and made it an issue, the Russians finally responded and said, well, he was purchasing this Squall technology, which had been advertised for sale in 1996 and had been sold to other countries, we are told.

The FSB, who finally gave these details, is like combining our FBI, our Secret Service, our CIA, and whatever else, and all combined into one. It is the most powerful agency in Russia, and they have been in control. This was Ed's 27th visit there. He had had many business partnerships there. He had brought many scientists from Russia to Pennsylvania, to Penn State. Had taken many groups of scientists to Russia to help them in their trying to build a free economic system. He loved the Russians, told all his neighbors and friends that I have talked to. He was very fond of the Russians and wanted them to have economic opportunity like we have here.

For 17 months, Ed Pope has not had adequate health screenings. Edmund Pope, a number of years ago, was diagnosed with bone cancer. It has been arrested. He should, from the cancer experts we have talked to, have MRI and CT scan screenings every 6 months. It has been 17 months now since he has had any screenings.

In August we had a hearing; and in September we had a hearing on a health-related release, and he was turned down. They had the appeal to the hearing and asked for him to be seen by an American doctor and have the appropriate test and again was turned down. It is now approaching mid-October and Edmund Pope has still not had the health screenings that he needs.

If we get Edmund Pope out tomorrow, he may have reactivated cancer and he will have a very shortened life. We are still asking every day for routine cancer screening. It is available 7 miles from his prison in a Russian facility with adequate doctors to read the scans, and we again ask for that.

We know that from talking to his attorney and others there, the FSB-appointed judge will find him guilty whenever this trial is held. They will be given a predetermined verdict. I do not think we in America realize how a jury trial and the chance to defend ourselves is so basic a fundamental to the rule of law. In Russia, we are told the FSB knows how to frame people, but they do not know how to convict people. If it was a jury trial, his lawyer says, he would be innocent in a moment. As soon as the trial was held, he would be declared innocent and proven that he is innocent. But Edmund Pope will not get that chance.

Mr. Speaker, I want to thank the Congress today for their support of this resolution and sending a strong message to this administration to continue every effort they can put forward. Edmund Pope needs to have health screenings so that we know his cancer is still in arrest. We need to know that he has not contracted TB, which is prevalent in Russian prisons. He has had a cough every time we have spoken to him. We are asking for health care first and then his timely release. It is time to get Ed Pope home.

I guess just in conclusion, Mr. Speaker, Edmund Pope is a good man, a great American, served his country valiantly, been a good businessman, and been good for the Russians; been good for economic relationships with them; helped them partner in many business deals and commercialize other kinds of technologies they had and helped do some partnerships that helped in health care and opticals. Russia should have a lot of Ed Popes helping them to build their economy and become part of the global economy.

They need to resolve this issue so we can become friends, work together, and not be enemies.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume to compliment again my colleague from Pennsylvania. I think it is a good example of a demonstration of what every Member should be doing for their constituents, and I want to commend him for that.

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

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), our distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, I rise in very strong support of the Peterson resolution, H. Con. Res. 404, calling for the immediate release of Edmund Pope from prison in the Russian Federation based on humanitarian reasons.

I think it is very important that the chairman of the House Committee on International Relations and the ranking member, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), have moved very quickly on this resolution to bring it to the floor and before our colleagues because this is a very, very important resolution of humanitarian concern.

This resolution calls for the immediate release of Mr. Pope, an American citizen arrested for allegedly spying in Russia and, as we know, in prison now in Moscow since early April of this year. Mr. Pope has been arrested for trying to purchase so-called secret technology that had already been advertised for commercial sale.

Mr. Speaker, I would be the first to agree that countries are entitled to protect sensitive information or state secrets; but the case against Mr. Pope is without merit. When we consider that the Russian Government has already released the alleged co-conspirator in this case, it is difficult to understand why Mr. Pope is considered such a danger.

As the gentleman from Pennsylvania (Mr. PETERSON) so passionately and eloquently pointed out, Mr. Pope is seriously ill and the Russian Government has not permitted an American physician to even visit him, which one might expect on simple humanitarian grounds.

Mr. Speaker, the Russian Government recently announced that the Pope case has been turned over to the court. This may look like progress, but experience tells us otherwise. When we look at the long drawn out case of Alexandr Nikitin, for whom it took 4½ years to prove his innocence on trumped-up charges of espionage, I believe it is unlikely Mr. Pope would survive a lengthy judicial process.

Mr. Speaker, the U.S. Government has repeatedly raised this case with the Russian Government. Why are they not listening? At a recent hearing of our Committee on International Relations, our Secretary of State, Madeleine Albright, reiterated her conviction this case should be resolved quickly in Mr. Pope's favor.

Finally, I would note that in connection with this case, a Moscow radio station stated that the Russian security service often considers principles of humanity in deciding whom to release. It seems no other person in Russia today fits that definition. This man is sick, he is innocent, and he needs to be released.

Again, I want to thank the gentleman from Pennsylvania (Mr. PETERSON) for his great leadership on this case.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), and I want to also thank the gentleman from New Jersey (Mr. SMITH) for his eloquent response to this important issue.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank both the chairman and the subcommittee chairman for their work in bringing this measure forward; and to my colleague, the gentleman from Pennsylvania (Mr. PETERSON), I thank him for his tireless efforts in trying to seek Mr. Pope's release.

Mr. Speaker, I rise today to urge support for H. Con. Res. 404 and make clear our message to the Russian Government. Edmund Pope must be released from prison, and he must be released immediately. Mr. Pope's deteriorating health simply will not wait for the Russian Government to accept what we in this country have long known: that Ed does not deserve his imprisonment and that the Russian Government cannot justify holding him one day longer.

For 191 days, Ed Pope has been denied his freedom. For 191 days, he has been denied regular contact with his wife of 30 years and his children. And for 191 days, he has been denied access to basic medical care, despite grave threats to his health.

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In an age when the access to adequate shelter and medical care is correctly viewed as humanity at its most fundamental level, Ed has been forced to endure deprivations that are downright abysmal.

The prison where Mr. Pope is being held is a grim reminder of a system of government that for too long has subordinated human rights. Ed Pope's harsh imprisonment illustrates Russia's continued hostility to the West, despite its repeated assurances that Russia wants to join the ranks of the world's civilized nations.

I am dismayed by President Putin's squandering of an opportunity to demonstrate to the nations of the world that a new Russia has indeed risen from the ashes of the old Soviet Union, a nation that values human rights and the rule of international law. But until Mr. Pope is released and the judicial system in Russia improves, this transformation will be incomplete.

If the question of Mr. Pope's guilt or innocence is to be debated, it must only be after he is allowed access to the medical care his condition demands. With the release of Ed Pope, President Putin can demonstrate that he is serious about eliminating the distrust and hesitation that has characterized U.S. and Russian relations for decades. Or he can continue to prolong Ed's unjust captivity and reinforce the negative image of Russia, that of a secretive, enigmatic state whose journey to first world status remains long.

Mr. Speaker, I urge my colleagues to vote for H.Con.Res. 404 and declare in no uncertain terms that the United States does not tolerate the treatment of its citizens in this manner.

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

Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from Oregon (Mr. WALDEN) for their diligent efforts on behalf of Mr. Pope. We are pleased to join with them.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 404.

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

A motion to reconsider was laid on the table.

CALLING FOR LASTING PEACE, JUSTICE, AND STABILITY IN KOSOVO

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 451) calling for lasting peace, justice, and stability in Kosovo, as amended.

The Clerk read as follows:

H. RES. 451

Whereas on June 10, 1999, the North Atlantic Treaty Organization (NATO) military air operation in the former Yugoslavia victoriously concluded with the withdrawal of all Serbian police, paramilitary, and military forces from Kosova;

Whereas after the NATO victory, the international community mobilized assistance that helped feed and house more than 1,000,000 Kosova refugees before the first post-war winter;

Whereas nearly 1,000,000 refugees and hundreds of thousands of internally displaced persons attempted to return to their homes in Kosova in the belief that a peaceful, stable, and just society would be created through their diligent efforts, supported by the international community;

Whereas United Nations Security Council Resolution 1244 (June 10, 1999) established the United Nations Mission in Kosovo (UNMIK) as the sole administration of the province until such time as its political status is decided;

Whereas some 2,000 citizens were illegally detained and kidnapped to Serbia by Serbian forces as they withdrew from Kosova in violation of the Geneva Conventions and international humanitarian law;

Whereas an additional 5,000 Kosova citizens are believed to be detained in Serbian prisons;

Whereas the international mission in Kosova successfully negotiated an agreement with the Kosovo Liberation Army (KLA) to disband and publicly hand over its weapons;

Whereas hundreds of Kosova Albanian citizens have been prevented from returning to their homes in the divided city of Mitrovice by Serb Kosova citizens who are believed to be assisted by Serb paramilitaries who have illegally re-entered Kosova;

Whereas although the initiation of the recent operation between the NATO-led peacekeeping force in Kosova (KFOR) and UNMIK to confirm international authority throughout northern Kosova is welcomed, KFOR and UNMIK must fully implement their plan and take appropriate action to ensure that all residents are able to return to their homes;

Whereas the United Nations and the Organization for Security and Cooperation in Europe (OSCE) have set the date for local municipal elections in Kosova for October 28, 2000;

Whereas the assertion of authority over the Trepca mining complex by UNMIK is welcomed and an assessment of its environmental hazards and financial viability should proceed as quickly as possible in order to maximize employment for Kosovar citizens;

Whereas although daily life in Kosova in the summer of 2000 is significantly improved in comparison to the violence, devastation, and chaos that plagued the region during armed conflict in 1999, more must be done to develop a self-sustaining economy that discourages the rise of criminal elements;

Whereas, in view of the disproportionate share of the military costs borne by the United States during the NATO operation, the European Union has agreed that it will undertake the major share of the costs for economic reconstruction in Kosova;

Whereas the European Commission and the World Bank have estimated the costs for the reconstruction of Kosova over the next 4 to 5 years at $2,300,000,000, with nearly half that amount available to be spent by the end of 2001; and

Whereas the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted by section 1000(a)(2) of Public Law 106–113) capped United States pledges of assistance for Kosova at the subsequent Kosova donors conference at 15 percent of the total resources pledged by all donors: Now, therefore, be it

Resolved, That—

(1) the European Union should continue to bear the primary responsibility and costs for the economic reconstruction of Kosova, and take all necessary steps to ensure that its future budgets provide the required resources in a timely fashion;

(2) the administration of all baseline services such as police, sanitation, water, telecommunications, and electrical supply should be put into the hands of the people of Kosova at the earliest possible date;

(3) the strategy for economic reconstruction in Kosova should be focused on utilizing private investment and empowerment of the people of Kosova to take charge of their livelihoods;

(4) the United States Government should make it a priority to promote noncorrupt government and business practices in Kosova by providing judicial training and technical advice and assistance to police, border police, and customs officers;

(5) the United Nations Security Council should demand the immediate and unconditional return of all Kosova prisoners from Serbia;

(6) the international peacekeeping force in Mitrovice should take immediate measures to ensure that all the residents are able to return in security to their homes;

(7) all the citizens of Kosova should avail themselves of the opportunity to democratically express their political preferences by participating in the elections on October 28, 2000;

(8) the resolve of the international community to work towards lasting peace, stability, and justice in Kosova will not be deterred by Slobodan Milosevic's provocations within the region; and

(9) all citizens of Kosova should adhere to the principles enunciated by community leaders at the Airlie House declaration of July 23, 2000, where all parties agreed to a rigorous Campaign Against Violence, representation of all citizens in municipal councils, surrendering of illegal weapons, a commitment to counter Slobodan Milosevic's influence in Kosova, and to dissolve any other illegitimate governing and security structures.

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

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 451.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I have brought this measure to the floor of the House in order to call attention to some continuing problems in the international community's efforts to bring about a stable, just, and a lasting peace to the people of Kosovo.

The Committee on International Relations approved this measure without dissent and it represents a bipartisan consensus on the part of our committee members on how to redress some of the difficulties in Kosovo. I ask all our House colleagues to join with us today in supporting H. Res. 451.

Our principal concern is that the international community, rather than fostering a self-reliant, prosperous Kosovar-run Kosovo, is creating a new international dependency hooked on assistance funds and the presence of numerous international aid workers.

What seems to have been overlooked in the current approach is the fact that prior to the move to strip away Kosovo's political autonomy in 1989, and even during the decade of oppression the Kosovars suffered under Milosevic, the Kosovar people demonstrated a remarkable amount of initiative and economic skill. These characteristics should be part of our strategy in restoring Kosovo's economy.

Another problem is the plight of thousands of Kosovars who are being illegally detained in Serbia. Some of these individuals were taken in the final hours of Serbia's sway over Kosovo last June as virtual hostages. They include some of the leading intellectual lights of Kosovar society: doctors, lawyers, journalists and teachers.

The fact that the international community has remained nearly mute in the face of their continued detention is disappointing, and the refusal of the U.N. Security Council to demand their immediate release is troubling and unacceptable.

Until the Kosovar detainees have been released and accounted for, no real peace will be able to come to Kosovo. I would hope that the new government in Serbia under President Kostunica will cooperate in remedying this tragic situation.

The important industrial town of Mitrovice remains a divided city where international peacekeepers have been unable to return hundreds of ethnic Albanian residents to their homes. Failure to resolve this issue leaves the shadow of possible partition hanging over Kosovo.

Another problem in the U.N.'s approach to the Kosovo mission is the issue of who should be able to control and operate important economic assets such as the Trepca mines. Although there have been recent steps to explore reopening this most important economic asset for many months, the U.N. did not take any action because of its fears that Serb ownership would be an obstacle.

Elections have been scheduled in 30 municipalities throughout Kosovo for October 28. This resolution calls upon all the citizens of Kosovo to avail themselves of the Democratic process and to peacefully express their political preferences. Let us hope that the adoption of this resolution and those upcoming elections will provide the beginning of the journey to a lasting and just peace in Kosovo.

Accordingly, Mr. Speaker, I urge my colleagues in the House to support H. Res. 451.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. ENGEL) one of the original cosponsors of this legislation.

Mr. ENGEL. Mr. Speaker, I thank my colleague from American Samoa for yielding me the time.

Mr. Speaker, I rise in strong support of H.Res. 451. I am an original cosponsor. I commend the chairman of our Committee on International Relations for sponsoring this resolution and for the work that he has done on Kosovo and on so many other wonderful things in the House Committee on International Relations, and I am honored to cosponsor this resolution with him.

This calls for lasting peace, justice, and stability in Kosovo. And it is something that is still illusive even after the successful American intervention there where we prevented lives from being lost, we prevented ethnic cleansing and genocide. I am very, very proud of the role that this country and this Congress have played in saving the Kosovar people, the people of Kosovo.

I rise in strong support of this resolution because although the international community talks a good game, the European Union has not met its pledges even though it has contributed the majority of the funding for Kosovo reconstruction. This resolution calls upon the EEU to do so.

As the resolution states, police, sanitation, telecommunications, electricity and water supply have not been adequately put forth for the people of Kosovo. It is too long. It must end.

This resolution also calls, as the chairman pointed out, for the immediate return of all Kosovar prisoners still being held in Serbia. There are still hundreds of Kosovars in Serb jails, perhaps thousands, including Flora Brovina and Albin Kurti. They should be freed immediately and returned to their families in Kosovo.

It is an outrage that when the Serbs were retreating from Kosovo they captured Kosovar Albanians and imprisoned them, dragged them to Belgrade, dragged them into Serbia, and imprisoned them where they remain today. These people should be freed immediately.

This resolution also gives Congress an opportunity to discuss broader issues. I and all Americans congratulate the Serbian people for the birth of democracy in their land and for finally running their murderous leader, Milosevic, out of office.

Yet, while the United States is certainly pleased of the changes in Serbia, there are significant issues which we must consider. The most important is the question of sanctions. We must be open to the new Democratically elected government in Serbia. President Kostunica needs the opportunity to succeed. Lifting some sanctions should be on the table, but lifting all should not.

I agree with the actions of the Clinton administration maintaining visa restrictions against Milosevic and his lieutenants, but I am also concerned about lowering the outer wall of sanctions. Those must remain on Serbia.

We have withheld international financial institution assistance because Belgrade was opposing the work of the International War Crimes Tribunal and denying Kosovars the right to self-determination. For the outer wall to crumble while President Kostunica rejects the tribunal, and he is rejecting it still, and Serbia is still acting as though nothing happened in Kosovo, is unwise.

The new government in Belgrade must recognize the new reality in Kosovo. After the thousands of deaths and tens of thousands of wounded, it remains extremely difficult to ever imagine Kosovo again as part of Serbia. Kosovo deserves the opportunity to be dependent and the outer wall of sanctions against Serbia should remain in place until Serbia is prepared to be part of a solution, not the problem, in Kosovo.

Independence for Kosovo is something that is right. And as the chairman pointed out, elections are being held later on this month and it will be the first opportunity for Kosovars to participate in democracy. And I would urge all of them do so. And that ought to be the first step in a free and independent and democratic Kosovo.

There are still, however, many problems. Mitrovice is a divided city. The Serbs have occupied the mines and have not allowed the Albanian Kosovars to be able to establish any kind of economic viability because of the occupation of these mines. Those mines are part of Kosovo and should not be occupied by the Serbs.

Mitrovice should not be a divided city. Albanians there are being prevented from returning to their homes. That must not stand.

Finally, Belgrade must finally recognize the independence of Bosnia. Until Belgrade gives up on controlling lands on both sides of the Drina River and establishes permanent diplomatic relations with Bosnia, the Yugoslav state succession question will still fester.

And by the way, while we are saying that the Kosovars have the right to self-determination and independence, and they must have that right, I believe the Montenegrins have as well.

Yugoslavia is a fallacy. Serbia continues to keep the Montenegrins as part of so-called Yugoslavia and continues the fallacy that Kosovo is part of Yugoslavia. The Kosovar Albanians and the Montenegrins should have the right to self-determination and should have the right to establish their own democratic nations if they so desire.

Therefore, while I rise in favor of this important resolution, I urge my colleagues to keep in mind the bigger picture in the form Yugoslavia. I urge all my colleagues to support H. Res. 451.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend the gentleman from New York (Mr. GILMAN) for his leadership in bringing this very important resolution to the floor today and to my good friends on the minority side and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his leadership and the gentleman form Connecticut (Mr. GEJDENSON).

This is the time for us to make this statement, and I think we are doing it collectively as a Congress. Hopefully our voices will be heard in Serbia.

Mr. Speaker, I am an original cosponsor of H. Res. 451 and I strongly support its passage here today.

In a series of hearings that we held on the Helsinki Commission, which I chair, the atrocities committed in Kosovo by Yugoslav and Serbian forces have been very amply documented and the continued incarceration of Kosovar Albanians in Serbian prisons were detailed in very numbing detail.

The culpability of Milosevic for war crimes and crimes against humanity for which he has been indicted have also been made clear. It is also obvious that there is an unacceptable lack of security in Kosovo, evident in the frequent instances of violence and destruction in the period since the conflict ended.

Last week, Mr. Speaker, major change finally came to Yugoslavia. The people voted to throw Slobodan Milosevic out of office. And when he would not leave, they took to the streets to make clear that they had had enough.

While President Kostunica takes a nationalist point of view, he nevertheless appears willing to work towards democracy and the rule of law rather than create more problems.

I was pleased to hear that he has already indicated his willingness to look into the cases of Kosovar Albanians who right now, today, are languishing in Serbian prisons.

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I believe he will, and every friend of democracy fully expects him to do the right thing. At one of our Helsinki Commission hearings, we heard terrible testimony, horrible conditions about these people who have been held in these terrible prisons, Kosovar Albanians who have committed no crimes. We ask, we demand that they be released now, immediately. Let the Albanians go.

Mr. Speaker, in closing, I think it is critical that we strongly condemn all of the violence which is occurring in Kosovo today regardless of the ethnicity of the victim, regardless of the ethnicity of the culprit. I have been a strong critic of Serbian repression in Kosovo in the past. As a matter of fact, when I met Milosevic the first time in Belgrade in the early 1990s, I raised the issue of his police, his thugs who are committing egregious abuses against the Kosovar Albanians and called on him and his thugs to stop it. But let me also say that none of us want to accept any wanton acts of violence whether it be revenge against Serbs or other members of minorities in Kosovo. Therefore, and I think this is important in the resolution, the Campaign Against Violence mentioned in this resolution is absolutely critical for all sides to accept and to implement. I would hope that the Albanians will criticize Albanians and Serbs will criticize Serbs when that Campaign Against Violence is transgressed. We need peaceful nonviolence in Kosovo and in Serbia. This resolution calls on all parties to stand down.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) for his eloquent support of this measure.

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

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

Again my compliments and commendation to the gentleman from New York (Mr. GILMAN), the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. ENGEL) and certainly the chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH) for their primary sponsorship of this legislation.

Mr. Speaker, I rise in strong support of this measure which enjoys strong bipartisan support. It is also supported by the administration. Congressional oversight of policy in Kosovo is remiss if it only looks at the inevitable problems that follow 40 years of communism, 10 years of apartheid and 1 year of brutal armed aggression. Responsible oversight must also recognize achievements as well as goals for future progress.

After the NATO victory, the international community mobilized assistance that helped feed and house more than one million Kosovo refugees before the first postwar winter. The international mission in Kosovo successfully negotiated an agreement with the Kosovo Liberation Army to disband and publicly hand over its weapons.

Although daily life in Kosovo has significantly improved compared to the violence, devastation and chaos that plagued the region during armed conflict a year ago, more must be done, Mr. Speaker, to develop a self-sustaining economy that discourages the rise of criminal elements.

The European Union must also continue to bear the primary responsibility and costs for the economic reconstruction of Kosovo and take all necessary steps to ensure that its future budgets provide the required resources in a timely fashion.

Mr. Speaker, the administration of all basic services such as police, sanitation, water, telecommunications and electrical supply should be put into the hands of the people of Kosovo at the earliest possible date. The international peacekeeping force in Mitrovica should take immediate measures to ensure that all the residents are able to return in security to their homes. And, most importantly, all citizens of Kosovo should follow the principles enunciated by community leaders at the Airlie House declaration of July 23 of this year which included antiviolence, representation of all citizens in local councils, surrendering illegal weapons, a commitment to counter Slobodan Milosevic's influence in Kosovo as well as dissolving any other illegitimate governing and security structures.

Mr. Speaker, the winds of democratic change have swept through the region in recent days and months, bringing in democratic reform in Croatia and toppling Slobodan Milosevic from controlling Serbia. In the wake of these dramatic events, the resolution before the House today supports greater progress towards reconciliation within Kosovo and between the member nations of

southeast Europe to build a community of cooperating democracies and growing free market economies.

Again I urge my colleagues to support this resolution.

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

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from American Samoa for his support of this resolution.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 451, as amended.

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

A motion to reconsider was laid on the table.

HONORING UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 577) to honor the United Nations High Commissioner for Refugees (UNHCR) for its role as a protector of the world's refugees, to celebrate UNHCR's 50th anniversary, and to praise the High Commissioner Sadako Ogata for her work with UNHCR for the past 10 years, as amended.

The Clerk read as follows:

H. RES. 577

Whereas since the founding of the United Nations High Commissioner for Refugees (UNHCR) in December 1950, it has become one of the world's principal humanitarian agencies with 244 offices in 118 countries and helps nearly 22,000,000 people in more than 140 countries;

Whereas on December 14, 2000, UNHCR marks a half-century of helping millions of the world's most vulnerable and courageous people;

Whereas UNHCR continues to fulfill its mandate, as adopted by the United Nations General Assembly on December 14, 1950, to provide international protection to refugees and persons seeking asylum and to seek durable solutions to their problems;

Whereas UNHCR has worked to ensure respect of refugees' basic human rights and adherence to the principle of nonrefoulement, which prohibits the expulsion and return of refugees to countries or territories where their lives or freedom would be threatened;

Whereas the United States and its citizens have long welcomed refugees to our shores;

Whereas, although UNHCR's responsibilities under its original mandate do not include internally displaced persons, it plays a critical role in assisting and protecting internally displaced populations in many situations, particularly where refugee and internally displaced populations are mixed;

Whereas the heart of UNHCR's mandate is protection, and UNHCR must continue to emphasize protection in choosing durable solutions for refugees, including voluntary return, local integration in countries of first asylum, and resettlement;

Whereas vulnerable refugees, particularly women, children, and the elderly, face special protection and assistance needs and UNHCR must continue to emphasize their needs in its policy and program efforts;

Whereas, in collaboration with other international agencies and nongovernmental organizations, UNHCR has shaped policies on which the international community can agree to move forward on peacefully resolving refugee situations;

Whereas under the leadership of High Commissioner Sadako Ogata and her predecessors, UNHCR has made invaluable contributions for humanity by helping to promote peace and respect for human rights for all uprooted peoples; and

Whereas UNHCR has twice been awarded the Nobel Peace Prize for its service to humanity: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes and honors the United Nations High Commissioner for Refugees (UNHCR) on the occasion of its 50th anniversary for its contributions on behalf of the world's refugees;

(2) expresses its support for the continued efforts of UNHCR;

(3) affirms its support for international protection for the victims of persecution and human rights violations and for the achievement of durable solutions for refugees; and

(4) calls on the international community to work together with UNHCR in efforts to ensure that host countries uphold humanitarian principles and the human rights of refugees, to lessen the impact of refugees on host countries, and to promote the safe voluntary repatriation, local integration, or resettlement of refugees.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of H. Res. 577, in observation of the 50th anniversary of the establishment of the United Nations High Commissioner for Refugees. This measure honors the excellent service that the UNHCR has provided the international community since 1950.

This comparatively small agency of the U.N., since its inception, has helped ameliorate and, in many instances, resolve the plight of millions of victims of persecution and abuse. I would like to commend our colleague the gentleman from Ohio (Mr. HALL) for his diligence in making certain that this Congress is able to record its immense respect for the UNHCR on the occasion of this important milestone.

We should also note that H. Res. 577 pays fitting tribute to our current High Commissioner, Dr. Sadako Ogata, who is stepping down after completing a meritorious 10-year tour of duty in this vital international post. During her tenure, Commissioner Ogata has seen the case load of refugees and persons of concern to her office rise to a total of some 22 million. These millions are indicative of the increase in wars, internal conflicts and natural disasters that have produced a tide of human suffering that has only been paralleled in the past by our most serious global conflicts.

The UNHCR has also had to exceed the terms of its own mandate as laid out in the statutes that created the office of high commissioner some 50 years ago by providing invaluable assistance to those vulnerable individuals who are internally displaced within the borders of their home nations but are also victims of persecution or human rights abuses.

As global events have become more complex, Mr. Speaker, the UNHCR has been able to adapt itself to meeting the new challenges these situations have presented. It is hoped, therefore, that this resolution, by calling attention to the good work performed by the UNHCR and by the staff of that office, will increase the support by American citizens and others around the world of the effort spearheaded by the UNHCR.

Accordingly, Mr. Speaker, I urge our colleagues to support H. Res. 577.

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, again I want to compliment the chief sponsor of this bill the gentleman from Ohio (Mr. HALL) and our chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), and also the ranking member of our committee, the gentleman from Connecticut (Mr. GEJDENSON).

Mr. Speaker, I rise in strong support of this resolution. House Resolution 577 honors and recognizes the United Nations High Commissioner for Refugees on the occasion of its 50th anniversary for its contributions on behalf of the world's refugees. On December 14 of this year, the UNHCR will mark a half century of helping millions of the world's most vulnerable people.

As I said earlier, I want to commend the gentleman from Ohio for introducing this legislation on behalf of many of the hungry and homeless people around the world. The UNHCR, Mr. Speaker, has been mandated by the United Nations to lead and coordinate international action for the worldwide

protection of refugees and the resolution of refugee problems. It is one of the world's principal humanitarian organizations helping some 23 million people in more than 140 countries.

Mrs. Sadako Ogata has served as the United Nations High Commissioner for Refugees now for nearly 10 years. It is one of the toughest jobs and she has done a magnificent and superb job of bringing both professionalism and compassion to the organization over her decade of service not only to the United Nations but certainly to the people of the world.

This resolution also calls on the international community to bring together with UNHCR an effort to reassure that host countries uphold humanitarian and human rights principles for refugees, to lessen the impact of refugees on host countries, and to promote the safe and voluntary repatriation, local integration or resettlement of these refugees.

While the resolution before the House does not deal with the refugee situation in West Timor, Indonesia, it is important, however, to remember the recent killing of three UNHCR workers who were helping East Timorese refugees. These UNHCR employees, including one American, were trying to bring order to the refugee camps and create a situation where the East Timorese refugees could return home. Their killing by the militias was deplorable. We must always remember the dangerous conditions which these workers are exposed to.

I would be remiss, Mr. Speaker, if I did not also offer my compliments and commendation to Ms. Kathleen Mazed who is the staff consultant on this side of the aisle of our committee for the superb job that she has done not only to this piece of legislation but three other pieces of legislation. I want to thank her and recognize her services for doing this.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time. I am very proud to be a cosponsor of this resolution introduced by my good friend, the gentleman from Ohio (Mr. HALL), whose commitment to human rights and humanitarian principles is well known. The resolution celebrates the 50th anniversary of the office of the United Nations High Commissioner for Refugees, the UNHCR. It commends the UNHCR on its good work over the years and congratulates the present High Commissioner, Dr. Ogata, who will be retiring in December. The Subcommittee on International Operations and Human Rights made minor technical changes to the legislation and reported it favorably to the full committee which reported it out last week.

As the resolution rightly points out, it is important that the UNHCR never forget that the heart of its mandate is protection. Donor countries including a major donor, the United States, often forget this. Our own contribution to refugee protection around the world is about 20 percent lower than it was just 5 years ago and most other countries have done even worse. Moreover, countries of first asylum, to which refugees have fled from persecution or the fear of persecution, often wish they would go away. And sometimes the brutal regimes from which they fled are only all too happy to get them back. So there is always pressure on the UNHCR to pretend that mass repatriation would be safe when, in fact, it is dangerous or to pretend that repatriation is voluntary when, in fact, the refugees and asylum seekers are given no choice.

Mr. Speaker, we are the subcommittee of jurisdiction on refugee protection. We have had numerous hearings on many parts of the world, including Africa, the Great Lakes region, Rwanda, and I take a back seat to no one and my very good friend the ranking member, the gentlewoman from Georgia (Ms. MCKINNEY), has likewise been there and the gentleman from California (Mr. LANTOS) who was the ranker 2 years ago in raising concerns about people being forced back when they had a real fear of persecution and many of those people when forced back have come to a very untimely and unfortunate fate. Occasionally, as in the so-called comprehensive plan of action, for example, asylum seekers from Indochina, the UNHCR in that case yielded to pressure. On these occasions, I and other Members as I have pointed out were among UNHCR's strongest critics. However, on many, many other occasions, the UNHCR has stood for the principle of protection, even at great risk to its own institutional interests. This resolution celebrates those instances of courage, those instances of compassion over the last 50 years and particularly during the stewardship of Dr. Ogata.

I support this resolution and urge my colleagues to support it.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) for his strong advocacy of this measure.

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

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

I want to say, Mr. Speaker, if there is ever a champion and someone anywhere in the four corners of the world that I will travel as someone to attend with me when we talk about human rights is none other than the gentleman from New Jersey (Mr. SMITH). I want to commend him for that. I know that the situation in West Papua, New Guinea now is burning up to a situation given the fact that some 300,000 West Papains were murdered, tortured, and killed by the Indonesian military since 1963.

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We can go on, but I want to thank the gentleman from New Jersey (Mr. SMITH); and I thank the gentleman from New York (Mr. GILMAN) also for his outstanding leadership when it comes to the issue of human rights.

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

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

Mr. Speaker, I want to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his leadership on these measures we have had before us at this late hour, and I want to thank the gentleman from New Jersey (Mr. SMITH) for his advocacy.

Mr. HALL of Ohio. Mr. Speaker, I also want to thank Chairman GILMAN and SAM GEJDENSON and CHRIS SMITH for their leadership in moving this resolution through Committee and for their strong support of the bill.

I am proud to be the sponsor of H. Res. 577 which honors and recognizes the United Nations High Commissioner for Refugees (UNHCR) on the occasion of its 50th anniversary for its contributions on behalf of the world's refugees. On December 14, 2000, UNHCR will mark a half-century of helping millions of the world's most vulnerable people.

UNHCR has been mandated by the United Nations to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems. It is one of the world's principal humanitarian organizations helping 23 million people in more than 140 countries.

Madam Sadako Ogata has served as the United Nations High Commissioner for Refugees now for nearly ten years. it is a tough job, and Madam Ogata has performed superbly, bringing both professionalism and compassion to the organization over her decade of service.

This resolution also calls on the international community to work together with UNHCR in efforts to ensure that host countries uphold humanitarian and human rights principles for refugees, to lessen the impact of refugees on host countries, and to promote the safe voluntary repatriation, local integration, or resettlement of refugees.

I would urge my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 577, as amended.

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

A motion to reconsider was laid on the table.

PROVIDING FOR VOTING IN MILITARY INSTALLATIONS

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5174) to amend

titles 10 and 18, United States Code, and Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State and local elections for public office.

The Clerk read as follows:

H.R. 5174

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

SECTION 1. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under'';

(2) by striking ''this section'' and inserting ''this subsection''; and

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

''(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local election for public office.

''(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

''(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.''.

(2) Section 18236 of such title is amended by adding at the end the following new subsection:

''(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).''.

(c) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(2) Section 593 of such title is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: ''Making a military installation or reserve component facility available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, shall be deemed to be consistent with this section.''.

(e) AVAILABILITY OF POLLING PLACES FOR 2000 FEDERAL ELECTIONS.—If a military installation or reserve component facility was made available as the site of a polling place with respect to an election for Federal office held during 1998, the same or a comparable site shall be made available for use as a polling place with respect to the general election for Federal office to be held in November 2000.

(f) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections''

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. 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. 5174.

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

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5174 clarifies the authority of the Secretary of the Defense to use DOD facilities as polling places in Federal, State and local elections for public office.

Mr. Speaker, H.R. 5174 brings a common sense approach to the issue of voting on military installations. There is no retrenchment from the prohibition against using military forces to influence voters. The Congress will remain vigilant against any potential that military forces could be used to intimidate voters. However, we must guard against the over reaction that voting must never be allowed on military facilities regardless of the benign circumstances in the absence of a threat of coercion by military forces.

The simple fact is that in some remote and rural locations in our Nation, military facilities are important community resources that have been used for polling for a number of years. The members of the local community that have used DOD facilities for voting are not threatened by the military forces that live and work in their communities.

It is important to note that this language does not require military commanders to open their facilities for voting. The bill only makes explicit that polling on military facilities is not illegal.

Mr. Speaker, H.R. 5174 does not force either local community leaders nor the military commanders to use military facilities for voting. However, if both sides agree that using military facilities for polling is in the best interest of the community and the military mission is not harmed as a result, then this bill authorizes the military commander to make the facilities available legally.

I commend the gentleman from California (Mr. THOMAS) for bringing this important matter to the attention of the House, and I urge my colleagues to vote yes on H.R. 5174.

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

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

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

Mr. ABERCROMBIE. Mr. Speaker, I rise reluctantly in opposition to H.R. 5174.

One important component of U.S. foreign policy is the promotion of democracies worldwide. Each time the U.S. supports a fledgling democracy, we insist on a clear decoupling of the civilian leadership and a nation's military. We insist that the military subsume itself to civilian control by elected officials. This principle is as important today as it was to our Founders. Because of the strength of that principle I must stand in strong opposition to the measure before us today. Protection of this enduring principle requires adherence to established procedures.

There is a longstanding tradition of avoiding the politicization of military bases. Polling activity brings with it electioneering, and that activity on a military base is clearly inappropriate.

Military personnel vote at their home of record. For most, this means that they vote through absentee ballot. There is no indication that military personnel are currently disenfranchised, and that this measure would be necessary.

There may be legal considerations regarding the assignment of precincts and other state election laws. These may conflict with federal considerations.

The addition of new polling places may require that the states provide new balloting machines. There is no funding for this under this measure, and may therefore present the states with an unfunded mandate.

Many of our bases are open bases with free access to civilians. However, some bases are not for national security and/or force protection reasons. It is unclear how this bill would affect those concerns.

In addition, the Department of Defense is opposed to this provision. This provision deserves to be taken through the normal committee process, and not be considered under suspension of the rules.

Most Important: There have been no hearings on this measure. Many questions, such as those above, should be fully investigated through the committee hearing process before this bill is brought to the floor.

A citizen's right to vote is the linchpin of our democracy, therefore nothing should be held in higher regard nor given more deference. This bill should be afforded a full and comprehensive review by the entire Congress through established procedures. Anything short of that is irresponsible and borders on weakening the time-tested foundations of democracy.

Mr. Speaker, I include additional material for the RECORD.

The Department of Defense has a standing policy prohibiting the use of federal, active military and reserve facilities as polling or voting places. The Department believes that the military should not be involved in any way in the electoral process, in order to avoid the possibility or the perception of voter coercion or intimidation by military personnel or a military presence, or the perception that the military has authority over the election process. The principle that the military should remain separated from the electoral process is reflected in existing laws imposing criminal penalties on commanders who station troops or armed men at any place where a special or general election is held, and on members of the Armed Forces who impose regulations on the conduct of such elections or otherwise interfere in any manner with an election officer's discharge of his duties. See 18 U.S.C. 592, 593. Locating polling places on military installations, where a commander's authority is paramount, in inconsistent with DoD policy and runs the risk of exposing military personnel to criminal sanctions.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

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

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for yielding me this time, and also let me thank the gentleman from Maryland (Mr. BARTLETT) for bringing this bill up at this moment.

Mr. Speaker, I am troubled by this legislative proposal. This breaks a long-standing American tradition; and I frankly cannot, will not support this legislation.

Let me quote from the Department of Defense on this bill, and I think they are absolutely correct.

The Department of Defense has a standing policy prohibiting the use of Federal, active military and reserve facilities as polling or voting places. The Department believes that the military should not be involved in any way in the electoral process, in order to avoid the possibility or the perception of voter coercion or intimidation by military personnel or a military presence, or the perception that the military has authority over the election process.

Further,

The principle that the military shall remain separated from the electoral process is reflected in existing laws imposing criminal penalties on commanders who station troops or armed men at any place where a special or general election is held, and on members of the armed forces who impose regulations on the conduct of such elections or otherwise interfere in any manner with an election officer's discharge of his duties.

Let me give an example there if I may, Mr. Speaker. Polling places being held on a military installation such as Fort Leonard Wood in Missouri, military installations, bases or posts by their very nature have men and women under arms; and then, of course, near a polling place would consist of a criminal penalty, and I think that is asking too much of our military personnel to impose that type of restriction and threat on them of having violated a criminal statute.

Further, the Department of Defense states that locating a polling place in military installations where a commander's authority is paramount is inconsistent with the Department of Defense policy, and it runs the risk of exposing military personnel to criminal sanctions, as I just mentioned.

Now, let me point this out, Mr. Speaker: this is a controversial issue at best; and as such we have committees, we have a Committee on Armed Services that I am pleased to be the ranking member thereof and all of us on the committee take our jobs very seriously. I think that a measure such as this should have extensive hearings. Those in favor of it should appear before us and say why they feel as they do and those of us that oppose it will have the opportunity to ask questions and cross-examine the witnesses and hear witnesses who are opposed to it, including those from the Department of Defense. I think it is a violation at least of the process by which controversial legislation is handled in this wonderful body we call the House of Representatives. So consequently, I find that I must and do sincerely oppose this legislation.

Mr. Speaker, at this point in the RECORD I would add a letter from the Department of Defense which outlines in detail their reasons, and there are four of them spelled out.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, October 10, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Administration,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on H.R. 5174, 106th Congress, a bill ''To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.''

The Department of Defense opposes this legislation.

The Department has a longstanding policy prohibiting the use of military installations as polling sites for elections. This policy is based on sound public policy of maintaining strict separation between the military and the political process. The policy of separating the military and partisan politics is critically important to maintaining public support for and confidence in our Armed Forces, as well as maintaining good order and discipline within military ranks.

The principle of separating the military from the political process is also reflected in two federal criminal statutes. 18 U.S.C. §592 provides that:

[W]hoever, being an officer of the Army or Navy, or other person in the civil, military or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined under this title or imprisoned not more than five years or both.

Similarly, 18 U.S.C. §593 subjects members of the Armed Forces to criminal penalties if they ''impose or attempt to impose any regulations for conducting any general or special election in a State, different from those prescribed by law,'' or ''interfere in any manner with an election officer's discharge of his duties.'' Placement of voting sites on military installations in which ''troops or armed men'' are likely to come into close contact with voters is fundamentally incompatible with the concept of maintaining separation between the military and politics.

If enacted, H.R. 5174 would reverse Department of Defense policy by authorizing the use of military installations as polling places. We strongly disagree that it is appropriate for the fundamental political activity of voting to take place at locations that the Department of Defense strives to make politically neutral and nonpartisan. The proposed legislation also would not effectively amend the criminal statutes reference above to relieve military personnel from potential criminal liability. Specifically, the amendments to the criminal statutes proposed in section 1(c) of H.R. 5174 would only clarify that it is not a crime for polling places to be placed on military installations. It would not address at all the placement of troops or armed men at polling places. It would not be practical simply to prohibit military personnel from approaching or entering a polling place on a military installation during voting hours. The commander of a military installation must at all times have complete control over the facilities within his or her authority. It is possible that circumstances could arise that would require a commander to order military personnel to enter a building designated as a polling site if that building is located on a military installation. We believe it is therefore prudent to retain the prohibition on the use of military buildings as polling places.

We recognize that some installations have overlooked the Department's policy on this issue in the past and that some military facilities have been used as polling places in some localities. In some cases, short-term waivers of the policy have been granted if an alternative location could not be identified in time to avoid disruption to an upcoming election. In such cases, local election officials have been advised to designate a new polling place as soon as possible. Furthermore, section 121 of the Military Construction Appropriation Act for Fiscal Year 2001 requires that military facilities that have been used as polling places over recent years must be permitted to be used as polling places for the November election. Enactment of H.R. 5174 is not necessary, therefore, to relieve any possible inconvenience to voters in

the November election resulting from enforcement of the Department of Defense policy.

Finally, we want to point out that our policy does not apply to National Guard armories or other Guard facilities. These buildings are subject to the control of state Governors through their Adjutant Generals, not the Department of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for consideration of the Committee.

Sincerely,

DOUGLAS A. DWORKIN.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume, and I would ask the gentleman from Missouri (Mr. SKELTON) if he might engage in a colloquy with me.

It is my understanding that for a number of years now at certain limited number of our military facilities that there has been voting. If this has been going on, and I am assured that it has, then clearly this is in violation of current law. What this bill, as I understand it, intends to do is to make it possible to continue voting at some of these remote bases and a few reserve bases where this has appeared to be in the best interest of the community.

I would point out that this legislation is entirely permissive. The military can decide that they do not want voting in any of their facilities. I am reading from the bill itself now. It says: ''The secretary of a military department may make a building located on a military installation available, and for the reserve component the language is essentially the same.'' The secretary may make a facility covered by subsection A available for use. They do not have to make it available at all.

My question to the gentleman from Missouri (Mr. SKELTON) is if this has been a practice, and if at some very remote locations where the military facility is just about the only show in town, because it was placed there because of the desire of the military to be very remote so that essentially all of the people in that community are associated with the military, it is my understanding that is predominately the locations where this has been going on, and my question is, if that has been going on and if it was deemed necessary to do that because of a shortage of other places in the community, then why would this totally permissive legislation be objectionable since in all other places the military could exercise its option to not permit voting at all?

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Maryland (Mr. BARTLETT) for his inquiry. Back home in Missouri we have the saying, two wrongs do not make a right. And the fact that they have been doing it, I think, because of the policy of the United States in the past, they have been violating that policy.

Now, this does not apply to National Guard armories, because National Guard armories are State property. There are many places that are available, whether it be schools or private places, sometimes private homes. There are many places and one does not need a military installation to fulfill the opportunity for folks to vote.

Let me say that there are four reasons that the Department of Defense opposes this legislation. There is a long-standing policy prohibiting the use of a military installation as polling sites for elections. This policy is based on sound public policy of maintaining strict separation between the military and the political process.

Similarly, the law, 18 U.S.C. 593, subjects members of the armed forces to criminal penalties if they impose or attempt to impose any regulations for conducting any general or special election in the State different from those prescribed by law.

I think that that is a situation where one may put someone in the armed forces in a very embarrassing and possibly a criminal violation.

Further, the Department of Defense policy, if this were enacted, would reverse the policy by authorizing the use of military installations, and the Department strongly disagrees that it is appropriate for the fundamental political activity of voting to take place on locations that the Department of Defense strives to make politically neutral and nonpartisan.

The proposed legislation would not effectively amend the criminal statutes. It leaves those alone and consequently would subject certain members of the armed forces to criminal violations.

Further, the Department recognizes some installations have overlooked the Department's policy, as the gentleman has pointed out, on this issue in the past and that some military facilities have been used. In some cases short-term waivers of the policy have been granted, and I think there is a short period that a waiver has been established. But I think quite honestly we should not allow this situation where there have been a few folks in violation of this policy, to enlarge itself and become the norm.

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It bothers me a great deal. I just do not think that the military and the political process should get thrown together. Consequently, let us keep them separated. The military is far removed from the political ways of our country, as they should be.

That is why I just, in all good conscience, cannot support this. At best, we have to have a hearing on this. I would like to have the opportunity to cross-examine those who propose it.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I am grateful for the gentleman yielding, and for the opportunity, particularly since I have so much respect for his commitment to all questions that we have dealt with in the Committee on Armed Services.

The issue is an important one. There is a waiver in existence now with respect to the use of the facilities so perhaps we do not find anybody in violation, inadvertently or otherwise. Perhaps this is an issue, although I realize the gentleman is not in the position of advocating the bill this evening.

There should be an opportunity for us to discuss this, then, in committee. I am sure we could take up the pros and cons and maybe talk it out a little bit, and perhaps another solution could be arrived at.

But I have to stand, then, with my original reluctance and at the same time say that even after this colloquy I find myself still in opposition, not necessarily to doing it or finding some other solution, but at this particular time, pending hearings in the House Committee on Armed Services, I ask that it be defeated for the time being, at least.

Mr. BARTLETT of Maryland. Mr. Speaker, I understand the gentleman's concern. I would state that I do not believe it was the intention of this bill to enlarge this practice.

The gentleman mentioned that waivers have been granted. These were in very limited locations, and they were granted because it was felt that voting at the military facility was the only reasonable thing that could be done.

I think the reason for this bill is that we cannot, in a military base, waive law. That is what they were pretending to do. We cannot just waive law. The law now says we cannot do it there. I think what the intent of this bill is is simply for those rare occasions where this needs to be done, that this now puts the commander of the base not in violation of the law when he does a reasonable thing, and that is to permit the people to vote there.

That is my understanding of the bill, and I think that is all that was intended by the bill, was to solve a current problem where those commanders who have waived the law, and I do not think we can waive a Federal statute, they have waived the law and in effect they have been in violation of the law when they have permitted voting in their facility, this now would make them in compliance with the law, because this would say they have the option of doing that if it is appropriate.

The bill makes very clear that this is not appropriate when it violates any of the intent, any of the mission of that facility. It is totally permissive, it is not obligatory in any sense. I believe that I am clearly expressing the intent of the legislation and the desire of the gentleman from California (Mr. THOMAS).

Mr. SKELTON. Mr. Speaker, if the gentleman will continue to yield, I appreciate that statement.

I keep going back to my old Missouri comment: Two wrongs do not make a

right. I am very concerned that should this bill become law it would be permissive, and it would enlarge a practice that really should not have begun to begin with.

So I do not think that we are doing anyone a service here. I think we are doing ourselves a disservice by mixing the military and the political process together. I thank the gentleman for yielding and for taking the bill up at this time.

Mr. BARTLETT of Maryland. Mr. Speaker, I would like to say in closing that Federal law prohibits political activity on any Federal land, including military land.

In Maryland, we can campaign within 100 feet of the polling place. If that polling place were on a military facility, it would be my understanding that we could not campaign within 100 feet of the polling place.

I do not see voting as a partisan political activity, I see it as a patriotic activity. Campaigning for a specific candidate I see as partisan political activity, which I would not think would be appropriate to go on on a military facility.

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

Mr. Speaker, I would like to comment on the last observation of the gentleman from Maryland (Mr. BARTLETT), which I agree with. Unfortunately, I come to a little bit different conclusion this evening. This is one of the reasons why I oppose it at this time, or oppose passage at this time.

I believe voting is a patriotic act. I believe it is an act, if you will, of self-preservation of a democracy, certainly our democracy. Because free speech is so important, I think the gentleman is quite correct in observing that it is unlikely that commanders would like to have political activity, sign-holding, et cetera, very near a polling place if it was in the middle of a base.

I expect different jurisdictions across the Nation have different rules with respect to how close to a voting booth one can actually politic, but nonetheless, it is unlikely that military bases would find themselves easily resolving those kinds of questions.

My point, in conclusion, Mr. Speaker, is that while this is an idea that certainly should receive full discussion and consideration, passing it at this time has not allowed for that. So therefore, again, I reluctantly state my opposition at this time.

Mr. LINDER. Mr. Speaker, I rise in support of the bill H.R. 5174, a bill to help families and communities that support military bases preserve their voting rights.

I have been very concerned with the decision earlier this year by the Department of Defense to not allow voting booths on military facilities, even though many of these facilities are isolated and in remote areas of our country. The Department refers to a law preventing the presence of troops at election sites, something we can all agree is a good law. Mr. Speaker, that law was never intended to prevent local election officials from asking to set up voting booths in order to let military personnel and people in the community vote. The purpose of that old law was to stop intimidation and abuse of the military in elections.

The men and women who support these bases, not only those in the service, have been used to voting at long established voting booths in some of these military owned buildings. Sometimes in these remote communities, the military owns all the buildings suitable to set up a voting booth. It is unfair that we would stop this from continuing since there are no known instances in which this posed a problem or voting infringement by anyone. Frankly, it is just overzealous lawyering at work in the Department. H.R. 5174 sets this straight.

I am especially pleased that H.R. 5174 does not attempt to force some new mission onto the military. It quietly allows voting booths to continue to be set up on these military facilities. It also gives the proper discretion to the military to continue or discontinue this practice. H.R. 5174 allows the military to keep the status quo of providing this service to our servicemen and their supporters while taking away any fear of breaking the law. I support H.R. 5174 because it helps service personnel, their families, and the people who support these isolated bases to continue to exercise their right to vote.

People in the military work hard enough and suffer hardships by living in isolation. We should not be making it harder for them to vote. We should make it easier.

Mr. THOMAS. Mr. Speaker, I rise in support of my bill H.R. 5174, which preserves the voting rights of people in communities who live on or around military bases in remote, rural areas.

Earlier this year the Department of Defense issued a directive that disrupts the traditional role of these bases whose commanders have for years allowed local election officials to set up election voting booths. Lawyers at the Department of Defense have said they are concerned that an old Civil War era law prohibiting troops at election polls could be used to impose criminal sanctions on military personnel who are simply allowing local election officials to set up voting booths. My interest is in protecting those military personnel while allowing the commanders of remote bases to continue to allow the setting up of voting booths. H.R. 5174 does this.

The need to act quickly is great. These bases are sometimes the only facility in a remove and isolated area; indeed, the remoteness is usually what attracted the military to locate the base there in the first place. It is entirely proper that the military should permit these election polls to continue at the commander's discretion. The people in communities that support our military bases sacrifice by living in isolated rural areas. They look to the military for shopping needs at commissaries, recreation needs at rec halls and theaters, and sometimes homes and schools on base. We should not be making it more difficult for them to vote. We should be making it easier.

At the same time, I am very aware that the military must have the final say as to whether an election poll can be permitted on a military base. The very nature of national defense is such that we must not tie the hands of those who are working to protect us. Obviously, many bases, if not most, are sensitive and should not be open to election operations. That is why I have written H.R. 5174 with great care to allow the presence of election polls on military sites, but the discretion to have them is entirely with the military. H.R. 5174 provides a safe harbor by expressly stating that the military may make a building located on a military installation available for use as a polling place in any Federal, State, or local election.

I hope my colleagues will join me in voting for this bill and preserving the tradition of the military in protecting the voting rights of people in communities that support our military facilities.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 5174.

The question was taken.

Mr. BARTLETT of Maryland. 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.

EXPRESSING APPRECIATION FOR U.S. SERVICE MEMBERS ABOARD HMT ROHNA WHEN IT SANK

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 408) expressing appreciation for the United States service members who were aboard the British transport HMT ROHNA when it sank, the families of these service members, and the rescuers of the HMT ROHNA's passengers and crew.

The Clerk read as follows:

H. CON. RES. 408

Whereas on November 26, 1943, a German bomber off the coast of North Africa sunk the British transport HMT ROHNA with a radio-controlled, rocket-boosted bomb;

Whereas 1,015 United States service members and more than 100 British and Allied officers and crewmen perished as a result of the attack;

Whereas hundreds died immediately when the bomb struck and hundreds more died when darkness and rough seas limited rescue efforts;

Whereas many families still do not know the circumstances of the deaths of loved ones who died as a result of the attack;

Whereas more than 900 United States service members survived the attack under extremely adverse circumstances;

Whereas United States, British, and French rescuers worked valiantly to save the passengers and crew who made it off the HMT ROHNA into the sea;

Whereas one United States ship, the USS PIONEER, picked up many of those who were saved;

Whereas because of inadequate record keeping, some survivors of the attack struggled for years to verify the details of the sinking of the HMT ROHNA;

Whereas the men who died as a result of the attack on the HMT ROHNA have been largely forgotten by the Nation; and

Whereas the Congress and the people of the United States have never recognized the bravery and sacrifice of the United States service members who died as a result of the sinking of the HMT ROHNA or the United States service members who survived the sinking and continued to serve the Nation valiantly abroad during the war: Now, therefore, be it

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

(1) the United States service members who died in the sinking of the HMT ROHNA, for the heroic sacrifice they made for freedom and the defense of the Nation;

(2) the United States service members who survived the sinking of the HMT ROHNA, for their bravery in the face of disaster and their subsequent service during the war on behalf of the Nation;

(3) the families of all of these service members; and

(4) the United States, British, and French rescuers, especially the crew of the USS PIONEER, who endangered their lives to save the passengers and crew of the HMT ROHNA.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House undertakes a solemn task. House Concurrent Resolution 408 remembers the loss of 1,015 American soldiers who died when the British troop transport ship HMT ROHNA was tragically sunk off the coast of North Africa on November 26, 1943, during World War II. This resolution recognizes that the sinking of the ROHNA was a major catastrophic event of World War II.

Mr. Speaker, this recognition is long overdue. We owe recognition to the men who gave their lives that day. We owe recognition to the men who survived the sinking and went on to fight bravely in the China-Burma-Indian theater and other combat theaters.

We owe recognition to the families of both groups of men. The high price paid by families is often made worse by the absence of information about their loss caused by the demands for secrecy during war. The sinking of the ROHNA was just such a case. Many of the families of those killed were not aware of the details of the sinking until recently. When they asked for more information, they found that there were very few records available.

Mr. Speaker, House Concurrent Resolution 408 puts the sinking of the ROHNA in proper perspective by outlining the details of the attack and rescue. The resolution then expresses the gratitude of the Congress and all Americans, recognizing the sacrifices of the men who died and the men who survived the horror of the sinking and went on to carry the fight to the enemy in other battles.

The resolution also thanks the family members of both groups of officers for the sacrifice of their loved ones in the defense of freedom.

Finally, the resolution thanks the crews of the U.S. French and British ships that endangered their lives to save the survivors of the ROHNA.

Mr. Speaker, the sinking of the ROHNA was a horrific event that America must not overlook any longer. We owe this recognition to the men, both living and dead, who suffered during this disaster. They and their families deserve better. I urge my colleagues to vote yes on House Concurrent Resolution 408.

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

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

Mr. Speaker, I would like to echo the comments of the gentleman from Maryland (Mr. BARTLETT) with respect to this resolution.

Mr. Speaker, I join in support of the resolution introduced by my colleague, Mr. METCALF, in expressing the appreciation of the United States to those who were aboard the British transport H.M.T. *Rohna* during World War II.

According to the limited data available, the H.M.T. *Rohna* was transporting American troops and Red Cross workers to Bombay, India, for the China-Burma-India Theater of war. On November 26, 1943, during an air attack, a German bomber launched a guided missile, which sunk the British transport. One thousand, one hundred and thirty eight individuals died as a result of the attack, including one thousand and fifteen American troops. The attack of the H.M.T. *Rohna* was one of the greatest losses of lives during World War II.

Much of the details surrounding the sinking of the H.M.T. *Rohna* are still unavailable. What is known is that more than nine hundred service members survived the attack, because of the brave and heroic actions of the U.S.S. *Pioneer* crew, who rescued many of the survivors. However, it was not until 1995, over fifty years later, a group of survivors, next-of-kin, and rescuers, came together to recognize this historical tragedy.

The resolution before the House today recognizes this devastating disaster and expresses the appreciation of the Congress to the service members who died in the sinking of the H.M.T. *Rohna* for their ultimate sacrifice in defense of our country, expresses admiration of the survivors and the families for their bravery and courage in brining attention to this catastrophe, and acknowledges the efforts of the United States, British and French rescuers, especially the crew of the U.S.S. *Pioneer*, to save the passengers and crew of the H.M.T. *Rohna*.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, it is a great pleasure for me to be on the floor with the gentleman from Washington (Mr. METCALF) this evening in recognition of his work in this area.

I want to express to him that it does not surprise me in the least, having gotten to know him over the past few years, that he is concentrating on making sure that those who had not been recognized are given the attention that they deserve.

I think it expresses the kind of person that the gentleman from Washington is, and I, for one, will miss the contributions that he has made, and I am sure will continue to make to this Nation and to his community.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to state my friendship for the gentleman from Washington, my respect for him, and I regret the fact that he has decided to retire and leave us. We will be diminished by the fact that he no longer serves his constituents and the country.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. METCALF), the author of this bill.

Mr. METCALF. Mr. Speaker, I thank the gentleman from Maryland for yielding time to me, and for his gracious words, and I thank the gentleman from Hawaii for his kind words.

Mr. Speaker, I would like to express my deep gratitude to the gentleman from South Carolina (Chairman SPENCE) and ranking member, the gentleman from Missouri (Mr. SKELTON), for working with me to move this resolution to the floor.

Michael Higgins, the Committee on Armed Services staff, was especially helpful, and I appreciate his efforts.

The greatest naval disaster for the United States during World War II was the sinking of the Arizona, when 1,077 were killed. The Arizona has properly been memorialized in the national consciousness.

On November 26, 1943, there was a loss of American military personnel of almost identical magnitude when the British troop transport ship HMT ROHNA was sunk by a radio-controlled rocket-boosted bomb launched from a German bomber off the coast of North Africa.

By the next day, 1,015 American troops and more than 100 British and allied officers and crewmen had perished, but the U.S. troops aboard the ROHNA have been largely forgotten by the country. It was not publicized at the time at all. Hundreds died immediately when the missile struck. The majority died from exposure and drowning when darkness and rough

seas limited rescue efforts. Over 900 did survive.

British, American, and French rescuers worked valiantly to save those ROHNA passengers and crew who made it off the ship into the ocean, and of course a lot of them did not make it off the ship. One of them, the U.S.S. Pioneer, picked up two-thirds of all those who were saved, 606 GIs. Many of those in the water had to endure hours and hours of chilling temperature before being picked up. As the evening moved into the middle of the night and early morning hours, some men were speechless from the cold. Many died deaths of terrible agony.

The United States government had not properly acknowledged this event because inadequate records were kept. Some survivors had to fight for years to prove that the ROHNA even existed, let alone that survivors might be due some recognition.

At a 1996 memorial dedication honoring Americans who died on the ROHNA, survivor John Fievet spoke the following words:

I dedicate this memorial to the memory of those who fell in the service of our country. I dedicate it in the names of those who offered their lives that justice, freedom, and democracy might survive to be the victorious ideals of the world. The lives of those who made the supreme sacrifice are glorious before us. Their deeds are an inspiration; as they served America in time of war . . . yielding their last full measure of devotion, may we serve America in time of peace. . . . I dedicate this monument to them, and with it, I dedicate this society to the faithful service of our country and to the preservation of the memory of those who died, that liberty might live.

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The men who gave their lives for their country on board this ship were heroes who deserve to be recognized as such and not forgotten. The parents of virtually all of them died without ever learning how their sons had died. Their brothers, sisters and wives and children need to hear their story. All Americans need to learn of their bravery and sacrifice. Not only do the victims of the tragic sinking need to be honored, but also their comrades who survived to be sent to the Burma-China-India theater of the war and to serve valiantly there.

On November 11, 1993, Charles Osgood featured the Rohna's story on his widespread radio program. For the first time, a broad cross-section of America got to hear the story of some of its unknown warriors. Osgood revisited the subject 2 weeks later. According to Osgood, and I quote, ''It is not that we forgot, it's just that we never knew.''

Americans need to know about the Rohna. They need to know about the men who died when the Rohna was sunk, sacrificing their lives in the fight against tyranny. Americans need to know and not to forget. I did not know anything about this until a brother of one of the men who died on the Rohna came to me and told me about it and asked me to get involved.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 408.

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

A motion to reconsider was laid on the table.

PROMOTION OF ADOPTION OF MILITARY WORKING DOGS

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5314) to require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs, as amended.

The Clerk read as follows:

H.R. 5314

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

SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2582. Military working dogs: transfer and adoption at end of useful working life

''(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense shall make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

''(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

''(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

''(d) CONSIDERATION.—The Secretary may authorize the transfer a military working dog under this section without charge to the recipient.

''(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

''(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2582. Military working dogs: transfer and adoption at end of useful working life.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. 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. 5314, as amended.

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

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a few weeks ago, an article was brought to my attention regarding the plight of one of our finest soldiers, the military working dog. The article delineated the Department of Defense policy regarding the fate of these valiant dogs after completion of service to their country.

I learned that military working dogs remain in their assigned unit until they are 8 to 10 years old. Unfortunately, as the situation currently stands, there is no easy solution for these loyal dogs after their body is no longer able to sustain the workload of their mission.

At this point, the future becomes bleak. In a best-case scenario, the dogs are sent back to Lackland Air Force base, their original training school, where they are used to instruct their human counterparts to become handlers after they have served this final duty, they are kenneled for an undetermined amount of time, and then put down.

In some instances, military working dogs are caged as long as a year until they meet their final outcome. Equally as sad, if no kennel space is available, the less fortunate are terminated directly upon arrival to Lackland.

After learning about the bleak future of military working dogs, not only did

I become concerned for their final treatment, but I was also troubled by the fact that they were robbed of a quiet retirement. Why? Simply because the DOD policy prohibits the adoption of retired military dogs even by their handlers.

My colleagues may be familiar with the plight of Robby, a professional military working dog. As an 11-year-old Belgian Malinois, he is no longer deployable. Suffering from missing teeth and arthritis, his ability to work at full capacity has been hindered.

Common sense would say that Robby could now retreat to a quiet existence. On the contrary, Robby is to report to Lackland Air Force Base for one final deployment. Sadly, he will be caged and eventually euthanized.

Last week I had the opportunity to meet Robby. I was able to pet Robby through the cage when I initially arrived. As a 3-time Pentagon champion, his body is showing the wear of a full military career. It was obvious to me that Robby is a dog who has faithfully served his country; however, now his physical body is failing to the point that he is hardly able to perform minimal responsibility necessary for completing his mission.

It was also obvious to me that Robby has a special bond with his handler. Understandably so, as the two spent several years working side by side. The level of trust maintained between the two while in the line of duty is still present today.

Robby's handler would like to spare his life through an adoption by either himself or another handler; however, the DOD would not allow it. In light of seeing Robby and his handler together, I feel that DOD's prohibition on handler adoption is pointlessly tragic.

I feel, despite the dog's deteriorating health, he could still have the opportunity to experience the comforts and joys of normal companionship. Disallowing a handler the option to adopt their canine partner runs contrary to normal logic. Why should military working dogs be kept from a calm existence upon retirement when the only other alternative is more work before a final death?

Upon further research, I learned that the 1949 Federal Property and Administrative Services Act enacted after World War II reclassified military working dogs as equipment. According to the military mentality, any piece of equipment no longer operable becomes a hardship to the unit and must be disposed of.

In 1997, the Federal Property and Administrative Services Act was amended. At that time the act was altered to permit Federal dog handlers, such as those in the Drug Enforcement Administration, to adopt their aging canine partners. Oddly enough, the Department of Defense canine partners were the only Federal canine group not to be included in the modification.

Again, I ask the question, why? Are these worthy canines any less deserving than people of living out the remainder of their days than other Federal working dogs? Clearly not.

The bill I bring before the House today, H.R. 5314, makes the adoption of a retired military working dog a reality for the handler. I have labored hard to ensure that the language was constructed at the best vantage point for all parties involved. The decision to allow a handler to adopt their partner rests on the shoulders of those who know the dog best, the dog's last unit commander and the last unit veterinarian.

Made on a dog-by-dog basis, the commander and veterinarian are obligated to give their consent before the adoption process can move forward. Furthermore, H.R. 5314 provides an additional safeguard at the Federal level. Upon receipt of the dog, the adopt handler waives all liability against the Federal Government.

H.R. 5314 will effectively accomplish two goals. It offers the DOD a solution to their dilemma of maintaining aging canines and lifts the restriction that prohibits the adoption of military working dogs. Former dog handlers, individuals with comparable experience, or law enforcement agencies will be able to provide a loving home for such deserving animals.

Through the passage of this legislation, not only will the military working dog be taken from caged status, but also the dog will be given the opportunity for a positive home environment. I know my colleagues will agree that after a lifetime of service, there could be no better reward for both dog and handler.

In closing, H.R. 5314 has been endorsed by the Humane Society of the United States, the American Veterinary Medical Association, the Society for Animal Protective Legislation, the Doris Day Animal Rights League, and the American Society of the Prevention of Cruelty to Animals. Please join me in passing this positive measure which is a win-win solution for dog handler and the Department of Defense.

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

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

Mr. Speaker, I can hardly add to the compelling case that the gentleman from Maryland (Mr. BARTLETT) has made.

Mr. Speaker, I would like to say that, as was mentioned by the gentleman from Washington (Mr. METCALF), I wanted to make a statement that it does not surprise me that this legislation would be put forward by the gentleman from Maryland (Mr. BARTLETT).

If there is anyone in the Congress who carries through on his convictions, if there is anyone who is looking out for those who cannot speak for themselves, in this instance most assuredly so, it is the gentleman from Maryland (Mr. BARTLETT); and I am quite proud to be able to be here this evening and to be able to support his legislation.

I had no idea and I doubt if any other Member in the body had any idea that this was, in fact, the case, that working dogs in the military would be put down when they were no longer thought to be useful. And I must say in conclusion, that it just seemed perfectly natural to me when the gentleman from Maryland (Mr. BARTLETT) came up and asked for my support that he would be leading the charge on this particular piece of legislation.

It is a pleasure to be working with him and to have the opportunity to join with him in supporting this bill.

Mr. Speaker, I rise in support of H.R. 5314, introduced by my friend and Armed Services Committee colleague, Mr. ROSCOE BARTLETT. The bill before the House today would terminate the Department of Defense policy of putting down aging military working dogs and provide for their adoption

Currently, there is no policy to allow these elderly dogs to be retired and transferred to an individual or private entity that could provide appropriate care for these aging dogs.

H.R. 5314 would address this unfortunate situation and allow elderly military working dogs to be adopted by law enforcement agencies, former handlers, and other persons capable of humanely caring for these fine animals. The bill also includes a provision that limits the Federal Government's liability in cases where a former military working dog is transferred.

H.R. 5314 allows the commander of the individual dog's unit to decide whether a particular military working dog is suitable for adoption. This will afford military working dogs the same treatment given to those dogs who serve on our community police forces, and allow military working dogs to retire and enjoy the last few years of their life.

Mr. Speaker, I urge my colleagues to support this measure.

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

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for his very kind remarks. I thank him very much for the comments.

Mr. Speaker, now I would like to thank Mr. Philip Grone of our Committee on Armed Services for his considerable help. We had to spend a number of hours working out the details of this language to make sure that it was satisfactory to DOD in assuring them that they had no liability as a result of adopting these dogs out.

This legislation would not have been possible without the considerable help of Mr. Philip Grone, and I am very appreciative of that help.

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 5314, 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 amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.''

A motion to reconsider was laid on the table.

POSTHUMOUS PROMOTION OF WILLIAM CLARK TO GRADE OF CAPTAIN

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3621) to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

The Clerk read as follows:

H.R. 3621

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

SECTION 1. POSTHUMOUS PROMOTION OF WILLIAM CLARK, CO-LEADER OF THE LEWIS AND CLARK EXPEDITION, TO THE GRADE OF CAPTAIN IN THE REGULAR ARMY.

(a) POSTHUMOUS PROMOTION.—William Clark, of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition of 1804–1806, shall be deemed for all purposes to have held the grade of captain, rather than lieutenant, in the Regular Army, effective as of March 26, 1804, and continuing until his separation from the Army on February 27, 1807.

(b) PROHIBITION OF BENEFITS.—No person is entitled to any bonus, gratuity, pay, or allowance because of the provisions of subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. 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. 3621.

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

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House has a rare opportunity to correct a long-standing injustice and blemish in our Nation's history.

H.R. 3621 would authorize the posthumous promotion of William Clark, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

William Clark played a pivotal role in the expedition to explore the Missouri River chartered by President Thomas Jefferson. He shared command of the exploration party known as the Corps of Discovery with Captain Meriweather Lewis.

In fact, Captain Lewis had hand-picked William Clark to jointly command the expedition team with him. Captain Lewis believed he was conveying the promise to the United States Government and the Army when he offered William Clark an appointment in the grade of captain. Unfortunately, the Army was unable to make a place for William Clark as a captain, and he was confirmed by the Senate as a lieutenant.

The fact that William Clark was not appointed a captain was the source of great embarrassment and disappointment to Captain Lewis. His response was to treat William Clark as a co-commander of the expedition, with equal authority.

In fact, the two agreed at Captain Lewis' insistence that the members of the Corps of Discovery and any others that came in contact with the expedition would only know William Clark as a captain and co-commander. As a result, all the documentation dealing with the expedition and the Corps Discovery refer to Captain William Clark.

For all practical purposes, William Clark deserved equal billing with Captain Lewis. He performed superbly as co-commander throughout the expedition and was a respected leader.

William Clark played a key role and contributed immeasurably to the history-making exploration of the Missouri River that paved the way for the expansion of the United States westward.

William Clark's place in history is secure. The only thing left to do is remove the cloud of uncertainty concerning his appointment as a captain.

Mr. Speaker, I commend the author of H.R. 3621, the gentleman from Nebraska (Mr. BEREUTER), for bringing this issue to the attention of the House. His commitment to this issue again proves that it is never too late to do the right thing.

Mr. Speaker, William Clark earned the privilege to be called captain and the records of our Nation should document that honor. I urge my colleagues to vote yes on H.R. 3621.

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

2200

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

Mr. Speaker, I think the gentleman from Maryland (Mr. BARTLETT) has provided the background, and I suspect there will be some further commentary by the introducer of the bill.

Mr. Speaker, I rise in support of H.R. 3621, introduced by Mr. DOUG BEREUTER, which would provide for the posthumous promotion of William Clark to the grade of captain in the Regular Army.

William Clark was the coleader with Meriwether Lewis of the ''Corps of Discovery'', a military and scientific expedition to the Pacific Northwest from 1804 to 1806. This expedition provided vast information on the resources of the West and encouraged further exploration and settlement.

In 1792, William Clark became an officer in the regular army and fought in the battle of Fallen Timbers. In 1803, Clark accepted an invitation to serve as coleader of the ''Corps of Discovery''. He spent several months studying astronomy and map-making, and traveled with Meriwether Lewis down the Ohio River to Wood River, Illinois, where they made the final preparations for their expedition across America.

Upon his return from the expedition, William Clark continued his outstanding service to this nation. In 1807, President Thomas Jefferson appointed him principal Indian Agent for the Louisiana Territory and brigadier general of its militia, which he held until 1813, when he became governor of the newly formed Missouri Territory.

As we begin celebrations recognizing the 200th anniversary of the Corps of Discovery, it is fitting that we acknowledge the contributions of William Clark and provide him with a posthumous promotion to Captain.

Mr. Speaker, I urge my colleagues to support this measure.

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

Mr. BARTLETT of Maryland. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the author of the bill.

Mr. BEREUTER. Mr. Speaker, I am pleased to rise today in support of H.R. 3621, a legislation this Member introduced to correct a nearly 200-year-old error. I thank the gentleman for yielding me this time.

This Member would also like to thank the distinguished gentleman from South Carolina (Chairman SPENCE) for his assistance in moving this bill forward, and the distinguished gentleman from Indiana (Mr. BUYER), chairman of the Subcommittee on Military Personnel for his cooperation.

I also want to express my appreciation to the distinguished gentleman from Missouri (Mr. SKELTON), the ranking minority member of the committee, for his continuing support on this effort and for his cosponsorship of the resolution.

The gentleman from Maryland (Mr. BARTLETT) has given us an important part of the background on this issue. As we approach the bicentennial of the Lewis and Clark Expedition, it is important to formally recognize the role of William Clark by posthumously awarding him the rank of captain which he had been promised.

The legislation we are considering today, H.R. 3621, states that William

Clark ''shall be deemed for all purposes to have held the grade of captain, rather than lieutenant, in the Regular Army, effective as of March 26, 1804, and continuing until his separation from the Army on February 27, 1807.'' This Member urges my colleagues to support H.R. 3621 and help correct an error that has persisted for nearly two centuries.

Although most people consider Meriwether Lewis and William Clark to be of equal rank due to their shared command of the expedition, the fact is that Clark remained a lieutenant despite an earlier promise by President Jefferson that he would be commissioned as a captain. In fact, Captain Lewis treated William Clark as a coequal leader of the Corps of Discovery throughout the expedition; and in all probability, the men assumed that their leaders held the rank of captain, both of them.

Stephen Ambrose, in his outstanding book ''Undaunted Courage,'' gives a detailed and well-documented description of the events that resulted in the diminished rank for Clark. Despite the clearly stated intentions by President Jefferson and Lewis, a number of actions denied Clark his rightful rank. Nevertheless, Clark served his country admirably and emerged, along with Lewis, a true American hero for all time.

The approaching bicentennial of this extraordinarily important expedition provides the United States of America an excellent opportunity to correct this oversight and elevate Clark to his rightful rank. This Member has fully investigated this issue with the U.S. Army and finds that introducing this legislation is the proper course to follow without setting inappropriate precedent. A similar legislative action was taken to promote George Washington in rank posthumously in 1978.

As a footnote, Members may be interested to know that there is no cost associated with H.R. 3621 as the legislation prohibits any person from collecting any bonus, gratuity, pay or allowance because of the posthumous promotion. This legislation simply gives Lieutenant William Clark the promotion to Captain promised by President Jefferson before the Lewis and Clark expedition began.

Retired General Gordon R. Sullivan on behalf of the Association of the United States Army applauded this legislation and pledged their support.

Mr. Speaker, in closing, I would say this, William Clark served our country admirably, with great courage and leadership skills, and emerged, along with Meriwether Lewis, as a true American hero for all times. As a cochairman of the House Lewis and Clark Caucus and a former Army officer, this Member believes that this legislation is a matter in which the Congress should act.

Therefore, I urge my colleagues to support H.R. 3621. It is the right thing to do, even now.

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

Mr. Speaker, there are no further requests for time on this side. I would like to close simply by observing that I have had the opportunity, the good fortune, I might say, through the auspices of the ranking minority member, to have conversations, with some other Members, with Mr. Ambrose, the author. I, just by way of observation, hope that, when this passes, as I am sure it will unanimously, that perhaps we could see to it that a copy of the resolution in some appropriate form be sent to him. I am sure he would find it interesting and a nice, not conclusion, certainly, but certainly an addition to the interest that Mr. Ambrose induced in the Nation with the publication of his book on the expedition.

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

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 3621.

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.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report to accompany the bill, H.R. 4392.

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

There was no objection.

GRAIN STANDARDS AND WAREHOUSE IMPROVEMENT ACT OF 2000

Mr. BARRETT of Nebraska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4788) to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act, as amended.

The Clerk read as follows:

H.R. 4788

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Grain Standards and Warehouse Improvement Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—GRAIN STANDARDS

Sec. 101. Sampling for export grain.
Sec. 102. Geographic boundaries for official agencies.
Sec. 103. Authorization to collect fees.
Sec. 104. Testing of equipment.
Sec. 105. Limitation on administrative and supervisory costs.
Sec. 106. Licenses and authorizations.
Sec. 107. Grain additives.
Sec. 108. Authorization of appropriations.
Sec. 109. Advisory committee.
Sec. 110. Conforming amendments.
Sec. 111. Special effective date for certain expired provisions.

TITLE II—WAREHOUSES

Sec. 201. Storage of agricultural products in warehouses.
Sec. 202. Regulations.

TITLE I—GRAIN STANDARDS

SEC. 101. SAMPLING FOR EXPORT GRAIN.

Section 5(a)(1) of the United States Grain Standards Act (7 U.S.C. 77(a)(1)) is amended by striking ''(on the basis'' and all that follows through ''from the United States)''.

SEC. 102. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) INSPECTION AUTHORITY.—Section 7(f) of the United States Grain Standards Act (7 U.S.C. 79(f)) is amended by striking paragraph (2) and inserting the following:

''(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Not more than 1 official agency designated under paragraph (1) or State delegated authority under subsection (e)(2) to carry out the inspection provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

''(A) allow more than 1 designated official agency to carry out inspections within the same geographical area as part of a pilot program; and

''(B) allow a designated official agency to cross boundary lines to carry out inspections in another geographic area if the Secretary also determines that—

''(i) the current designated official agency for that geographic area is unable to provide inspection services in a timely manner;

''(ii) a person requesting inspection services in that geographic area has not been receiving official inspection services from the current designated official agency for that geographic area; or

''(iii) a person requesting inspection services in that geographic area requests a probe inspection on a barge-lot basis.''.

(b) WEIGHING AUTHORITY.—Section 7A(i) of the United States Grain Standards Act (7 U.S.C. 79a(i)) is amended—

(1) by striking ''(i) No'' and inserting the following:

''(i) UNAUTHORIZED WEIGHING PROHIBITED.—

''(1) IN GENERAL.—No'';

(2) by striking the second sentence; and

(3) by adding at the end the following:

''(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Not more than 1 designated official agency referred to in paragraph (1) or State agency delegated authority pursuant to subsection (c)(2) to carry out the weighing provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the

Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

''(A) allow more than 1 designated official agency to carry out the weighing provisions within the same geographical area as part of a pilot program; and

''(B) allow a designated official agency to cross boundary lines to carry out the weighing provisions in another geographic area if the Secretary also determines that—

''(i) the current designated official agency for that geographic area is unable to provide the weighing services in a timely manner; or

''(ii) a person requesting weighing services in that geographic area has not been receiving official weighing services from the current designated official agency for that geographic area.''.

SEC. 103. AUTHORIZATION TO COLLECT FEES.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j)(4) of the United States Grain Standards Act (7 U.S.C. 79(j)(4)) is amended in the first sentence by striking ''2000'' and inserting ''2005''.

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l)(3) of the United States Grain Standards Act (7 U.S.C. 79a(l)(3)) is amended in the first sentence by striking ''2000'' and inserting ''2005''.

SEC. 104. TESTING OF EQUIPMENT.

Section 7B(a) of the United States Grain Standards Act (7 U.S.C. 79b(a)) is amended in the first sentence by striking ''but at least annually and''.

SEC. 105. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking ''2000'' and inserting ''2005''; and

(2) by striking ''40 per centum'' and inserting ''30 percent''.

SEC. 106. LICENSES AND AUTHORIZATIONS.

Section 8(a)(3) of the United States Grain Standards Act (7 U.S.C. 84(a)(3)) is amended by inserting ''inspection, weighing,'' after ''laboratory testing,''.

SEC. 107. GRAIN ADDITIVES.

Section 13(e)(1) of the United States Grain Standards Act (7 U.S.C. 87b(e)(1)) is amended by inserting '', or prohibit disguising the quality of grain,'' after ''sound and pure grain''.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking ''2000'' and inserting ''2005''.

SEC. 109. ADVISORY COMMITTEE.

Section 21(e) of the United States Grain Standards Act (7 U.S.C. 87j(e)) is amended by striking ''2000'' and inserting ''2005''.

SEC. 110. CONFORMING AMENDMENTS.

(a) OBSOLETE STUDIES AND REPORTS.—Section 8 of the United States Grain Standards Act of 1976 (7 U.S.C. 79 note; Public Law 94–582) is amended—

(1) by striking ''(a)''; and

(2) by striking subsection (b).

(b) TEMPORARY AUTHORITIES AND STUDY.—Sections 23, 24, and 25 of the United States Grain Standards Act of 1976 (7 U.S.C. 87e–1, 7 U.S.C. 76 note; Public Law 94–582) are repealed.

(c) TRANSITIONAL PROVISION.—Section 27 of the United States Grain Standards Act of 1976 (7 U.S.C. 74 note; Public Law 94–582) is amended by striking ''; and thereafter'' and all that follows and inserting a period.

SEC. 111. SPECIAL EFFECTIVE DATE FOR CERTAIN EXPIRED PROVISIONS.

The amendments made by sections 103, 105, 108, and 109 shall take effect as if enacted on September 30, 2000.

TITLE II—WAREHOUSES

SEC. 201. STORAGE OF AGRICULTURAL PRODUCTS IN WAREHOUSES.

The United States Warehouse Act (7 U.S.C. 241 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'United States Warehouse Act'.

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) AGRICULTURAL PRODUCT.—The term 'agricultural product' means an agricultural commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

''(2) APPROVAL.—The term 'approval' means the consent provided by the Secretary for a person to engage in an activity authorized by this Act.

''(3) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

''(4) ELECTRONIC DOCUMENT.—The term 'electronic document' means a document that is generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

''(5) ELECTRONIC RECEIPT.—The term 'electronic receipt' means a receipt that is authorized by the Secretary to be issued or transmitted under this Act in the form of an electronic document.

''(6) HOLDER.—The term 'holder' means a person that has possession in fact or by operation of law of a receipt or any electronic document.

''(7) PERSON.—The term 'person' means—

''(A) a person (as defined in section 1 of title 1, United States Code);

''(B) a State; and

''(C) a political subdivision of a State.

''(8) RECEIPT.—The term 'receipt' means a warehouse receipt issued in accordance with this Act, including an electronic receipt.

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

''(10) WAREHOUSE.—The term 'warehouse' means a structure or other approved storage facility, as determined by the Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

''(11) WAREHOUSE OPERATOR.—The term 'warehouse operator' means a person that is lawfully engaged in the business of storing or handling agricultural products.

''SEC. 3. POWERS OF SECRETARY.

''(a) IN GENERAL.—The Secretary shall have exclusive power, jurisdiction, and authority, to the extent that this Act applies, with respect to—

''(1) each warehouse operator licensed under this Act;

''(2) each person that has obtained an approval to engage in an activity under this Act; and

''(3) each person claiming an interest in an agricultural product by means of a document or receipt subject to this Act.

''(b) COVERED AGRICULTURAL PRODUCTS.—The Secretary shall specify, after an opportunity for notice and comment, those agricultural products for which a warehouse license may be issued under this Act.

''(c) INVESTIGATIONS.—The Secretary may investigate the storing, warehousing, classifying according to grade and otherwise, weighing, and certifying of agricultural products.

''(d) INSPECTIONS.—The Secretary may inspect or cause to be inspected any person or warehouse licensed under this Act and any warehouse for which a license is applied for under this Act.

''(e) SUITABILITY FOR STORAGE.—The Secretary may determine whether a licensed warehouse, or a warehouse for which a license is applied for under this Act, is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse.

''(f) CLASSIFICATION.—The Secretary may classify a licensed warehouse, or a warehouse for which a license is applied for under this Act, in accordance with the ownership, location, surroundings, capacity, conditions, and other qualities of the warehouse and as to the kinds of licenses issued or that may be issued for the warehouse under this Act.

''(g) WAREHOUSE OPERATOR'S DUTIES.—Subject to the other provisions of this Act, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this Act with respect to the warehouse operator's care of and responsibility for agricultural products stored or handled by the warehouse operator.

''(h) SYSTEMS FOR ELECTRONIC CONVEYANCE.—

''(1) REGULATIONS GOVERNING ELECTRONIC SYSTEMS.—Except as provided in paragraph (2), the Secretary may promulgate regulations governing 1 or more electronic systems under which electronic receipts may be issued and transferred and other electronic documents relating to the shipment, payment, and financing of the sale of agricultural products may be issued or transferred.

''(2) LIMITATIONS.—The Secretary shall not have the authority under this Act to establish—

''(A) 1 or more central filing systems for the filing of financing statements or the filing of the notice of financing statements; or

''(B) rules to determine security interests of persons affected by this Act.

''(i) EXAMINATION AND AUDITS.—In addition to the authority provided under subsection (l), on request of the person, State agency, or commodity exchange, the Secretary may conduct an examination, audit, or similar activity with respect to—

''(1) any person that is engaged in the business of storing an agricultural product that is subject to this Act;

''(2) any State agency that regulates the storage of an agricultural product by such a person; or

''(3) any commodity exchange with regulatory authority over the storage of agricultural products that are subject to this Act.

''(j) LICENSES FOR OPERATION OF WAREHOUSES.—The Secretary may issue to any warehouse operator a license for the operation of a warehouse in accordance with this Act if—

''(1) the Secretary determines that the warehouse is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse; and

''(2) the warehouse operator agrees, as a condition of the license, to comply with this Act (including regulations promulgated under this Act).

''(k) LICENSING OF OTHER PERSONS.—

''(1) IN GENERAL.—On presentation of satisfactory proof of competency to carry out the activities described in this paragraph, the Secretary may issue to any person a Federal license—

''(A) to inspect any agricultural product stored or handled in a warehouse subject to this Act;

''(B) to sample such an agricultural product;

''(C) to classify such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product; or

''(D) to weigh such an agricultural product and certify the weight of the agricultural product.

''(2) CONDITION.—As a condition of a license issued under paragraph (1), the licensee shall

agree to comply with this Act (including regulations promulgated under this Act).

''(l) EXAMINATION OF BOOKS, RECORDS, PAPERS, AND ACCOUNTS.—The Secretary may examine and audit, using designated officers, employees, or agents of the Department, all books, records, papers, and accounts relating to activities subject to this Act of—

''(1) a warehouse operator operating a warehouse licensed under this Act;

''(2) a person operating a system for the electronic recording and transfer of receipts and other documents authorized by the Secretary; or

''(3) any other person issuing receipts or electronic documents authorized by the Secretary under this Act.

''(m) COOPERATION WITH STATES.—The Secretary may—

''(1) cooperate with officers and employees of a State who administer or enforce State laws relating to warehouses, warehouse operators, weighers, graders, inspectors, samplers, or classifiers; and

''(2) enter into cooperative agreements with States to perform activities authorized under this Act.

''SEC. 4. IMPOSITION AND COLLECTION OF FEES.

''(a) IN GENERAL.—The Secretary shall assess persons covered by this Act fees to cover the costs of administering this Act.

''(b) RATES.—The fees under this section shall be set at a rate determined by the Secretary.

''(c) TREATMENT OF FEES.—All fees collected under this section shall be credited to the account that incurs the costs of administering this Act and shall be available to the Secretary without further appropriation and without fiscal year limitation.

''(d) INTEREST.—Funds collected under this section may be deposited in an interest-bearing account with a financial institution, and any interest earned on the account shall be credited under subsection (c).

''(e) EFFICIENCIES AND COST EFFECTIVENESS.—

''(1) IN GENERAL.—The Secretary shall seek to minimize the fees established under this section by improving efficiencies and reducing costs, including the efficient use of personnel to the extent practicable and consistent with the effective implementation of this Act.

''(2) REPORT.—The Secretary shall publish an annual report on the actions taken by the Secretary to comply with paragraph (1).

''SEC. 5. QUALITY AND VALUE STANDARDS.

''If standards for the evaluation or determination of the quality or value of an agricultural product are not established under another Federal law, the Secretary may establish standards for the evaluation or determination of the quality or value of the agricultural product under this Act.

''SEC. 6. BONDING AND OTHER FINANCIAL ASSURANCE REQUIREMENTS.

''(a) IN GENERAL.—As a condition of receiving a license or approval under this Act (including regulations promulgated under this Act), the person applying for the license or approval shall execute and file with the Secretary a bond, or provide such other financial assurance as the Secretary determines appropriate, to secure the person's performance of the activities so licensed or approved.

''(b) SERVICE OF PROCESS.—To qualify as a suitable bond or other financial assurance under subsection (a), the surety, sureties, or financial institution shall be subject to service of process in suits on the bond or other financial assurance in the State, district, or territory in which the warehouse is located.

''(c) ADDITIONAL ASSURANCES.—If the Secretary determines that a previously approved bond or other financial assurance is insufficient, the Secretary may suspend or revoke the license or approval covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as the Secretary determines appropriate.

''(d) THIRD PARTY ACTIONS.—Any person injured by the breach of any obligation arising under this Act for which a bond or other financial assurance has been obtained as required by this section may sue with respect to the bond or other financial assurance in a district court of the United States to recover the damages that the person sustained as a result of the breach.

''SEC. 7. MAINTENANCE OF RECORDS.

''To facilitate the administration of this Act, the following persons shall maintain such records and make such reports, as the Secretary may by regulation require:

''(1) A warehouse operator that is licensed under this Act.

''(2) A person operating a system for the electronic recording and transfer of receipts and other documents that are authorized under this Act.

''(3) Any other person engaged in the issuance of electronic receipts or the transfer of documents under this Act.

''SEC. 8. FAIR TREATMENT IN STORAGE OF AGRICULTURAL PRODUCTS.

''(a) IN GENERAL.—Subject to the capacity of a warehouse, a warehouse operator shall deal, in a fair and reasonable manner, with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product—

''(1) is of the kind, type, and quality customarily stored or handled in the area in which the warehouse is located;

''(2) is tendered to the warehouse operator in a suitable condition for warehousing; and

''(3) is tendered in a manner that is consistent with the ordinary and usual course of business.

''(b) ALLOCATION.—Nothing in this section prohibits a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

''SEC. 9. COMMINGLING OF AGRICULTURAL PRODUCTS.

''(a) IN GENERAL.—A warehouse operator may commingle agricultural products in a manner approved by the Secretary.

''(b) LIABILITY.—A warehouse operator shall be severally liable to each depositor or holder for the care and redelivery of the share of the depositor and holder of the commingled agricultural product to the same extent and under the same circumstances as if the agricultural products had been stored separately.

''SEC. 10. TRANSFER OF STORED AGRICULTURAL PRODUCTS.

''(a) IN GENERAL.—In accordance with regulations promulgated under this Act, a warehouse operator may transfer a stored agricultural product from 1 warehouse to another warehouse for continued storage.

''(b) CONTINUED DUTY.—The warehouse operator from which agricultural products have been transferred under subsection (a) shall deliver to the rightful owner of such products, on request at the original warehouse, such products in the quantity and of the kind, quality, and grade called for by the receipt or other evidence of storage of the owner.

''SEC. 11. WAREHOUSE RECEIPTS.

''(a) IN GENERAL.—At the request of the depositor of an agricultural product stored or handled in a warehouse licensed under this Act, the warehouse operator shall issue a receipt to the depositor as prescribed by the Secretary.

''(b) ACTUAL STORAGE REQUIRED.—A receipt may not be issued under this section for an agricultural product unless the agricultural product is actually stored in the warehouse at the time of the issuance of the receipt.

''(c) CONTENTS.—Each receipt issued for an agricultural product stored or handled in a warehouse licensed under this Act shall contain such information, for each agricultural product covered by the receipt, as the Secretary may require by regulation.

''(d) PROHIBITION ON ADDITIONAL RECEIPTS OR OTHER DOCUMENTS.—

''(1) RECEIPTS.—While a receipt issued under this Act is outstanding and uncanceled by the warehouse operator, an additional receipt may not be issued for the same agricultural product (or any portion of the same agricultural product) represented by the outstanding receipt, except as authorized by the Secretary.

''(2) OTHER DOCUMENTS.—If a document is transferred under this section, no duplicate document in any form may be transferred by any person with respect to the same agricultural product represented by the document, except as authorized by the Secretary.

''(e) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS.—Except as provided in section 3(h)(2), notwithstanding any other provision of Federal or State law:

''(1) IN GENERAL.—The Secretary may promulgate regulations that authorize the issuance, recording, and transfer of electronic receipts, and the transfer of other electronic documents, in accordance with this subsection.

''(2) ELECTRONIC RECEIPT OR ELECTRONIC DOCUMENT SYSTEMS.—Electronic receipts may be issued, recorded, and transferred, and electronic documents may be transferred, under this subsection with respect to an agricultural product under, a system or systems maintained in 1 or more locations and approved by the Secretary in accordance with regulations issued under this Act.

''(3) TREATMENT OF HOLDER.—Any person designated as the holder of an electronic receipt or other electronic document issued or transferred under this Act shall, for the purpose of perfecting the security interest of the person under Federal or State law and for all other purposes, be considered to be in possession of the receipt or other electronic document.

''(4) NONDISCRIMINATION.—An electronic receipt issued, or other electronic document transferred, in accordance with this Act shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.

''(5) SECURITY INTERESTS.—If more than 1 security interest exists in the agricultural product that is the subject of an electronic receipt or other electronic document under this Act, the priority of the security interest shall be determined by the applicable Federal or State law.

''(6) NO ELECTRONIC RECEIPT REQUIRED.—A person shall not be required to issue in electronic form a receipt or document with respect to an agricultural product.

''(7) OPTION FOR NON-FEDERALLY LICENSED WAREHOUSE OPERATORS.—Notwithstanding any other provision of this Act, a warehouse operator not licensed under this Act may, at the option of the warehouse operator and in accordance with regulations established by the Secretary, issue electronic receipts and transfer other electronic documents in accordance with this Act.

''(8) APPLICATION TO STATE-LICENSED WAREHOUSE OPERATORS.—This subsection shall not apply to a warehouse operator that is licensed under State law to store agricultural commodities in a warehouse in the State if the warehouse operator elects—

''(A) not to issue electronic receipts authorized under this subsection; or

''(B) to issue electronic receipts authorized under State law.

''SEC. 12. CONDITIONS FOR DELIVERY OF AGRICULTURAL PRODUCTS.

''(a) PROMPT DELIVERY.—In the absence of a lawful excuse, a warehouse operator shall, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by—

''(1) the holder of the receipt for the agricultural product; or

''(2) the person that deposited the product, if no receipt has been issued.

''(b) PAYMENT TO ACCOMPANY DEMAND.—Prior to delivery of the agricultural product, payment of the accrued charges associated with the storage of the agricultural product, including satisfaction of the warehouseman's lien, shall be made if requested by the warehouse operator.

''(c) SURRENDER OF RECEIPT.—When the holder of a receipt requests delivery of an agricultural product covered by the receipt, the holder shall surrender the receipt to the warehouse operator, in the manner prescribed by the Secretary, to obtain the agricultural product.

''(d) CANCELLATION OF RECEIPT.—A warehouse operator shall cancel each receipt returned to the warehouse operator upon the delivery of the agricultural product for which the receipt was issued.

''SEC. 13. SUSPENSION OR REVOCATION OF LICENSES.

''(a) IN GENERAL.—After providing notice and an opportunity for a hearing in accordance with this section, the Secretary may suspend or revoke any license issued, or approval for an activity provided, under this Act—

''(1) for a material violation of, or failure to comply, with any provision of this Act (including regulations promulgated under this Act); or

''(2) on the ground that unreasonable or exorbitant charges have been imposed for services rendered.

''(b) TEMPORARY SUSPENSION.—The Secretary may temporarily suspend a license or approval for an activity under this Act prior to an opportunity for a hearing for any violation of, or failure to comply with, any provision of this Act (including regulations promulgated under this Act).

''(c) AUTHORITY TO CONDUCT HEARINGS.—The agency within the Department that is responsible for administering regulations promulgated under this Act shall have exclusive authority to conduct any hearing required under this section.

''(d) JUDICIAL REVIEW.—

''(1) JURISDICTION.—A final administrative determination issued subsequent to a hearing may be reviewable only in a district court of the United States.

''(2) PROCEDURE.—The review shall be conducted in accordance with the standards set forth in section 706(2) of title 5, United States Code.

''SEC. 14. PUBLIC INFORMATION.

''(a) IN GENERAL.—The Secretary may release to the public the names, addresses, and locations of all persons—

''(1) that have been licensed under this Act or that have been approved to engage in an activity under this Act; and

''(2) with respect to which a license or approval has been suspended or revoked under section 13, the results of any investigation made or hearing conducted under this Act, including the reasons for the suspension or revocation.

''(b) CONFIDENTIALITY.—Except as otherwise provided by law, an officer, employee, or agent of the Department shall not divulge confidential business information obtained during a warehouse examination or other function performed as part of the duties of the officer, employee, or agent under this Act.

''SEC. 15. PENALTIES FOR NONCOMPLIANCE.

''If a person fails to comply with any requirement of this Act (including regulations promulgated under this Act), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

''(1) of not more than $25,000 per violation, if an agricultural product is not involved in the violation; or

''(2) of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

''SEC. 16. JURISDICTION AND ARBITRATION.

''(a) FEDERAL JURISDICTION.—A district court of the United States shall have exclusive jurisdiction over any action brought under this Act without regard to the amount in controversy or the citizenship of the parties.

''(b) ARBITRATION.—Nothing in this Act prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9, United States Code.

''SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

SEC. 202. REGULATIONS.

(a) PROPOSED REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register proposed regulations for carrying out the amendment made by section 201.

(b) FINAL REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate final regulations for carrying out the amendment made by section 201.

(c) EFFECTIVENESS OF EXISTING ACT.—The United States Warehouse Act (7 U.S.C. 241 et seq.) (as it existed before the amendment made by section 201) shall be effective until the earlier of—

(1) the date on which final regulations are promulgated under subsection (b); or

(2) August 1, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BARRETT) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this evening in support of the bill, H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000, as amended.

The Subcommittee on General Farm Commodities, Resource Conservation and Credit, which I chair, reported the Grain Standards Act reauthorization bill out of subcommittee on July 25 of this year. I thank the gentleman from Minnesota (Mr. MINGE), the ranking member of the subcommittee, who was a cosponsor of the bill, for his contributions to this important legislation.

I also thank the gentleman from Texas (Mr. COMBEST), chairman of the full committee, and certainly the gentleman from Texas (Mr. STENHOLM), the ranking member of the committee, for their assistance in bringing this bill to the floor as well.

A special thanks to Mr. Jim Baker, who is the administrator of the Grain Inspection, Packers and Stockyards Administration, and his staff for their cooperation in working out the details of this reauthorization.

On September 30, the authorization for the collection of fees by the Grain Inspection, Packers and Stockyards Administration of the USDA expired. Since approximately 75 percent of the grain inspection budget is obtained through the collection of fees and only 25 percent through appropriations, this legislation is critical to assure the continued marketing of grain and oilseeds.

The grain standards provisions ensure confidence to our producers, grain elevators, and overseas buyers. The grain inspection and weighing procedure is very important to farmers and grain elevators. It is critical that the Department of Agriculture continue to thoroughly inspect grain for purity or, in the case of official agencies, USDA needs to provide vigilant oversight. This program provides official inspection so that customers are delivered certainly a quality product.

The bill also provides for a reasonable compromise on the issue of geographic boundaries. It will allow grain inspectors to cross boundary lines with approval from the Secretary of Agriculture. But it will also keep official agencies in place, within geographical areas.

H.R. 4788, now under consideration, also includes under Title II the important revisions to the U.S. Warehouse Act. The main revision is to authorize the use of electronic receipts.

Mr. Speaker, I urge my colleagues to support this very timely and very important piece of legislation.

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

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

Mr. Speaker, I rise tonight in support of H.R. 4788, which reauthorizes the U.S. Grain Standards Act and also updates the U.S. Warehouse Act.

Given today's world market, it is important that our farmers and commodity merchants have the best technical support possible to help them compete in the marketplace. This legislation helps continue that tradition by reauthorizing the inspection and weighing activities of the Grain Inspection, Packers and Stockyards Administration as well as updating the U.S. Warehouse Act and providing for the use of electronic documentation under that act.

Due to the technical nature of many of the provisions included in this legislation, I would have much preferred to report this bill from the Committee on Agriculture. However, it is imperative that we provide the grain inspection service with the authority to collect fees to provide official weighing and inspection services for grain bound for export since their authority expired on September 30. Unfortunately, we simply cannot wait any longer at this

point and take the time to go through the committee process.

I urge my colleagues to support this routine update of these two statutes and ask for their support of H.R. 4788.

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

Mr. BARRETT of Nebraska. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the full Committee on Agriculture.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this issue. I also commend the gentleman from Illinois (Mr. LAHOOD) for his contribution to this effort as well.

Mr. Speaker, I rise today in support of H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000. H.R. 4788 is a necessary and important piece of legislation in that it allows the Grain Inspection Packers and Stockyards Administration to continue to serve the essential purpose of guaranteeing a quality grain supply.

Through vigorous inspection, GIPSA has assisted in maintaining the integrity of the American grain, both at home and abroad. To fund this program, GIPSA has creatively relied on the collection of fees to recoup its costs for service. By reauthorizing its authority in the area of grain quality inspection, H.R. 4788 takes the necessary step to ensuring that the Grain Inspection, Packers and Stockyards Administration will continue to serve America's agriculture producers.

Mr. Speaker, I am particularly interested in H.R. 4788 because it also makes dramatic improvements to the Warehouse Act by providing the U.S. Department of Agriculture with a framework for efficient business practices most explicitly demonstrated by its language authorizing and standardizing electronic receipt documents.

Like any business today, farmers are using computers and the Internet for a variety of purposes, including financial management systems and market information. It is becoming increasingly important to ensure that all segments of our economy are technologically efficient. It is vital to empower producers and farmers by providing them with a technological tools to do business electronically in the information age. Electronic warehouse receipts and H.R. 4788 are a step in the right direction.

Mr. Speaker, I urge my colleagues to support this fine legislation.

Mr. BARRETT of Nebraska. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), a very valued member of the full Committee on Agriculture.

Mr. LAHOOD. Mr. Speaker, I wish to thank the gentleman from Nebraska (Mr. BARRETT) for yielding me this time. I also want to thank the staff of the Committee on Agriculture for the work they have done to develop this legislation.

To put it simply, this legislation reauthorizes the Grain Standards Act and revises the U.S. Warehouse Act to bring them into line with the 21st century. Of particular interest to me are the provisions that update the U.S. Warehouse Act by allowing for the use of electronic receipts and other documents.

I might add, parenthetically, that earlier this year, with the help of the gentleman from Virginia (Mr. GOODLATTE), the chairman of the subcommittee, we were able to pass an e-file bill that I think will bring the U.S. Department of Agriculture into the 21st century. We could not have done it without the chairman and the ranking member and their support of our e-file bill.

In this age of electronic commerce, I believe that there is a need for a Federal presence in electronic documents. But the U.S. Government should focus on establishing rules and regulations under which private operators of electronic document systems can compete.

This legislation envisions the Federal Government acting as an umpire over multiple private electronic document systems. This is the type of system currently in place for electronic cotton warehouse receipts, and it has proven to work in that arena.

Also, I realize there is a cost associated with administering this act, and that is why this legislation provides authority for the Department of Agriculture to charge fees to offset this cost.

I believe that such fees should be as low as possible and that there should be a correlation between whatever fees are ultimately charged under the Act and the specific services being rendered by the USDA.

In order to insure the viability of electronic receipts, I believe that fees should not be of such amount that they hinder the use of electronic warehouse receipts or any other electronic documents. Also, I do not believe that charging per transaction fees on electronic warehouse receipts is appropriate.

Having made these points, I believe this is a good bill which will improve the efficiency and profitability of American agriculture, and I urge all Members to support this very important legislation that, again, brings the USDA and agriculture into the 21st century electronically.

Mr. LAHOOD. Mr. Speaker, I wish to thank the gentleman from Texas (Mr. COMBEST) for yielding time. I also want to thank the staff of the Agriculture Committee for the work they have done to develop this legislation.

To put it simply, this legislation reauthorizes the Grains Standards Act and revises the U.S. Warehouse Act to bring them in-line with the 21st century. Of particular interest to me are the provisions that update the U.S. Warehouse Act by allowing for the use of electronic receipts and other documents.

In this age of e-commerce, I believe that there is a need for a federal presence in electronic documents, but that the U.S. government should focus on establishing rules and regulations under which private operators of electronic document systems can compete. This legislation envisions the federal government acting as umpire over multiple private electronic document systems. This is the type of system currently in place for electronic cotton warehouse receipts, and it has proven to work in that arena.

Also, I realize that there is a cost associated with administering this act, and that is why this legislation provides authority for the Department of Agriculture to charge fees to offset this cost. I believe that such fees should be as low as possible and that there should be a correlation between whatever fees are ultimately charged under the Act and the specific services being rendered by USDA. In order to insure the viability of electronic receipts, I believe that fees should not be of such amount that they hinder the use of electronic warehouse receipts or other electronic documents. Also, I do not believe that charging per transaction fees on electronic warehouse receipts is appropriate.

Having made these points, I believe that this is a good bill, which will improve the efficiency and profitability of American agriculture. I urge my fellow members to support this legislation.

Mr. COMBEST. Mr. Speaker, I rise today to suspend the rules and pass the bill H.R. 4788, with an amendment, and urge my colleagues to support the Grain Standards and Warehouse Improvement Act of 2000. This reauthorization will provide the Grain Inspection Packers and Stockyards Administration with essential authority to continue the inspection of grain utilized in both domestic and international markets, and extends the authority of the Secretary of Agriculture to collect fees to cover the costs of services performed under the Act until the year 2005.

On September 30, 2000, the authorization for the collection of fees by the Grain Inspection Packers and Stockyards Administration expired. The latest figures show that approximately 75% of the grain inspection budget is funded through the collection of fees and only 25% through appropriations. Therefore, it is imperative that Congress act now to renew this expired authority.

H.R. 4788 also makes improvements to the Warehouse Act. This will provide the United States Department of Agriculture with a uniform regulatory system to govern the operation of federally licensed warehouses involved in storing agricultural products.

Currently, warehouse licenses may be issued for the storage of major commodities and cottonseed. According to the USDA, 45.5% of the U.S. off-farm grain and rice storage capacity and 49.5% of the total cotton storage capacity is licensed under the Warehouse Act.

The revisions to the Warehouse Act will make this program more relevant to today's agricultural marketing system. The legislation would do such things as (1) authorize and standardize electronic documents and allow their transfer from buyer to seller across state and international boundaries; (2) authorize warehouse operators to enter into contracts or agreements with depositors to allocate available storage space; and (3) protect the integrity of state warehouse laws and regulations from federal preemption.

In 1992, Congress directed the Secretary of Agriculture to establish electronic warehouse receipts for the cotton industry. Since then, participation in the electronic-based program

has grown to more than 90% of the U.S. cotton crop. This legislation would extend the electronic warehouse receipts program to include all agriculture commodities covered by the U.S. Warehouse Act.

This legislation has been negotiated with the United States Department of Agriculture and the relevant industries. It provides for a consistent inspection of grains and the ability to utilize electronic receipts and documents for all major commodities, which will foster more reliable, competitive and efficient commerce within the agricultural sector.

In summary Mr. Speaker, this legislation will bring grain inspection and the use of warehouse facilities into the 21st century, all at no net cost to the taxpayer. I urge my colleagues to support this timely and important piece of legislation.

Mr. STENHOLM. Mr. Speaker I have no further requests for time. I encourage Members to support the bill, and I yield back the balance of my time.

Mr. BARRETT of Nebraska. 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 Nebraska (Mr. BARRETT) that the House suspend the rules and pass the bill, H.R. 4788, 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 amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.''.

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. BARRETT of Nebraska. 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. 4788, the bill just passed.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Secure Rural Schools and Community Self-Determination Act of 2000''.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Conforming amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from National Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.
Sec. 208. Termination of authority.

TITLE III—COUNTY PROJECTS

Sec. 301. Definitions.
Sec. 302. Use of county funds.
Sec. 303. Termination of authority.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Treatment of funds and revenues.
Sec. 403. Regulations.
Sec. 404. Conforming amendments.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Amendment of the Mineral Leasing Act.

TITLE VI—COMMUNITY FOREST RESTORATION

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Purposes.
Sec. 604. Definitions.
Sec. 605. Establishment of program.
Sec. 606. Selection process.
Sec. 607. Monitoring and evaluation.
Sec. 608. Report.
Sec. 609. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of Federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stabilize payments to counties to provide funding for schools and roads that supplements other available funds.

(2) To make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;

(C) improvements in forest ecosystem health;

(D) watershed restoration and maintenance;

(E) restoration, maintenance and improvement of wildlife and fish habitat;

(F) control of noxious and exotic weeds; and

(G) reestablishment of native species.

(3) To improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

(2) ELIGIBILITY PERIOD.—The term ''eligibility period'' means fiscal year 1986 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term ''eligible county'' means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) ELIGIBLE STATE.—The term ''eligible State'' means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term ''full payment amount'' means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENT.—The term ''25-percent payment'' means the payment to States required by the sixth paragraph under the heading of ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) 50-PERCENT PAYMENT.—The term ''50-percent payment'' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term ''safety net payments'' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by inserting after ''(16 U.S.C. 500)'' the following: ''or the Secure Rural Schools and Community Self-Determination Act of 2000''.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) BUREAU OF LAND MANAGEMENT COUNTIES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) PAYMENT AMOUNTS.—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (16 U.S.C. 500); or

(2) the full payment amount in place of the 25-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

(1) ELECTION; SUBMISSION OF RESULTS.—The election to receive either the full payment amount or the 25-percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) DURATION OF ELECTION.—A county election to receive the 25-percent payment shall be effective for two fiscal years. When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in section 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to eligible counties shall be expended as required by the laws referred to in paragraph (1).

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) ALLOCATIONS.—

(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENTS.—If an eligible county elects to receive its share of the full payment amount, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended.

(B) ELECTION AS TO USE OF BALANCE.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) TREATMENT OF TITLE II FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—

(A) IN GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under this section in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding any adjustment made pursuant to section 101(b) in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (c)(1), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

(e) TIME FOR PAYMENT.—The payment to an eligible State under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) PAYMENT.—The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937 (43 U.S.C. 1181f), or the Act of May 24, 1939 (43 U.S.C. 1181f–1) as appropriate; or

(2) the full payment amount in place of the 50-percent payment.

(b) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) ELECTION; DURATION.—The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible county under this section for a fiscal year shall be derived from any revenues,

fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal lands described in section 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) ALLOCATIONS.—

(A) USE OF PORTION IN SAME MANNER AS 50-PERCENT PAYMENTS.—Of the funds to be paid to an eligible county pursuant to subsection (a)(2), not less than 80 percent, but not more than 85 percent, of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended.

(B) ELECTION AS TO USE OF BALANCE.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) TREATMENT OF TITLE II FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds received under subsection (a)(2) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(d) TIME FOR PAYMENT.—The payment to an eligible county under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that elects under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) PROJECT FUNDS.—The term ''project funds'' means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal lands described in section 3(1)(A); and

(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal lands described in section 3(1)(B).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2(b).

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) EFFECT OF REFUSAL TO PAY.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a Federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project

funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIAL CONTRACTING PILOT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable material using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable material are implemented using separate contracts:

(i) For fiscal year 2001, 15 percent.

(ii) For fiscal year 2002, 25 percent.

(iii) For fiscal year 2003, 25 percent.

(iv) For fiscal year 2004, 50 percent.

(v) For fiscal year 2005, 50 percent.

(vi) For fiscal year 2006, 50 percent.

(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable material shall be made by the Secretary concerned after the approval of the project under this title.

(D) ASSISTANCE.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal lands to assist in the administration of projects conducted under the pilot program. The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

(E) REVIEW AND REPORT.—Not later than September 30, 2003, the Comptroller General shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Resources of the House of Representatives a report assessing the pilot program. The Secretary concerned shall submit to such committees an annual report describing the results of the pilot program.

(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

(1) to road maintenance, decommissioning, or obliteration; or

(2) to restoration of streams and watersheds.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of this title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed under this title by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title; and

(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following three categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archaeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold State elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) BALANCED REPRESENTATION.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) APPROVAL PROCEDURES.—(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or

BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to that project to the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i), whichever applies to the funds involved.

SEC. 208. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

SEC. 301. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that elects under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) COUNTY FUNDS.—The term ''county funds'' means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

SEC. 302. USE OF COUNTY FUNDS.

(a) LIMITATION ON COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title. A project under this title shall be approved by the participating county only following a 45-day public comment period, at the beginning of which the county shall—

(1) publish a description of the proposed project in the publications of local record; and

(2) send the proposed project to the appropriate resource advisory committee established under section 205, if one exists for the county.

(b) AUTHORIZED USES.—

(1) SEARCH, RESCUE, AND EMERGENCY SERVICES.—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) COMMUNITY SERVICE WORK CAMPS.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) EASEMENT PURCHASES.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) FOREST RELATED EDUCATIONAL OPPORTUNITIES.—A county may use these funds to establish and conduct forest-related after school programs.

(5) FIRE PREVENTION AND COUNTY PLANNING.—A county may use these funds for—

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.

(6) COMMUNITY FORESTRY.—A county may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) RELATION TO OTHER APPROPRIATIONS.—Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(d)(1)(B)(iii) or section 103(c)(1)(B)(iii), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) are repealed.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Mineral Revenue Payments Clarification Act of 2000''.

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Section 10201 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 107 Stat. 407) amended section 35 of the Mineral Leasing Act (30 U.S.C. 191) to change the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues ''50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws . . .''.

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that ''the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions''.

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)) is amended to read as follows:

''(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.''.

TITLE VI—COMMUNITY FOREST RESTORATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Community Forest Restoration Act''.

SEC. 602. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico's forests.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires,

provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

(6) Designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(C) build ownership and civic pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 603. PURPOSES.

The purposes of this title are—

(1) to promote healthy watersheds and reduce the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships, whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 604. DEFINITIONS.

As used in this title—

(1) the term ''Secretary'' means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term ''stakeholder'' includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 605. ESTABLISHMENT OF PROGRAM.

(a) FOREST RESTORATION PROGRAM.—The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the ''Collaborative Forest Restoration Program''). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed 80 percent of the total cost. The 20-percent matching may be in the form of cash or in-kind contribution.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this title, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multiparty assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this title, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed 4 years in length;

(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, nor exceed a total cost of $450,000 for the project, with the Federal portion of the total cost not exceeding $360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this title. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this title to pay for their travel and per diem expenses to attend the workshop.

SEC. 606. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 605, the effect on long-term management, and seek to use a consensus-based decision-making process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

GENERAL LEAVE

Mr. GOODLATTE. 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. 2389, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000. I want to particularly commend the gentleman from Florida (Mr. BOYD), the gentleman from Georgia (Mr. DEAL), the gentleman from Oregon (Mr. DEFAZIO), and the chairman of our committee, the gentleman from Texas (Mr. COMBEST), as well as the ranking member, the gentleman from Texas (Mr. STENHOLM), for their dedicated efforts on this legislation.

I would also like to particularly single out members of the staff of my subcommittee, Dave Tenny, of the full committee, and Brent Gattis of my subcommittee, and Kevin Kramp, formerly of my subcommittee, as well the staff on the Democratic side for very, very long, dedicated work to get this legislation to this point.

This bill is landmark policy on two important fronts. First, it provides critical funding for schoolchildren in hundreds of rural communities all over America who have been left behind by the policies of their own government. Second, it creates a new paradigm for local citizen participation in the management of our Federal forest lands.

In 1908, our government made a promise to the people who live in and around our Federal forests. The government promised to share the economic bounty of these lands with the local people to sustain their schools, their communities, and their way of life. This was a contract to compensate these communities for the economic opportunities lost because the Federal Government owned most of the land.

Now, 90 years later, the government has defaulted on this promise and rural communities all over America are suffering. Federal policies have eliminated the economic bounty from our Federal forest lands. As a result, schools have cut their services to the bone and, in some cases, closed their doors all together for lack of funding.

Families have been torn apart as parents are forced to work farther and farther from home. Local infrastructure has disintegrated; and, sadly, the primary victims of this tragedy have been schoolchildren, children who have been left behind by their government while the rest of America prospers.

The purpose of H.R. 2389 is to correct this wrong. By shoring up Federal payments to rural forest communities, this legislation restores our government's commitment to education in rural forest communities. Significantly, and this is a very important point in this time of intense debate on education in our country, the commitments made to education in this bill come without strings attached.

That means when a county in Oregon or Arkansas or Pennsylvania or Florida receives Federal support for education under this bill, the local community, not the Federal Government,

will determine how that funding is best used. If local schools need books, they can buy books. If they need additional teachers, they can hire them. If they need to fix the roof on a school, they can do it. This philosophy of Federal support coupled with local decision-making should be a model for the Congress as we work to improve education in our country.

H.R. 2389 also changes the way we approach Federal forest management. For the first time, local communities will have a direct stake in the management of our national forests. This has been one of the worst wildfire seasons of the century, and the experts tell us that the worst may be yet to come. This bill provides critical funding that counties can leverage with private investments and Federal appropriations to address fire risk head on.

Counties can also use this funding to restore watersheds, improve fish and wildlife habitat, and enhance the overall health of our forests. It establishes a framework for local collaboration that, if successful, will replace the current centralized command and control policy with a new and effective way to resolve forest management issues at the local level using local expertise.

I urge the Members of this body to join me in taking this important step today by sending H.R. 2389 to the President's desk. We can renew the promise made to our rural forest communities back in 1908. We can raise the hopes of rural school children all over America and begin the process in earnest of helping them rebuild their homes and communities. Join me in declaring a strong commitment to rural schools and rural communities. Vote in favor of this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 2389, the Secure Rural Schools and Communities Self-Determination Act of 2000. H.R. 2389, when signed by the President, will set in motion significant improvements in the manner that the Federal Government fulfills its financial commitment to rural counties located within the boundaries of our national forest system.

The fulfillment of this commitment is even more critical today where the county payments have declined considerably as a result of major forest resource management policy changes. After 2 years of hard work, we have before us compromise legislation that maintains the core components of the Federal Government's payments system for forest counties.

Mr. Speaker, the manner in which this Congress continues these payments is critical to the future well-being of national forest health and the economic stability of rural communities. This compromise legislation is a step in the right direction. I urge all of my colleagues to support final passage.

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

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN), who has also been a significant contributor to this effort.

(Mr. Walden of Oregon asked and was given permission to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend the gentleman from Virginia and the gentleman from Texas, as well as my colleagues from Oregon, in putting together this very important legislation that will help our school children and our counties who have been hurt tremendously by changes in Federal policy.

Since 1908, rural counties adjacent to Forest Service and BLM forest lands have received Federal funds for schools and roads based on the revenue received from land management activities. Over the last decade, as a result of sharp declines in revenues from these Federal forest lands, many of these counties have been unable to fund essential programs for their kids and to take care of their road maintenance and infrastructure.

Mr. Speaker, this legislation goes a long way toward resolving that problem and toward making the Federal Government a better neighbor and certainly a better partner in the health of our communities in rural America. I urge passage of this legislation.

Mr. STENHOLM. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON.)

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and for his leadership, as well as the gentleman from Virginia (Mr. GOODLATTE) for his leadership.

Mr. Speaker, this is an opportunity to speak on a subject which is dear to my heart, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000. We have spoken extensively about our priorities to make schools safer, with smaller class sizes, skilled teachers, the latest technology, excellent school facilities with the proper books, lunch programs, and extracurricular activities. Yet we have witnessed many schools lacking the funds needed to improve our schools.

I not only live in rural America, but I represent a district which is predominantly rural. I am aware of the great challenges counties face in providing adequate funding for their schools. We know that in addition to love and care from family members, schools are the foundation for developing successful young people and strong vibrant economies.

For decades now, counties received a 25 percent revenue from forest receipts. These funds were used to help make their schools successful. Unfortunately, these receipts have gradually dwindled. Federal forest receipts in some counties have dropped more than 90 percent. This decline has severely impacted the quality of education provided in the affected rural counties. Many schools have been forced to do just the opposite of what we were hoping to achieve: many teachers have been laid off, and bus drivers, nurses and other employees have also faced a similar fate.

We need to support H.R. 2389. A ''yes'' vote on H.R. 2389 will assist these communities in providing an equitable and stable source of funding in rural settings. By supporting this measure, we can be assured we are doing all we can to assist communities by providing an equitable and stable source of funding for schools in and near our forest areas.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. DEFAZIO. Mr. Speaker, I rise in strong support of this long-awaited vital legislation for our counties and schools.

I congratulate and thank all those who have been involved in this landmark legislation. I urge my colleagues to support this and send it to the President for his signature.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BOYD).

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

Mr. BOYD. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM), and also my partner, the gentleman from Virginia, the chairman of the subcommittee, for his skill in which he has managed this legislation.

Mr. Speaker, make no mistake that this is an education bill, a rural education bill that is very important to many, many communities around the country, including some communities in north Florida.

As we have heard described here today, a compact was made in 1908 with these communities when the forest lands were put into the ownership of the Federal Government, and that compact has been broken. This legislation will fix that compact again and make it work like it is supposed to.

I know in my particular area, the way that compact was broken was the fact that the Forest Service began to manage their timberlands in a different way because of the protection of the habitat for the endangered red cockaded woodpecker. The revenues to our local school districts in those forest communities declined by as much as 90 percent. So this, again, will go a long ways toward correcting that.

I want to give a word of thanks to our partners who have helped us here. Again, the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Georgia (Mr. DEAL), who was an original cosponsor of this legislation with myself, also the gentleman from Oregon (Mr. DEFAZIO), the gentleman

from Texas (Mr. TURNER), the gentleman from California (Mr. GEORGE MILLER), the gentlewoman from North Carolina (Mrs. CLAYTON), and the gentleman from Texas (Mr. STENHOLM).

Also, Mr. Speaker, I want to take this opportunity to thank the staff members who have done a wonderful job of negotiating some very difficult and complex negotiations with the Senate and the administration in the last 10 days. That is Dave Tenny, Brent Gattis, and Quinton Robinson, from the House Committee on Agriculture; Doug Crandall from the House Committee on Resources; Penny Dodge and Amelia Jenkins with the office of the gentleman from Oregon (Mr. DEFAZIO); Trent Ashby with the office of the gentleman from Texas (Mr. TURNER); Tom Pyle with the majority whip's office; and Chris Schloesser from my own staff.

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I also want to thank the chairman of the National Forest Counties and Schools Coalition, Mr. Bob Douglas, whose group certainly provided impetus for us to get to this point today. And I also want to thank my own superintendent of schools in Liberty County, Florida, who has been a leader for me in this, Mr. Hal Summers.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, it is an honor to rise in support of this legislation this evening. I join in the remarks of those who preceded me. I thank each Member on the floor who has worked so hard to bring this bill to fruition.

I particularly want to thank the National Forest Counties and Schools Coalition, that coalition of over 1,000 rural education, government, and business leaders, who worked hard to put this legislation together. That coalition included groups like the National Education Association, the U.S. Chamber of Commerce, the American Association of School Administrators, and the National Association of Counties.

Many representatives and community leaders from across the country have come to Washington to work on this bill over the last several months. Two of them are good examples from my district, my own county judge, Chris Vanderhof, and Trinity County Judge Mark Evans, who served on the National Coalition.

This is a good bill. It returns stability to the funds that flow to over 700 counties across this country that have national forest lands within their boundaries. It means a lot to the school districts in those counties. This will return some stability to their flow of funds, and it will provide a good source of funding for education for many rural school children across this country. I urge adoption of this legislation.

Mr. STENHOLM. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I too would like to thank my colleagues for all of their hard work on this piece of legislation. I rise in strong support of H.R. 2389.

The children in my district in Oregon and the children in over 800 counties across the rest of the United States are being shortchanged. People in Oregon and across the United States that live in rural areas with vast amounts of Federal land depend on payments from the Federal Government.

Unfortunately, these payments have decreased in recent years; and, as a consequence, education programs and county services have been subjected to massive budget cuts.

Over the last 10 years, I have seen class sizes grow while teachers, buses, music and art programs and many other services are reduced or eliminated. These cuts need to be restored.

The children in these counties deserve the same quality schools and educational opportunities as the rest of America.

In this election year, we have heard a lot about education and how it is a priority for everybody. Well, this is a chance for people in this House to show their commitment to education by voting yes on H.R. 2389.

I hope they will join me in voting yes on education and voting yes on H.R. 2389.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time and encourage support of H.R. 2389.

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

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

Mr. Speaker, I neglected to mention and thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her contribution. We thank her very much. I, too, urge my colleagues to support this legislation.

Mr. COMBEST. Mr. Speaker, I rise today in support of H.R. 2389, the Secure Rural Schools and Community Self-determination Act of 1999. As I do so, I urge my colleagues to join me as a statement of our united commitment to education and economic stability in rural forest communities all over America.

Our rural forest communities are at a crossroads. Nearly a hundred year ago, the federal government made a commitment to share the revenues derived from federal lands to fund local schools and roads. The purpose of this commitment was to compensate these communities for the loss of local property taxes. Yet, during the last several years, the federal government has unilaterally defaulted on this commitment. The federal timber sale program has collapsed and federal policies now virtually prohibit the use of our national forests to sustain the communities and schools that are located in and around them. As a result rural forest communities and school districts all over America are in tatters—the victims of their own government.

The purpose of H.R. 2389 is to right this wrong. By providing stable and predictable funding for rural education, it will ensure that school children in forest-dependent communities are no longer punished by the policies of their own government. Passage of this bill will directly benefit 4 million schoolchildren in 700 counties nationwide, thereby opening the same doors of opportunity for them that children in other parts of the country enjoy.

H.R. 2389 also provides a framework for rural forest counties to rebuild their communities and their way of life by giving them a direct stake in the management of our federal forests. By giving local stakeholders both the opportunity and the funding resources to address local forest management issues, local experts can work together on solutions that are not only good for the forest, but also the local economies that sustain them.

H.R. 2389 is supported by a broad range of interests from all over the country. The bill has earned the endorsement of the National Association of Counties, the National Education Association, the U.S. Chamber of Commerce, the American Federation of State, County and Municipal Employees, and a grass roots coalition of over 1,000 local education, business and government organizations in 36 states.

I urge my colleagues to take a stand in support of our rural school children and the forest communities in which they live, Join me in voting aye on H.R. 2389.

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2389.

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

A motion to reconsider was laid on the table.

ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENTS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4345) to amend the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4345

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

TITLE I—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

SEC. 101. ALASKA NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking ''and Reindeer'' and inserting ''or''.

(2) Subsection (a)(4)(B) is amended by striking ''; and'' and inserting ''; or''.

(3) Subsection (b)(1)(B)(i) is amended by striking ''June 2, 1971'' and inserting ''December 31, 1971''.

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

''(2) The personal representative or special administrator, appointed in an Alaska State

court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—''.

SEC. 102. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

''(8) A beneficiary's interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.''.

TITLE II—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH

SEC. 201. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation $2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) CONTENT OF SYMPOSIUM.—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the first-hand operations of the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4345 amends the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans and makes a number of technical changes to the Alaskan Native Claims Settlement Act.

Title I of the bill outlines the qualifying dates and requirements of the Alaskan Native Vietnam veterans and their executors to apply for their native allotments under the Native Allotment Act.

Title II of the bill would allow American Indian or Alaska Native and Native Hawaii students to participate in a week-long national symposium on American democracy when the Smithsonian National Museum of the American Indians opens in 2002.

I urge an aye vote on this important bill for Alaska.

Mr. HANSEN. Mr. Speaker, I submit the following letter for the RECORD:

U. S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, October 10, 2000.

Re: H.R. 4345 and amendments to P.L. 105–276.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On June 14, I testified before your Committee concerning H.R. 4345, the Alaska Native Claims Technical Amendments Act of 2000. During the hearing, I promised to work with Alaska Native groups in an effort to address their concerns raised at the hearing, particularly over section 3 of the bill regarding Alaska Native veteran allotments.

As you know, the Department reviewed H.R. 4345 as introduced and expressed its strong disagreement with most of that bill. We indicated in our official statement submitted to you at the hearing that if Sections 2, 3, 4, and 5 of that bill were passed, we would recommend a veto to the President. Section 6 was not unacceptable to us. As we discussed at the hearing, and in the spirit of cooperation with your Committee, I asked Marilyn Heiman, Special Assistant to the Secretary for Alaska, to take the lead in meeting with Alaska Native interests and discussing their concerns. Those meetings have taken place. Following those meetings, and further contact among the Committee, the Native groups, and the Department, the Committee has proposed to us informally for review a revised version of H.R. 4345. The provisions to which we objected have been removed and a set of technical changes to P.L. 105–276 have been added, including one change which directly reflects Native interest in expanding eligibility for allotment applications for heirs of deceased veterans.

The revised draft of H.R. 4345 contains two titles: Title I pertains to Alaska Native Veteran allotments, as well as levies on settlement trust interests (formerly section 6 of the original bill), and Title II contains wholly new provisions authorizing $2,200,000 to the Washington Workshops Foundation for administration of a national leadership symposium for Native American and Eskimo youth.

The Department does not object to the revised bill.

TITLE I

We had mentioned earlier in testimony that there are technical corrections which should be made to the language of the Vietnam Veteran Allotment legislation passed in 1998 in section 432 of P.L. 105–276, in order to correct three technical gaps and problems with that section. The new bill makes those corrections in section 101.

1. It amends Section 41(a)(3)(1)(4) concerning lands selected or claimed and unavailable for conveyance, to delete the words ''and Reindeer'' and insert the word ''or''. This language clarifies the intent of the provision to make unavailable for selection headquarters sites for various activities including reindeer herding. There are a number of different activities that can support a headquarters site unrelated to reindeer herding which would be unavailable for conveyance. The original wording was in error and could result in a taking which must be avoided.

2. It amends section 41(a)(4)(B), concerning categories of land available for selection, to delete after the semicolon the word ''and'' and insert the word ''or''. The current wording will cause difficulty in implementation. Three categories of land are listed, but the use of the word ''and'' requires that an individual apply for land that meets the criteria of all three categories. That is impossible because land cannot be simultaneously reserved and unreserved.

3. It amends section (41)(b)(1)(B)(i), pertaining to ''Eligible Person,'' to change the date ''June 2, 1971'' to ''December 31, 1971.'' The current wording causes veterans who began their service after December 3, 1970 and before June 2, 1971 to be ineligible, even though they may have served more than six months between 1969 and 1971.

4. Section 101 of the bill also amends section 41(b)(2), concerning eligible heirs of decedents, with two changes to obtain greater facility in administration and to broaden the eligibility of veterans' heirs who would benefit.

First, the bill contains critical language to make clear that the personal representative of an estate will be appointed by a judge of probates in a State Court of Alaska. The State Court judges advise us that they can perform this function quickly and at relatively low cost. This Department does not have the personnel or the procedures to resolve problems amongst heirs concerning who will be the personal representative and which tracts of land will be chosen for the allotment application. By letting the State probate courts resolve the choice of personal representative, a task which is performed every day, we can expedite the processing of the allotment application by heirs without BLM being flooded with separate applications by each heir claiming a different location.

Second, for the group of veterans who died as a direct result of the war, (killed in action, wounded in action and subsequently died as a result of those wounds, or died while a prisoner of war) the bill broadens the time for eligibility of heirs of such deceased veterans to include those who died from August 5, 1964 to December 31, 1971. All of these veterans could be considered to have missed their opportunity to file an allotment application by virtue of their military service. We believe it is important to keep eligibility limited to deaths caused by war, because otherwise there is no basis for distinction between Native veterans who lost their opportunity due to service and other Natives who served or who are not veterans.

The Department can accept these changes. However, this is the full extent of changes to P.L. 105–276 that we can accept. We are opposed to further changes or expansion of the law, which we believe fully and fairly addresses the problem of lost opportunity due to military service for Alaska Native veterans of the Vietnam war to apply for allotments. We have just issued regulations to implement the original law. Unfair, unacceptable restrictions regulations are not the same as original Native allottees of Native applicants to 1971. Need hearing on their unfair regulations for Vietnam Veterans. The above changes can be reasonably accommodated, and the program should now move forward unimpeded by further revisions to the program and the regulations.

The former section 6 of the bill becomes section 102. This section, unrelated to the other provisions of the bill, amends section 39(c) of ANCSA (43 U.S.C. 1629e(c)) to add a new paragraph on Levies on Settlement Trust Interests, placing limits on such actions against interests of shareholders. While we do not object to this section, we raised with the proponents of the section a clerical error in its original draft and the need for a further expansion of the language for protected interests in settlement trusts. The new paragraph corrects the erroneous cross

reference contained in the current language of the section and adds the words ''levy, attachment,'' to make clearer the types of creditor actions being limited.

TITLE II

Title II provides for a National Leadership Symposium for American Indian, Alaska Native, and Native Hawaiian youth to be comprised of youth seminar programs which study the workings and practice of American national government in Washington, D.C. We encourage the development of such a program. However, the bill as written is not clear as to the source of funds, the Federal agency designated to receive the funds, the basis for the amount for the project or the choice of organizations to lead it. Nor is it clear who, if anyone, on behalf of the Federal government would provide any financial oversight or program guidance for the program. We recommend that these issues be clarified.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN BERRY,
Assistant Secretary.

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 rise in strong support of H.R. 4345, this proposed piece of legislation sponsored by the gentleman from Alaska (Mr. YOUNG), my good friend and the chairman of the House Committee on Resources.

As introduced, H.R. 4345 contains a number of controversial provisions which were objectionable to the administration originally. However, I am pleased to say that the bill before us now has been significantly amended and is no longer opposed by the Department of the Interior.

Mr. Speaker, the most notable provision of this bill concerns the Native Alaskan veterans who served in the Vietnam conflict. This legislation is intended to benefit the families of Native Alaskans who served in Southeast Asia between 1964 and 1971 and who died as a direct result of their military service.

Under this bill, the descendants of these Native Alaskan veterans would be allowed a new opportunity to file under the Allotment Act of 1906 for up to 160 acres of parcels of land which the family traditionally used and occupied.

The Allotment Act of 1906 was repealed by the Alaska Native Claims Act in 1917, which was intended to resolve the Native land claims against the United States. That historic act conveyed over 40 million acres of land and approximately $1 billion dollars in compensation to be managed by over 200 Native Alaskan corporations, representing the villages and regions of the State of Alaska.

It is fair to say, Mr. Speaker, that the minority on the Committee on Resources on this side has not always shared the enthusiasm of our chairman for reopening the land claims and making significant amendments to the 1971 Alaska Native Claims Settlement Act. We tend to give greater emphasis to the word ''settlement'' in that act.

However, Mr. Speaker, in this instance, the allotment act language reflects a compromise struck after negotiations between the Department of the Interior and the Alaskan Federation of Natives.

A rider on the fiscal year 1999 VA-HUD appropriations bill reopened applications for Native veterans who served in the 3-year period prior to the repeal of the allotment act in 1971. Since the Department of the Interior has already opened that door, extending the same opportunity to the families of Native veterans who were killed in action is a matter of understandable equity. It is troublesome, however, that the Department cannot tell us how many new applications would be generated by this bill, nor can they give us any clear notion of the potential impacts on public land in Alaska.

However, by allowing this bill to proceed, it is our intent that this action is final and that there will be no further extensions of land claims under an act that was passed by Congress at the turn of the century and repealed 3 decades ago. It is my understanding that the Department of the Interior shares this view as well.

In summary, Mr. Speaker, let me take what may be one of our last opportunities in this Congress to give credit to the gentleman from Alaska (Mr. YOUNG), the chairman of our House Committee on Resources, who has served as chairman of the committee for the past 6 years. The chairman is a forceful advocate for his Alaska Native constituents, and it is due to his commitment that this bill is before us today.

Mr. Speaker, I want to commend the gentleman from Alaska, chairman of the committee, for his leadership and also his willingness to assist with issues affecting our insular areas. And above all, Mr. Speaker, this Member appreciates very much the genuine friendship of the gentleman from Alaska (Chairman YOUNG) with those of us who represent the territories.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4345, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

LAKE TAHOE BASIN LAND CONVEYANCE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

The Clerk read as follows:

H.R. 4656

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

SECTION 1. CONVEYANCE OF CERTAIN FOREST SERVICE LAND IN THE LAKE TAHOE BASIN.

(a) CONVEYANCE.—Upon application, the Secretary of Agriculture, acting through the Chief of the Forest Service, may convey to the Washoe County School District all right, title, and interest of the United States in the property described as a portion of the Northwest quarter of Section 15, Township 16 North, Range 18 East, M.D.B. & M., more particularly described as Parcel 1 of Parcel Map No. 426 for Boise Cascade, filed in the office of the Washoe County Recorder, State of Nevada, on May 19, 1977, as file No. 465601, Official Records.

(b) REVIEW OF APPLICATION.—When the Secretary receives an application to convey the property under subsection (a), the Secretary shall make a final determination whether or not to convey such property before the end of the 180-day period beginning on the date of the receipt of the application.

(c) USE; REVERSION.—The conveyance of the property under subsection (a) shall be for the sole purpose of the construction of an elementary school on the property. The property conveyed shall revert to the United States if the property is used for a purpose other than as an elementary school site.

(d) CONSIDERATION BASED ON REQUIREMENT TO USE FOR LIMITED PUBLIC PURPOSES.—The Secretary shall determine the amount of any consideration required for the conveyance of property under this section based on the fair market value of the property when it is subject to the restriction on use under subsection (c).

(e) PROCEEDS.—The proceeds from the conveyance of the property under subsection (a) shall be available to the Secretary without further appropriation and shall remain available until expended for the purpose of acquiring environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Act entitled ''An Act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes'', approved December 23, 1980 (94 Stat. 3381; commonly known as the ''Santini-Burton Act'').

(f) APPLICABLE LAW.—Except as otherwise provided in this section, any sale of National Forest System land under this section shall be subject to the laws (including regulations) applicable to the conveyance of National Forest System lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4656 was introduced by my colleague, the gentleman from Nevada (Mr. GIBBONS). This legislation would convey a little over 8 small acres of Forest Service land to the Washoe County School District in Nevada located in the Lake Tahoe Basin for fair market value.

This bill passed full committee by voice vote on September 13 of this year. I would urge all Members to support passage of this excellent piece of legislation today.

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 certainly want to thank my good friend, the gentleman from Utah (Mr. HANSEN), chairman of our Subcommittee on National Parks and Public Lands, and the chief sponsor of this legislation, the gentleman from Nevada (Mr. GIBBONS).

However, this evening, Mr. Speaker, with tremendous reluctance and despite my respect for my good friend from Nevada, I have to rise in opposition to H.R. 4656.

This bill authorizes the Forest Service to convey for fair market value an approximately 8.7 acre parcel on the Tahoe National Forest in Washoe County School District for use as an elementary school site.

Although the parcel is valued between $2 million and $4 million, a deed restriction directing use as a school site and a reversionary clause reduces the value considerably.

The administration testified that the appraisal value would be reduced by approximately 75 percent. The parcel to be conveyed was originally acquired by the Forest Service in 1981 as an environmentally sensitive property under the Santini-Burton Act for approximately $500,000. This land, as other land around Lake Tahoe, has appreciated considerably in the last 20 years. Sound fiscal policy dictates that the public should receive full value for its public assets.

In this case, getting fair compensation is particularly critical because the taxpayers purchased the land under a Federal program to buy environmentally sensitive land around Lake Tahoe and because the proceeds of the sale would be used to purchase additional environmentally sensitive land in the Lake Tahoe area.

Hence to offset the fiscal and environmental loss of this sensitive property, the Federal Government should get its full value.

Mr. Speaker, this bill also undermines the intent of the Santini-Burton Act. While the act allows transfers of land in interest to State and local governments, the deed restrictions must protect the environmental quality and public recreational purposes of the land.

Legislation is needed in this instance because this conveyance does not fall within the parameters of the act. Unlike other sites conveyed for less than fair market value with reversionary clauses, this land was not public domain or surplus land. Rather, this land was specifically purchased for its environmental value and is integral to the land-use planning scheme surrounding Lake Tahoe. This bill deprives the public of what is owed as well as the ability to offset the loss of this environmentally sensitive property with the purchase of comparable property.

I urge my colleagues not to accept this legislation.

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

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the author of this legislation, .

Mr. GIBBONS. Mr. Speaker, I would like to thank my colleague and friend from Utah (Mr. HANSEN) for allowing me the time to speak here today.

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Before, Mr. Speaker, I approach and answer the questions and issues of my colleague from American Samoa, I want to thank the gentleman from Alaska (Mr. YOUNG) for his leadership on this important bill which seeks to provide the children of Incline Village, Nevada with the sound footing for a quality education.

Mr. Speaker, H.R. 4656 authorizes the U.S. Forest Service to convey 8.7 acres of land in Washoe County, Nevada at fair market value for the limited use as an elementary school. It also requires the proceeds from the sale to be used to purchase environmentally sensitive land in the Lake Tahoe Basin in the future. H.R. 4656 is the product of a great deal of hard work, and I believe it strikes a balance that will benefit all parties involved.

The present Incline Village elementary school, constructed in 1964, can no longer meet the needs of an increasing student population. The overcrowding problems have become so severe that the school must now place up to 40 children in one classroom because there is simply not enough space to accommodate them all. The school district has considered every possible remedy to this problem, including looking at other land within the basin, and the best solution is H.R. 4656.

Expanding beyond the school's current design is physically impossible, as is rezoning the district to bus school children to another school district since the road to the next closest school is closed half the year due to snow. The only solution is a new school and the only suitable land to provide the students of Incline Village with a proper facility is the land to be conveyed in this bill.

Purchased by the U.S. Government under the Burton-Santini Act, this land currently has no market value since under Burton-Santini it cannot be developed without an act of Congress. Certainly the commercial use of the land would garner a much more attractive profit for the Federal Government, but the environmental sensitivity of the land would undoubtedly be threatened. However, under H.R. 4656, the intent of the Burton-Santini Act to protect the land's environmental sensitivity would be maintained. The school will not jeopardize the sensitivity of the seasonal stream that runs through the land. The school district will install water filtration systems and incorporate the sensitive elements of the site into existing education programs on water quality for the students.

Therefore, Mr. Speaker, the use restrictions of my bill will succeed in protecting the environment and ensuring that the Federal Government receives compensation for the land. The land will not be conveyed for free but at an affordable price for the school district. This bill is truly a win-win for everyone involved.

Finally, Mr. Speaker, this bill is not really about the land conveyance. This is about educating children. All children deserve safe and quality school facilities. The passage of H.R. 4656 will extend this opportunity to the students of Incline Village.

Mr. Speaker, let me also add that if this bill is not passed, there may actually be that child who has to stand up because there will not be room for his or her desk in the school district because there are 400 students now expected to be in this school. If you combine those students, most of which are ESL, more than 50 percent of the student population is ESL students, they will be pushed into an ever decreasing smaller and smaller environment.

This bill, if it is not passed, there will not be that new school for them and no place for these students to learn. We all realize, I hope, how important it is to the future of our children and to the future of our Nation to have well-educated children. It is my hope that no one in this Chamber will deny the young children of Incline Village, Nevada the opportunity to learn how to read, how to write or how to add and subtract in a suitable facility that can promote education, not inhibit it.

Mr. Speaker, we are asking only for 8.7 acres purchased at fair market value with a school restriction by the Washoe County school district for the purpose of an elementary school. The purpose of this bill is to provide the children in this area with an adequate, suitable place to get an education.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. I was looking at the clock and looking at some 11 hours, that I had sincerely hoped that the staff members

on the majority side and our side would at least have had this occasion for this whole day passing, if there is some way we can negotiate in good faith and some way to find a solution to prevent this kind of a deadlock. And now we bring ourselves here to the floor with this kind of a situation that I feel very, very bad about. I sincerely wish there could have been some other way of resolving this issue. Now that we are before the floor and reluctantly and with tremendous respect that I have for my good friend from Nevada, I had just hoped that we would have resolved this issue in some way or somehow, but somehow this matter has not been resolved.

As I said, with tremendous reluctance, I have to respectfully oppose this piece of legislation.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, to my great friend from American Samoa, I want to say that this land of 8.7 acres is squeezed in between condominium developments and a Safeway shopping center right in front of it. This is not the pristine type of ground that one normally envisions when we talk about environmentally sensitive lands with great vistas looking out over Lake Tahoe. The fact is that this land is going to be better off being utilized as a school because the environmental sensitivities will be taken into consideration by the school in its development plan. It will actually enhance the environmental sensitivity of the land as well.

Let me also say that the League to Save Lake Tahoe, the well-known, well-respected environmental group that looks after much of the Lake Tahoe area does not oppose this bill. This is a critical piece of legislation for the students of Nevada. There have been many attempts on the other side to have legislation passed which also sets a precedent. I know my friends on the other side of the aisle have oftentimes passed legislation which will convey land for free for educational purposes, such as the San Juan College Act passed, that is H.R. 695 of our good friend and colleague the gentleman from New Mexico (Mr. UDALL). It conveyed land for educational purposes with a restriction in it as well. We also have an opportunity to look at other pieces of legislation which the other side has passed which would convey for even free, without the cost to the United States, land for educational purposes for the Lewis and Clark National Historic Interpretive Center. That passed 355–0 and was signed into law last year.

Mr. Speaker, there are other opportunities. H.R. 2737 of the gentleman from Illinois (Mr. COSTELLO) that was going to convey 39 acres of government land for free to the State of Illinois. We talked about that one. As I am saying, even H.R. 2890 which many of my friends and colleagues on the other side of the aisle support, transfers the land of Vieques Island that is currently used as an artillery bombing range to Puerto Rico at no cost. Now, here is thousands upon thousands and thousands of acres that belong to the Federal Government that are supported in being transferred to a State agency for that matter without a cost to the Federal Government in giving up that. So it is not an issue here today. We are talking about 8.7 acres. It is not an issue of fair market value. We are talking about getting an education for 400 children.

Without this, Mr. Speaker, without this land, without being able to construct this new school, 400 children are going to be forced into classrooms or denied an education, and 400 children, I do not think, want to be subject of standing in their classroom without so much as room for their desk in order to get that education. We have to pass this bill. It is now, it is critical, and time is of the essence for this bill.

I once again thank my friends and colleagues for their support and hope everyone will support this piece of legislation.

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

I congratulate my friend from Nevada for his excellent presentation. I would like to point out that in my 20 years on the Committee on Resources, we have done this many, many times. Education in this year is one of the big things we are all looking at. I hope it does not become a partisan issue. We are trying to educate some kids. I could give example after example of my many years on this committee where we have done exactly that, to give some acreage so we can expand a school, so we can help some children out. The backbone of this country is educating our children. I commend the gentleman from Nevada for his excellent presentation.

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4656.

The question was taken.

Mr. FALEOMAVAEGA. 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.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 150, EDUCATION LAND GRANT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 621) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 150.

The Clerk read as follows:

H. RES. 621

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 150, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendment:

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

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Education Land Grant Act''.

SEC. 2. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon application, the Secretary of Agriculture may convey National Forest System lands for use for educational purposes if the Secretary determines that—

(1) the entity seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System; and

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral rights.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

On June 8, 1999, the House passed H.R. 150, the Education Land Grant Act, by voice vote. Since that time, the bill was amended in the other body. However, the committee nor the author are agreeable to the amendments. Thus, this resolution strips the Senate amendments and inserts the original text as passed by the House.

Mr. Speaker, H.R. 150 is a good piece of legislation that will help school children in rural communities throughout the country. I commend the gentleman from Arizona (Mr. HAYWORTH) for his hard work on this bill.

The Education Land Grant Act was designed to alleviate a problem that many small western communities face. These towns are often hemmed in by government-owned lands such as BLM land, Indian reservations, national forests, State land and now all over the West national monuments, national parks, et cetera. Since so much of the land base in these areas is nontaxable government land, they often find it difficult to afford school facilities.

H.R. 150 was designed to help these towns and cities surrounded by or adjacent to Forest Service land. They would be able to buy parcels of land for school facilities from the Forest Service at nominal cost. We have the opportunity to provide communities across our great Nation with the ability to purchase public lands to facilitate the education of our youth. This is a good cause and a great idea. H.R. 150 is simply legislation that resolves an extremely difficult problem for rural school districts. I urge my colleagues to support this resolution.

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, first of all I certainly want to commend my good friend the gentleman from Arizona (Mr. HAYWORTH), the chief sponsor of this bill.

Mr. Speaker, H.R. 621 would have the effect of returning to the Senate the House-passed language in the bill H.R. 150, the Education Land Grant Act. The House originally passed this measure in June of last year and the Senate subsequently took up the bill and sent it back to the House in April of this year with an amendment.

The Senate amendment is a significant change in the purpose and scope of H.R. 150 as passed by this body. There are a number of serious problems with the Senate amendment in terms of policy and its application. Whereas the House bill was narrowly focusing on making land available for schools, the Senate amendment greatly expands the authorized purposes, includes new detailed language on the transfers and reverters as well as making a number of other changes in the bill. It is our understanding that the administration strongly opposes the language of the Senate amendment.

Given the problems with the Senate amendment, we do not object to disagreeing with the Senate language and returning the bill to the Senate with the original House-passed provisions.

Mr. Speaker, again I want to commend my friend from Arizona for this legislation. I urge my colleagues to support the bill.

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

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the author of this bill.

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

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Utah for yielding me this time. I would also ask the indulgence of those who join us this evening as I battle a bit of a cold.

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Mr. Speaker, tonight before us is an important bipartisan bill that will help school districts around the country by allowing those districts to apply for conveyances of small tracts of Forest Service land at a nominal cost for the purposes of building, renovating or expanding school facilities.

Currently, only school districts near Bureau of Land Management lands can apply for conveyances under the Recreation and Public Purposes Act, and modeled after that act this legislation simply adds Forest Service lands to the equation.

It is worth noting, as my colleagues have before me, that H.R. 150 unanimously passed this House by a recorded vote with 420 of us in attendance voting yes; not a single voice, not a single vote, Mr. Speaker, in opposition in June of last year.

By unanimous consent, as was mentioned earlier, Mr. Speaker, the Senate passed an amendment in the nature of a substitute to H.R. 150 and while this was a bipartisan agreement, objections have been raised. They were enumerated by my good friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA). Therefore, by disagreeing to the Senate amendments to H.R. 150, we can send the House-passed bill back to the Senate in the form of H. Res. 621 and send it directly to the President after the other body passes the legislation.

To recount, this new Education Land Grant Act authorizes the Secretary of Agriculture to convey Forest Service lands for educational purposes if certain conditions are met. First, the entity seeking the conveyance must use the land for a public or publicly funded elementary or secondary school.

Second, the conveyance must serve the public interest.

Third, the land conveyed cannot be environmentally sensitive land and cannot be otherwise needed for purposes of the national forest system.

Finally, the total acreage to be conveyed cannot exceed the amount reasonably necessary for the proposed use.

Furthermore, our new Education Land Grant Act limits the amount of acreage to be conveyed to 80 acres. It also provides that conveyances under this legislation shall be for a nominal cost using the guidelines of the Recreation and Public Purposes Act, which allows for conveyances or transfers to be made at $10 per acre.

The bill would require expedited review of applications by requiring the Secretary of Agriculture to acknowledge receipt of an application within 14 days of receiving it. A final determination about whether to convey the land must be made within 120 days, unless the Secretary submits a written notice to the applicant explaining the delay.

Mr. Speaker, ofttimes rural school districts cannot afford the costs of buying land and building new school facilities. In fact, in the 104th Congress, I introduced legislation which was signed into law that helped one of these aforementioned financially strapped school districts, the Alpine School District in Eastern Arizona. This district desperately needed new facilities. However, they could not afford the cost of acreage which was estimated to be approximately one quarter of a million dollars, as well as the cost of new school facilities.

This legislation seeks to set up a national mechanism for school districts to apply to the Agriculture Secretary for Forest Service land without having to come to Congress every year to pass legislation for their particular school district. Indeed, Mr. Speaker, part and parcel of the exercise tonight is perhaps to an onlooker, Mr. Speaker, a crazy quilt of small applications or conveyances of land. The beauty of the new Education Land Grant Act is to offer a uniform mechanism that can be used.

Mr. Speaker, I would point out that although it is of special interest in the rural West, it is important to note that this legislation would help school districts in 44 of our 50 States.

The Constitution gives our Congress authority in article IV, section 3 when it states that Congress shall have the power to dispose of and make needful rules and regulations respecting the territory or other properties belonging to the United States. I mention the conditions unique to the West. It has been part and parcel of discussion on earlier legislation tonight. Private land in the West is extremely expensive, and while it is true most federally controlled land is located in the western States, we also confront a problem there: Rapidly growing populations. In fact, Arizona, Utah and Nevada have the three fastest growing States in the Nation. With less and less private land on which to build schools and other facilities, the West will increasingly need to find new solutions to growth problems. The Education Land Grant Act provides one of the ways we can alleviate some of these concerns and at the

same time help our children receive the education they need and deserve.

Not only is there rapid growth in the West but nationwide. As has been part of the discussion on this floor and in other venues, many school districts find themselves financially strapped. We have the opportunity tonight, in the tradition of Justin Smith Morrill, who consulted with then candidate Abraham Lincoln, in the election campaign of 1860, for an Education Land Grant Act that allowed for conveyances of land for the construction and establishment of institutions of higher learning in the agricultural and mechanical arts, in that tradition that Lincoln made the centerpiece of his campaign for the presidency and, of course, a terrible war intervened and his assassination. Ultimately, the Morrill Land Grant Act was signed into law. Indeed, from the vantage of time we see how important that was to higher education in this country.

Mr. Speaker, tonight we again have the opportunity to stand and deliver, and though it is virtually ignored by the fourth estate, in retrospect, Mr. Speaker, this legislation is of great importance because it enables local districts to free up their precious resources to help teachers teach and help children learn.

Certainly despite our many differences, as we take a look at the political calendar we can agree on that basic mission. In the tradition of original passage last year, unanimous passage by this House, I would ask this House again to support this legislation now by calling for passage of H. Res. 621 so that this new Education Land Grant Act can become reality, so that we can streamline this process for the greater good of all America's children in our finest traditions.

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

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the resolution, H. Res. 621.

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

A motion to reconsider was laid on the table.

PLACEMENT AT LINCOLN MEMORIAL OF PLAQUE COMMEMORATING SPEECH OF MARTIN LUTHER KING, JR., KNOWN AS ''I HAVE A DREAM'' SPEECH

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2879) to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have a Dream'' speech.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. PLACEMENT OF PLAQUE AT LINCOLN MEMORIAL.

(a) PLACEMENT OF PLAQUE.—

(1) IN GENERAL.—The Secretary of the Interior shall install in the area of the Lincoln Memorial in the District of Columbia a suitable plaque to commemorate the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech.

(2) RELATION TO COMMEMORATIVE WORKS ACT.—The Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the area of the Lincoln Memorial.

(b) ACCEPTANCE OF CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Interior is authorized to accept and expand contributions toward the cost of preparing and installing the plaque, without further appropriation. Federal funds may be used to design, procure, or install the plaque.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, I rise in strong support of H.R. 2879, introduced by the gentlewoman from Kentucky (Mrs. NORTHUP). H.R. 2879 would provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have a Dream'' speech. The plaque would be placed in an appropriate location in the vicinity of the Lincoln Memorial where Dr. King delivered his famous civil rights speech on August 28, 1963. This bill also directs the Secretary of the Interior to accept contributions to help offset any costs associated with the preparation and placement of the plaque.

Mr. Speaker, this is an important bill. It has bipartisan support. I urge all of my colleagues to support H.R. 2879, as amended.

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, H.R. 2879 as passed by the House directs the Secretary of the Interior to insert on the steps of the Lincoln Memorial a plaque commemorating the speech of Dr. Martin Luther King, Jr., known as the ''I Have a Dream'' speech.

The bill originally passed the House by a voice vote on November 9 of last year. The Senate passed the bill last week and has returned the measure to the House with an amendment.

The Senate amendment makes a number of clarifying and technical changes to the bill. We support these changes. In fact, we believe these changes strengthen the bill by providing greater flexibility on the placement of a plaque and by making sure that this action is carried out in conformance with the Commemorative Works Act.

Mr. Speaker, I want to note that our colleague, the gentleman from Georgia (Mr. LEWIS) was present and was one of the speakers that day in the summer of 1963 on the steps of the Lincoln Memorial and was with Dr. King when rendering the ''I Have a Dream'' speech that occurred at the Lincoln Memorial, which certainly had a profound impact not only on the civil rights movement but I would say that this Member particularly was very touched by the speech that Dr. King gave on that day. I ask my colleagues to support this measure.

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

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Kentucky (Mrs. NORTHUP), who has worked so diligently on this legislation, and I commend her for the good work she has done.

Mrs. NORTHUP. Mr. Speaker, this bill originated because one of my constituents, Thomas Williams, came to Washington, D.C. with his wife to see Washington, as so many Americans do. He wrote to me when he got home and talked about the moving moments he had as he went around Washington walking in the footsteps and being reminded of what a democracy this was and some of our important leaders.

He wrote to me about what he thought was missing, and I would like to share with you some of those words: I looked for the spot on which Martin Luther King stood when he spoke. I looked for a marker to remind me and others that for a single moment on a hot August day a descendant of a slave held the most prominent space in our Nation and delivered words that will always stay with that space. I could not find a marker or the words on those steps. And he goes on to say that markers such as this are reminders that an ordinary space we sometimes occupy can become forever changed by the deeds of a person that has stood there.

Looking even further, he said, into the future I saw a day when I could bring my yet unborn children to that spot where Martin Luther King spoke and I could show them that marker and read them the words of his dream.

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''I could tell them that this is still a nation where a simple Kentucky farmer could rise to the heights of president, and that a son of a slave could inspire future generations with the power of his words and his compassion.''

Mr. Speaker, this plaque gives us these memories. All of us see schoolchildren that come to Washington each year. I reminded them that they are not only visiting the past, walking in the footsteps of our history, but that

they are being filled with inspiration for their futures and for their responsibilities as leaders to make this democracy even better, to not be afraid to tackle the challenges, and to be part of the goodness of this country.

These children look for the markers, look for the memories, that give them this inspiration, give them example, and give them a belief that they, too, can make a difference.

So it is important that as they walk on the steps of the Lincoln Monument, that they not forget that very important day and that very important leader that Dr. Martin Luther King was to this country.

I think it is also important to thank my constituent, Tom Williams, who wanted the events of 1963 to come alive to all who toured the Lincoln Monument. Today we honor his contribution as an interested citizen, a citizen that believed that he could make a suggestion, and that that suggestion might have a powerful result.

Finally, the movement of this legislation also honors another man, Senator Paul Coverdell from Georgia, who sponsored this legislation on the Senate side. Senator Coverdell's death was a great loss to all of us this year, and we will miss him, but like the man we are honoring here today, Senator Coverdell will also be fondly remembered in our hearts.

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2879.

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

A motion to reconsider was laid on the table.

COASTAL BARRIER RESOURCES SYSTEM CORRECTIONS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

The Clerk read as follows:

Senate amendments:

Page 2, line 9, strike out all after ''System'','' down to and including ''tives.'' in line 11 and insert ''dated June 5, 2000''.

Page 2, after line 18, insert:

''(c) AVAILABILITY.—The Secretary of the Interior shall keep the map descried in subsection (b) on file and available for public inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 34 passed the House by unanimous consent on November 18, 1999. The other body made some technical amendments to the bill which are acceptable to the sponsor of this bill.

The gentleman from Florida (Mr. GOSS) is to be commended for his determination in getting this bill through the process and to final passage.

This bill corrects coastal maps which labeled developed private property as part of a State park. H.R. 34 adopts a new map drawn by the Fish and Wildlife Service which correctly portrays the boundary of the Cayo Costa State Park in Florida.

This change is supported by the U.S. Fish and Wildlife Service. Adopting the Senate amendments will clear this bill for the President. I strongly urge passage of this 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 also want to commend the gentleman from Florida (Mr. GOSS) for his introduction of this legislation.

The Coastal Barrier Resources Act established the sound policy that the best way to protect coastal barriers was not to prohibit private development, but instead, to remove Federal benefits and financial assistance that encourage or subsidize such developments.

In general, this policy has been very successful. And that said, Mr. Speaker, Congress has found the need from time to time to correct technical errors revealed in the original Coastal Barrier System maps.

As noted by the previous speaker, the House passed H.R. 34 last November without objection. At the request of the other body, the Fish and Wildlife Service completed a digital analysis of public land holdings on North Captiva Island that are presently included in the otherwise protected area labeled as P–19P.

The new map was developed by the Fish and Wildlife Service to depict more detailed analysis. This new map, dated June 5 of this year, was adopted by the other body when it passed H.R. 34 last week. It is our understanding that this new map has not changed in any way the corrected boundaries for Cayo Costa State Park.

Furthermore, we understand that these digital clarifications have not removed any area from either the otherwise protected area of P–19P or from the adjacent coastal barrier resources system unit, P–19.

Lastly, the Fish and Wildlife Service fully attests to the accuracy of this new map. As a result, we have no objections to this legislation as amended by the other body to adopt the map dated June 5 of this year.

This legislation falls within the realm of legitimate technical corrections, and the bill is not controversial. I urge my colleagues to support this measure.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to H.R. 34.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

CAT ISLAND NATIONAL WILDLIFE REFUGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

The Clerk read as follows:

Senate amendments:

Page 4, line 7, after ''animals;'' insert: ''and''.

Page 4, strike out lines 8 through 11.

Page 4, line 12, strike out ''(6)'' and insert: ''(5)''.

Page 5, line 19, before ''The'' insert: ''(a) IN GENERAL.—''.

Page 6, after line 2, insert:

(b) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-oriented recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge.

Page 6, after line 11, insert:

SEC. 8. DESIGNATION OF HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER.

(a) IN GENERAL.—A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the ''Herbert H. Bateman Education and Administrative Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Herbert H. Bateman Education and Administrative Center.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Effective on the day after the date of enactment of the Act entitled, ''An Act to

reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994'' (106th Congress), section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 668dd note; Public Law 103–340), relating to an environmental education center and refuge, is redesignated as section 7.

(b) Effective on the day after the date of enactment of the Cahaba River National Wildlife Refuge Establishment Act (106th Congress), section 6 of that Act is amended—

(1) in paragraph (2), by striking ''the Endangered Species Act of 1973 (16 U.S.C. 1331 et seq.)'' and inserting ''the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)''; and

(2) in paragraph (3), by striking ''section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))'' and inserting ''paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))''.

(c) Effective on the day after the date of enactment of the Red River National Wildlife Refuge Act (106th Congress), section 4(b)(2)(D) of that Act is amended by striking ''section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))'' and inserting ''paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, I rise in support of H.R. 3292, which will establish the Cat Island National Wildlife Refuge near Baton Rouge, Louisiana, represented by our colleague, the gentleman from Louisiana (Mr. BAKER).

Under the terms of this legislation, the Secretary of the Interior is directed to acquire by purchase or donation up to 36,000 acres of land that will form the basis of this new exciting refuge.

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The House considered and approved this measure by voice vote. The other body adopted a few technical amendments which we concur in today. In addition, an additional amendment was added naming the visitors center at the Chincoteague National Wildlife Refuge in Virginia after our former colleague, the late Herb Bateman. Congressman Herb Bateman's tireless commitment to what he called America's First District was legendary. This is a fitting tribute to an outstanding man. I urge the adoption of H.R. 3292. I compliment the author, the gentleman from Louisiana (Mr. BAKER) for his superb leadership in shepherding this legislation through the legislative process.

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 rise in support of H.R. 3292, a bill sponsored by the gentleman from Louisiana (Mr. BAKER), a bill that would establish the Cat Island National Wildlife Refuge in the State of Louisiana. The biological diversity and ecological significance of these resources will be a valuable addition to our national wildlife refuge system.

We reviewed the amendments and technical corrections that were added to this legislation by the other body, and we find them helpful and noncontroversial. Consequently, we have no objections in passing this amended bill.

Mr. Speaker, it is my understanding that the administration fully supports the provisions of this bill, and I urge my colleagues to support the bill.

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

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3292.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SAINT HELENA ISLAND NATIONAL SCENIC AREA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area.

The Clerk read as follows:

Senate amendment:

Page 4, line 1, strike out all after ''REQUIREMENTS.—'' down to and including ''Forest.'' in line 5 and insert ''Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 7, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 468, the Saint Helena Island National Scenic Area, was introduced by our colleague, the gentleman from Michigan (Mr. KILDEE). This legislation would establish the area known as Saint Helena Island in the State of Michigan as a National Scenic Area to be included in the Hiawatha National Forest.

H.R. 468 passed the House under suspension of the rules on September 21, 1999, by a recorded vote of 410–2.

The Senate has returned this bill to the House with a technical amendment that clarifies the plan amendment process for management of the area.

Mr. Speaker, I urge passage of Saint Helena National Scenic Area, as amended, by the Senate.

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

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

Mr. Speaker, I rise in support of this legislation.

H.R. 468 authorizes the Secretary of Agriculture to acquire from willing sellers most of Saint Helena Island for management as a National Scenic Area. The nearly 270-acre island, which sits a couple of miles offshore from the Hiawatha National Forest shoreline in northern Lake Michigan, is rich in ecological and cultural resources.

The small bit of acreage that does not convey to the Forest Service is owned by the Great Lakes Lighthouse Keepers Association. This bill overwhelmingly was passed by the House in September of last year; and in October of this year, the Senate unanimously passed it with a minor amendment.

Mr. Speaker, I urge my colleagues to support this bill.

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

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

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

Mr. Speaker, I want to note the particular good work of the gentleman from Michigan (Mr. KILDEE), my good friend and colleague, certainly for his leadership and for his sponsorship of this important piece of legislation.

Mr. KILDEE. Mr. Speaker, on February 25, 1999, I introduced H.R. 468, the St. Helena Island National Scenic Area Act, and I am pleased that several of my colleagues from Michigan joined me as cosponsors of this effort. As many of you know, the House originally passed the legislation in September of 1999. Our colleagues on the Senate side added an amendment at the request of the National Forest Service. I have no problem with this change, and I am pleased that we are approving the final version of the bill today, clearing the way for its passage into law.

First of all, I would like to thank Chairwoman CHENOWETH-HAGE and Chairman YOUNG for their help in bringing H.R. 468 to the floor of the House. I also appreciate the work of the Ranking Members, ADAM SMITH and GEORGE MILLER. Furthermore, I wish to thank the majority and minority staff for their work on this effort. 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.

H.R. 468 is simple—it authorizes the purchases of St. Helena Island from the willing sellers of 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.

I thank all of my colleagues for their support of this effort.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 468.

The question was taken.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

EXTENDING AUTHORITY OF LOS ANGELES UNIFIED SCHOOL DISTRICT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5083) to extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

The Clerk read as follows:

H.R. 5083

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) In 1988, the Los Angeles Board of Education voted to close Tweedy Elementary School in the city of South Gate, California, due to concerns about health risks at the site of the school.

(2) The school was temporarily relocated to South Gate Park on park land that was originally acquired with amounts provided by the Secretary of the Interior from the land and water conservation fund.

(3) In March 1991, the lease with the city that allowed the Los Angeles Unified School District to operate the school on park land expired, and no progress had been made in constructing new facilities to relocate the school and its students.

(4) In 1992, Congress enacted Public Law 102–443 (106 Stat. 2244), which authorized an eight-year extension in the lease for the use of the park land pending the construction of the new school.

(5) This eight-year extension is due to expire on October 23, 2000, and little progress has been made on the part of the Los Angeles Unified School District to relocate Tweedy Elementary School.

(6) In addition to the long-delayed Tweedy Elementary School relocation, recent studies have identified the need for additional educational facilities in the city of South Gate, including a new high school, junior high, and three primary centers in the near future.

(7) The lack of commitment, oversight, and accountability in finding a new site for Tweedy Elementary School must be corrected in any further lease extension, and a similar situation also must be avoided in addressing the construction of other education facilities in the City of South Gate.

SEC. 2. CONTINUATION OF TEMPORARY USE OF PARK LANDS FOR ELEMENTARY SCHOOL PURPOSES, SOUTH GATE, CALIFORNIA.

Notwithstanding section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)), the city of South Gate, California, may extend until October 23, 2004, the lease between the city of South Gate and the Los Angeles Unified School District, dated June 8, 1988, and otherwise subject to expire on October 23, 2000, pursuant to Public Law 102–443 (106 Stat. 2244), regarding the use of approximately three acres of South Gate Park as the temporary site for Tweedy Elementary School.

SEC. 3. REPORT ON PROGRESS TO RELOCATE TWEEDY ELEMENTARY SCHOOL AND OTHER SCHOOL CONSTRUCTION.

(a) PERIODIC REPORTS REQUIRED.—As a condition on the extension of the lease referred to in section 1 beyond October 23, 2000, the President of the Board of Education for the Los Angeles Unified School District shall require the preparation of periodic reports describing—

(1) the progress being made to relocate Tweedy Elementary School from South Gate Park to a permanent location; and

(2) the School District's construction plans for a new high school, middle school, and 3 primary centers in the city of South Gate, California.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall describe—

(1) the progress being made in site selection and acquisition, facility design, and construction; and

(2) any factors hindering either the relocation of Tweedy Elementary School or progress on the School District's other construction plans for the city of South Gate.

(c) SUBMISSION.—The reports required by subsection (a) shall be submitted to the City Manager of the city of South Gate, the Congress, the Los Angeles Board of Education, and Padres Unidos Pro Nuevas Escuelas. The first report shall be submitted not later than May 1, 2001, and subsequent reports shall be submitted every six months thereafter during the term of the extended lease.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 5083 extends the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, for elementary school purposes.

Mr. Speaker, H.R. 5083 is a good piece of legislation that provides school children in South Gate, California, with temporary educational facilities. I commend the gentlewoman from California (Ms. ROYBAL-ALLARD), my colleague, for her hard work in bringing this legislation to the floor. I apologize for keeping her for so long on the floor.

In 1988, the Los Angeles Board of Education voted to close Tweedy Elementary School in the city of South Gate, California, due to concerns about health risks at the site of the school. The school was relocated to South Gate Park on park land that was originally acquired with amounts provided by the Secretary of the Interior from the Land and Water Conservation Fund.

On October 23, 2000, the lease with the city that allowed the Los Angeles Unified School District to operate the school on park land will expire. Little progress has been made on the part of the Los Angeles Unified School District to relocate Tweedy Elementary School.

H.R. 5083 would authorize the city of South Gate, California, to extend the lease between the city of South Gate and the Los Angeles Unified School District as the temporary site for the Tweedy Elementary School until October 23, 2004.

As a condition of the extension of the lease, the president of the Board of Education for the Los Angeles Unified School District shall require the preparation of periodic reports describing the progress made to relocate Tweedy Elementary School from South Gate Park to a permanent location.

It will also require the preparation of periodic reports describing the school district's construction plans for a new high school, middle school and three primary centers in the city of South Gate, California. These reports shall be submitted to the city manager of South Gate, to the Congress, and the Los Angeles Board of Education.

This is a worthy cause that will provide the students in South Gate, California, with essential educational facilities. H.R. 5083 is simple legislation that resolves a very difficult problem for these students. I urge my colleagues to support this 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 wanted to thank the gentleman from Utah (Mr. HANSEN), my good friend, for his management of these pieces of legislation. I want to also offer my apologies to the gentlewoman from California (Ms. ROYBAL-ALLARD), our colleague, who has been so patient in wanting to get this bill that she has worked so hard in her efforts to provide legislation for, H.R. 5083.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding the time to me.

Mr. Speaker, I also want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. MILLER), the ranking member of the Committee on Resources, and the gentleman from Utah (Chairman HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO), the ranking member of the Subcommittee on National Parks and Public Lands, for bringing H.R. 5083 to the floor.

This legislation addresses an urgent need for hundreds of children who attend Tweedy Elementary School in my congressional district.

As the gentleman from Utah (Chairman HANSEN) mentioned, in 1988 the Los Angeles Board of Education closed Tweedy Elementary School in South Gate, California, due to health risks from environmental contamination at the school site.

Consequently, the school was moved to South Gate Park located on Federal land, until a new school could be built.

To enable Tweedy Elementary students to attend school in their community, Congress approved a lease, at fair market value, between the city of South Gate and the Los Angeles Unified School District.

The current lease, as was mentioned, is going to expire this fall.

Mr. Speaker, since L.A. Unified is still in the process of replacing Tweedy Elementary, this bill extends the current lease 4 years to allow L.A. Unified time to construct the new school.

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As a condition of the extension, the bill requires a school district to provide progress reports twice a year to the City of South Gate, to Congress, and, most importantly, to the parents of Tweedy students.

With no available alternative site, passage of this measure is essential to ensure that the children of Tweedy are not evicted and their education is not disrupted while LAUSD constructs a permanent replacement site.

For the children of South Gate, I urge my colleagues to pass this critically needed legislation. I would like to thank the gentleman from Utah (Chairman HANSEN) for his support of this very important measure.

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

Mr. FALEOMAVAEGA. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, H.R. 5083, as introduced by the gentlewoman from California (Ms. ROYBAL-ALLARD) would extend for a period of 4 years a lease that allows the Los Angeles Unified School District to operate an elementary school on the park land in the City of South Gate, California that was acquired with monies from the Federal Land and Water Conservation Fund.

Such an extension is necessary because the school district has thus far failed to relocate the elementary school to a permanent site. The elementary school was originally moved onto local park land in 1988 because of concern with health risks associated with the former school site.

In 1992, Public law 102–443 was enacted that allowed an 8-year extension of the lease of three acres of the local park for elementary school purposes. That lease extension is set to expire on October 23 of this year. Without that additional extension, the elementary school will be in a precarious situation.

Mr. Speaker, it is, indeed, unfortunate that the Los Angeles Unified School District has thus far failed to provide a new permanent facility for the elementary school. We support the extension provided in the provisions of this bill. I urge my colleagues to support the provisions of this bill.

Mr. Speaker, if I may not detract too far from the pieces of legislation that the gentleman from Utah (Chairman HANSEN) and I have tried earnestly to complete this evening, I really think I would be remiss if I did not share with my colleagues that, 2 days from now, that our colleagues will be going to the State of Minnesota to express our sense of condolences to the great gentleman, the Congressman from Minnesota, my good friend and former chairman of the Subcommittee on National Parks and Public Lands, the late Congressman BRUCE VENTO.

If ever my colleagues in this Chamber, when we talk about national parks, when we talk about public lands, when we talk about scenic trails, when we talk about wildlife refuge, when we talk about historic preservation, historic sites, perhaps two words come out more starkly, very, very clear in my mind when we think of this great American, the son of Minnesota, Congressman BRUCE VENTO.

When we talk about conservation and the environment, I think of the legacy that this gentleman has left us in this Chamber and the tremendous amount of energy and work that he has committed on behalf of our Nation.

When we talk about conservation environment, there is also another gentleman I want to recognize, the unsung heroes. I say a lot of times that when we do things as Members that we do not give credit which is due. This is my good friend Rick Healy, who, for many years, served as staff director to Congressman BRUCE VENTO and doing such a fantastic, tremendous job in passing some 300 pieces of legislation during Congressman VENTO's tenure as chairman of the Subcommittee on National Parks and Public Lands.

I want to let him know that certainly this Member and certainly my colleagues in the Chamber want to express our sense of appreciation to Rick for the outstanding job that he has done with the national parks and public land issues.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. FALEOMAVAEGA. I am glad to yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I would like to associate myself with the remarks made by the gentleman from American Samoa (Mr. FALEOMAVAEGA) concerning our late colleague, BRUCE VENTO. I also served with him for many years and was ranking member when he was chairman. We have lost a good friend and a very fine legislator.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for his kind comments.

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5083.

The question was taken.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2389, H.R. 4345, H.R. 4656, H. Res. 621, H.R. 150, H.R. 2879, H.R. 3292, H.R. 468 and H.R. 5083.

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

There was no objection.

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TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION (TREAD) ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5164) to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5164

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 ''Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act''.

SEC. 2. PRESERVATION OF SECTION 30118.

The amendments made to section 30118 of title 49, United States Code, by section 364 of the Department of Transportation and Related Agencies Appropriations Act, 2001 are

repealed and such section shall be effective as if such amending section had not been enacted.

SEC. 3. REPORTING REQUIREMENTS.

(a) DEFECTS IN FOREIGN COUNTRIES.—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

''(l) REPORTING OF DEFECTS IN MOTOR VEHICLES AND PRODUCTS IN FOREIGN COUNTRIES.—

''(1) REPORTING OF DEFECTS, MANUFACTURER DETERMINATION.—Not later than 5 working days after determining to conduct a safety recall or other safety campaign in a foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer shall report the determination to the Secretary.

''(2) REPORTING OF DEFECTS, FOREIGN GOVERNMENT DETERMINATION.—Not later than 5 working days after receiving notification that the government of a foreign country has determined that a safety recall or other safety campaign must be conducted in the foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer of the motor vehicle or motor vehicle equipment shall report the determination to the Secretary.

''(3) REPORTING REQUIREMENTS.—The Secretary shall prescribe the contents of the notification required by this subsection.''.

(b) EARLY WARNING REPORTING REQUIREMENTS.—Section 30166, of title 49, United States Code, is amended by adding at the end the following:

''(m) EARLY WARNING REPORTING REQUIREMENTS.—

''(1) RULEMAKING REQUIRED.—Not later than 120 days after the date of enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, the Secretary shall initiate a rulemaking proceeding to establish early warning reporting requirements for manufacturers of motor vehicles and motor vehicle equipment to enhance the Secretary's ability to carry out the provisions of this chapter.

''(2) DEADLINE.—The Secretary shall issue a final rule under paragraph (1) not later than June 30, 2002.

''(3) REPORTING ELEMENTS.—

''(A) WARRANTY AND CLAIMS DATA.—As part of the final rule promulgated under paragraph (1), the Secretary shall require manufacturers of motor vehicles and motor vehicle equipment to report, periodically or upon request by the Secretary, information which is received by the manufacturer derived from foreign and domestic sources to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States and which concerns—

''(i) data on claims submitted to the manufacturer for serious injuries (including death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment; or

''(ii) customer satisfaction campaigns, consumer advisories, recalls, or other activity involving the repair or replacement of motor vehicles or items of motor vehicle equipment.

''(B) OTHER DATA.—As part of the final rule promulgated under paragraph (1), the Secretary may, to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States, require manufacturers of motor vehicles or motor vehicle equipment to report, periodically or upon request of the Secretary, such information as the Secretary may request.

''(C) REPORTING OF POSSIBLE DEFECTS.—The manufacturer of a motor vehicle or motor vehicle equipment shall report to the Secretary, in such manner as the Secretary establishes by regulation, all incidents of which the manufacturer receives actual notice which involve fatalities or serious injuries which are alleged or proven to have been caused by a possible defect in such manufacturer's motor vehicle or motor vehicle equipment in the United States, or in a foreign country when the possible defect is in a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States.

''(4) HANDLING AND UTILIZATION OF REPORTING ELEMENTS.—

''(A) SECRETARY'S SPECIFICATIONS.—In requiring the reporting of any information requested by the Secretary under this subsection, the Secretary shall specify in the final rule promulgated under paragraph (1)—

''(i) how such information will be reviewed and utilized to assist in the identification of defects related to motor vehicle safety;

''(ii) the systems and processes the Secretary will employ or establish to review and utilize such information; and

''(iii) the manner and form of reporting such information, including in electronic form.

''(B) INFORMATION IN POSSESSION OF MANUFACTURER.—The regulations promulgated by the Secretary under paragraph (1) may not require a manufacturer of a motor vehicle or motor vehicle equipment to maintain or submit records respecting information not in the possession of the manufacturer.

''(C) DISCLOSURE.—None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to section 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out sections 30117(b) and 30118 through 30121.

''(D) BURDENSOME REQUIREMENTS.—In promulgating the final rule under paragraph (1), the Secretary shall not impose requirements unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer's cost of complying with such requirements and the Secretary's ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety.

''(5) PERIODIC REVIEW.—As part of the final rule promulgated pursuant to paragraph (1), the Secretary shall specify procedures for the periodic review and update of such rule.''.

(c) SALE OR LEASE OF DEFECTIVE OR NONCOMPLIANT TIRE.—Section 30166 of title 49, United States Code, as amended by subsection (b), is amended by adding at the end the following:

''(n) SALE OR LEASE OF DEFECTIVE OR NONCOMPLIANT TIRE.—

''(1) IN GENERAL.—The Secretary shall, within 90 days of the date of enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, issue a final rule requiring any person who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire which is not compliant with an applicable tire safety standard with actual knowledge that the manufacturer of such tire has notified its dealers of such defect or noncompliance as required under section 30118(c) or as required by an order under section 30118(b) to report such sale or lease to the Secretary.

''(2) DEFECT OR NONCOMPLIANCE REMEDIED OR ORDER NOT IN EFFECT.—Regulations under paragraph (1) shall not require the reporting described in paragraph (1) where before delivery under a sale or lease of a tire—

''(A) the defect or noncompliance of the tire is remedied as required by section 30120; or

''(B) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is restrained or the order is set aside in a civil action to which section 30121(d) applies.''.

(d) INSURANCE STUDY.—The Secretary of Transportation shall conduct a study to determine the feasibility and utility of obtaining aggregate information on a regular and periodic basis regarding claims made for private passenger automobile accidents from persons in the business of providing private passenger automobile insurance or of adjusting insurance claims for such automobiles. Not later than 120 days after the date of enactment of this Act, the Secretary shall transmit the results of such study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 4. REMEDIES WITHOUT CHARGE.

Section 30120(g)(1) of title 49, United States Code, is amended by—

(1) striking ''8 calendar years'' and inserting ''10 calendar years''; and

(2) striking ''3 calendar years'' and inserting ''5 calendar years''.

SEC. 5. PENALTIES.

(a) CIVIL PENALTIES.—Section 30165(a) of title 49, United States Code, is amended to read as follow:

''(a) CIVIL PENALTIES.—

''(1) IN GENERAL.—A person that violates any of sections 30112, 30115, 30117 through 30122, 30123(d), 30125(c), 30127, or 30141 through 30147, or a regulation prescribed thereunder, is liable to the United States Government for a civil penalty of not more than $5,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is $15,000,000.

''(2) SECTION 30166.—A person who violates section 30166 or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is $5,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is $15,000,000.''.

(b) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30170. Criminal Penalties.

''(a) CRIMINAL LIABILITY FOR FALSIFYING OR WITHHOLDING INFORMATION.—

''(1) GENERAL RULE.—A person who violates section 1001 of title 18 with respect to the reporting requirements of section 30166, with the specific intention of misleading the Secretary with respect to motor vehicle or motor vehicle equipment safety related defects that have caused death or serious bodily injury to an individual, (as defined in section 1365(g)(3) of title 18), shall be subject to criminal penalties of a fine under title 18, or imprisoned for not more than 15 years, or both.

''(2) SAFE HARBOR TO ENCOURAGE REPORTING AND FOR WHISTLE BLOWERS.—

''(A) CORRECTION.—A person described in paragraph (1) shall not be subject to criminal

penalties under this subsection if (1) at the time of the violation, such person does not know that the violation would result in an accident causing death or serious bodily injury and (2) the person corrects any improper reports or failure to report within a reasonable time.

''(B) REASONABLE TIME AND SUFFICIENCY OF CORRECTION.—The Secretary shall establish by regulation what constitutes a reasonable time for the purposes of subparagraph (A) and what manner of correction is sufficient for purposes of subparagraph (A). The Secretary shall issue a final rule under this subparagraph within 90 days of the date of enactment of this section.

''(C) EFFECTIVE DATE.—Subsection (a) shall not take effect before the final rule under subparagraph (B) takes effect.

''(b) COORDINATION WITH DEPARTMENT OF JUSTICE.—The Attorney General may bring an action, or initiate grand jury proceedings, for a violation of subsection (a) only at the request of the Secretary of Transportation.''.

(2) CLERICAL AMENDMENT.—The subchapter analysis for subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''30170. Criminal penalties.''.

SEC. 6. ACCELERATION OF MANUFACTURER REMEDY PROGRAM.

Section 30120(c) of title 49, United States Code, is amended by inserting at the end thereof the following:

''(3) If the Secretary determines that a manufacturer's remedy program is not likely to be capable of completion within a reasonable time, the Secretary may require the manufacturer to accelerate the remedy program if the Secretary finds—

''(A) that there is a risk of serious injury or death if the remedy program is not accelerated; and

''(B) that acceleration of the remedy program can be reasonably achieved by expanding the sources of replacement parts, expanding the number of authorized repair facilities, or both.

The Secretary may prescribe regulations to carry out this paragraph.''.

SEC. 7. SALES OF REPLACED TIRES.

Section 30120(d) of title 49, United States Code, is amended by adding at the end the following: ''In the case of a remedy program involving the replacement of tires, the manufacturer shall include a plan addressing how to prevent, to the extent reasonably within the control of the manufacturer, replaced tires from being resold for installation on a motor vehicle, and how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses. The manufacturer shall include information about the implementation of such plan with each quarterly report to the Secretary regarding the progress of any notification or remedy campaigns.''.

SEC. 8. SALES OF REPLACED EQUIPMENT.

Section 30120 of title 49, United States Code, is amended by adding at the end the following:

''(j) PROHIBITION ON SALES OF REPLACED EQUIPMENT.—No person may sell or lease any motor vehicle equipment (including a tire), for installation on a motor vehicle, that is the subject of a decision under section 30118(b) or a notice required under section 30118(c) in a condition that it may be reasonably used for its original purpose unless—

''(1) the defect or noncompliance is remedied as required by this section before delivery under the sale or lease; or

''(2) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is set aside in a civil action to which section 30121(d) applies.''.

SEC. 9. CERTIFICATION LABEL.

Section 30115 of title 49, United States Code, is amended by inserting ''(a) IN GENERAL.—'' before ''A manufacturer'' and by adding at the end the following:

''(b) CERTIFICATION LABEL.—In the case of the certification label affixed by an intermediate or final stage manufacturer of a motor vehicle built in more than 1 stage, each intermediate or final stage manufacturer shall certify with respect to each applicable Federal motor vehicle safety standard—

''(1) that it has complied with the specifications set forth in the compliance documentation provided by the incomplete motor vehicle manufacturer in accordance with regulations prescribed by the Secretary; or

''(2) that it has elected to assume responsibility for compliance with that standard.

If the intermediate or final stage manufacturer elects to assume responsibility for compliance with the standard covered by the documentation provided by an incomplete motor vehicle manufacturer, the intermediate or final stage manufacturer shall notify the incomplete motor vehicle manufacturer in writing within a reasonable time of affixing the certification label. A violation of this subsection shall not be subject to a civil penalty under section 30165.''.

SEC. 10. ENDURANCE AND RESISTANCE STANDARDS FOR TIRES.

The Secretary of Transportation shall conduct a rulemaking to revise and update the tire standards published at 49 C.F.R. 571.109 and 49 C.F.R. 571.119. The Secretary shall complete the rulemaking under this section not later than June 1, 2002.

SEC. 11. IMPROVED TIRE INFORMATION.

(a) TIRE LABELING.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to improve the labeling of tires required by section 30123 of title 49, United States Code to assist consumers in identifying tires that may be the subject of a decision under section 30118(b) or a notice required under section 30118(c). The Secretary shall complete the rulemaking not later than June 1, 2002.

(b) INFLATION LEVELS AND LOAD LIMITS.—In the rulemaking initiated under subsection (a), the Secretary may take whatever additional action is appropriate to ensure that the public is aware of the importance of observing motor vehicle tire load limits and maintaining proper tire inflation levels for the safe operation of a motor vehicle. Such additional action may include a requirement that the manufacturer of motor vehicles provide the purchasers of the motor vehicles information on appropriate tire inflation levels and load limits if the Secretary determines that requiring such manufacturers to provide such information is the most appropriate way such information can be provided.

SEC. 12. ROLLOVER TESTS.

Section 30117 of title 49, United States Code, is amended by adding at the end the following:

''(c) ROLLOVER TESTS.—

''(1) DEVELOPMENT.—Not later than 2 years from the date of enactment of this subsection, the Secretary shall—

''(A) develop a dynamic test on rollovers by motor vehicles for the purposes of a consumer information program; and

''(B) carry out a program of conducting such tests.

''(2) TEST RESULTS.—As the Secretary develops a test under paragraph (1)(A), the Secretary shall conduct a rulemaking to determine how best to disseminate test results to the public.

''(3) MOTOR VEHICLES COVERED.—This subsection applies to motor vehicles, including passenger cars, multipurpose passenger vehicles, and trucks, with a gross vehicle weight rating of 10,000 pounds or less. A motor vehicle designed to provide temporary residential accommodations is not covered.''.

SEC. 13. TIRE PRESSURE WARNING.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking for a regulation to require a warning system in new motor vehicles to indicate to the operator when a tire is significantly under inflated. Such requirement shall become effective not later than 2 years after the date of the completion of such rulemaking.

SEC. 14. IMPROVING THE SAFETY OF CHILD RESTRAINTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking for the purpose of improving the safety of child restraints, including minimizing head injuries from side impact collisions.

(b) ELEMENTS FOR CONSIDERATION.—In the rulemaking required by subsection (a), the Secretary shall consider—

(1) whether to require more comprehensive tests for child restraints than the current Federal motor vehicle safety standards requires, including the use of dynamic tests that—

(A) replicate an array of crash conditions, such as side-impact crashes and rear-impact crashes; and

(B) reflect the designs of passenger motor vehicles as of the date of enactment of this Act;

(2) whether to require the use of anthropomorphic test devices that—

(A) represent a greater range of sizes of children including the need to require the use of an anthropomorphic test device that is representative of a ten-year-old child; and

(B) are Hybrid III anthropomorphic test devices;

(3) whether to require improved protection from head injuries in side-impact and rear-impact crashes;

(4) how to provide consumer information on the physical compatibility of child restraints and vehicle seats on a model-by-model basis;

(5) whether to prescribe clearer and simpler labels and instructions required to be placed on child restraints;

(6) whether to amend Federal Motor Vehicle Safety Standard No. 213 (49 C.F.R. 571.213) to cover restraints for children weighing up to 80 pounds;

(7) whether to establish booster seat performance and structural integrity requirements to be dynamically tested in 3-point lap and shoulder belts;

(8) whether to apply scaled injury criteria performance levels, including neck injury, developed for Federal Motor Vehicle Safety Standard No. 208 to child restraints and booster seats covered by in Federal Motor Vehicle Safety Standard No. 213; and

(9) whether to include child restraint in each vehicle crash tested under the New Car Assessment Program.

(c) REPORT TO CONGRESS.—If the Secretary does not incorporate any element described in subsection (b) in the final rule, the Secretary shall explain, in a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce submitted within 30 days after issuing the final rule, specifically why the Secretary did not incorporate any such element in the final rule.

(d) COMPLETION.—Notwithstanding any other provision of law, the Secretary shall

complete the rulemaking required by subsection (a) not later than 24 months after the date of enactment of this Act.

(e) CHILD RESTRAINT DEFINED.—In this section, the term ''child restraint'' has the meaning given the term ''Child restraint system'' in section 571.213 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(f) FUNDING.—For each fiscal year, of the funds made available to the Secretary for activities relating to safety, not less than $750,000 shall be made available to carry out crash testing of child restraints.

(g) CHILD RESTRAINT SAFETY RATINGS PROGRAM.—No later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall issue a notice of proposed rulemaking to establish a child restraint safety rating consumer information program to provide practicable, readily understandable, and timely information to consumers for use in making informed decisions in the purchase of child restraints. No later than 24 months after the date of enactment of this Act the Secretary shall issue a final rule establishing a child restraint safety rating program and providing other consumer information which the Secretary determines would be useful consumers who purchase child restraint systems.

(h) BOOSTER SEAT STUDY.—In addition to consideration of booster seat performance and structural integrity contained in subsection (b)(7), not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall initiate and complete a study, taking into account the views of the public, on the use and effectiveness of automobile booster seats for children, compiling information on the advantages and disadvantages of using booster seats and determining the benefits, if any, to children from use of booster with lap and shoulder belts compared to children using lap and shoulder belts alone, and submit a report on the results of that study to the Congress.

(i) BOOSTER SEAT EDUCATION PROGRAM.—The Secretary of Transportation within 1 year after the date of enactment of this Act shall develop 5 year strategic plan to reduce deaths and injuries caused by failure to use the appropriate booster seat in the 4 to 8 year old age group by 25 percent.

SEC. 15. IMPROVING CRITERIA USED IN A RECALL.

(a) REVIEW OF STANDARDS AND CRITERIA USED IN OPENING A DEFECT OR NONCOMPLIANCE INVESTIGATION.—The Secretary shall, not later than 30 days after the date of enactment of this Act, undertake a comprehensive review of all standards, criteria, procedures, and methods, including data management and analysis used by the National Highway Traffic Safety Administration in determining whether to open a defect or noncompliance investigation pursuant to subchapter II or IV of chapter 301 of title 49, United States Code, and shall undertake such steps as may be necessary to update and improve such standards, criteria, procedures, or methods, including data management and analysis.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Secretary's findings and actions under subsection (a).

SEC. 16. FOLLOW-UP REPORT.

One year after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the implementation of the amendments made by this Act and any recommendations for additional amendments for consumer safety.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

In addition to any sums authorized to be appropriated by sections 30104 or 32102 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration for fiscal year 2001 $9,100,000 to carry out this Act and the amendments made by this Act. Such funds shall not be available for the general administrative expenses of the Secretary or the Administration.

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

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. 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. 5164.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I am proud to rise in support of this bill, H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act, or the TREAD act, introduced by my colleague the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce of the House.

Together our two subcommittees have been working to uncover the facts surrounding the Firestone tire recall action focusing primarily on the action as it pertains to relevant Ford vehicles, in particular one of the Nation's most popular SUVs, the Ford Explorer.

I want to begin by thanking my dear friend the gentleman from Michigan (Mr. DINGELL) and the ranking minority member of our subcommittee, the gentleman from Massachusetts (Mr. MARKEY), again as well as the gentleman from Michigan (Mr. UPTON), the author of this legislation, for not only the success we have had in bringing this bill to the floor but more importantly for I think an extraordinary investigative series of hearings, an investigation that even now goes on.

Up here in Congress we always hear about how we must act on something because it is life or death. Well, in regard to this situation, no one has been exaggerating. This is about life and death.

As we are aware, Bridgestone/Firestone announced on August 9 a voluntary recall of 6.5 million of its 15-inch tires used on light trucks and sport utility vehicles. The recalled tires and other tires have been implicated in an increasing number of deaths and injuries in the United States, and the investigation is indeed far from complete.

Despite the ongoing investigation by NHTSA, the question of what is the precise cause of these tire tread separation accidents remains largely unanswered.

At our hearings we did not expect to find the smoking gun. Instead, the main purpose of our joint hearings was to find out what happened with the process, who knew what, and what they did with the information that was available to them.

We heard from the companies and from NHTSA on their progress in getting to the root cause of the tire failures on these Ford Explorers. We examined the testing done by Firestone and Ford on those tires, and we delved into what type of testing did the National Highway Traffic Safety Administration actually require and was that enough to protect the American public.

It was the hope of every member of the two subcommittees that we would work together in a bipartisan fashion to use these hearings and this horrible experience to learn how to correct the process and, more importantly, how to prevent something of this magnitude from ever happening again.

I would like to again express my sincere appreciation to Members on both sides of the aisle of the Committee on Commerce for working together in such a constructive fashion to craft what we believe is very reasonable and targeted legislation to ameliorate the shortfalls in our law that were uncovered in the hearings and in the ongoing investigation.

Given the extraordinary time constraints associated with the task, it was absolutely imperative that this legislation move through the committee process as quickly as possible.

In that regard, I wish to thank the staff and the chairman of the Committee on the Judiciary who were very helpful in working with the Committee on Commerce. We are often at odds in jurisdictional debates, but the Committee on the Judiciary was extremely helpful in crafting those sections of our bill that have to do with criminal sanctions.

H.R. 5164 is intended to address problems raised in the investigation and the accompanying hearings. The hearings highlighted the fact that the information available to NHTSA regarding motor vehicles and these tires was in fact inadequate.

It also became clear that NHTSA did not effectively use the data that was available to spot trends that were related to these tire failures.

I would like to touch on some of the important provisions contained in the bill.

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The bill, for example, requires that manufacturers report actual and potential defects in motor vehicles and products in foreign countries. This covers similar models, not just those models offered for sale in the United States.

The bill directs the Secretary to promulgate rules to require manufacturers

to provide early warning reporting data, including warranty and claims data and such other data as may be requested by the Secretary. I am particularly thankful for our friend the gentleman from Massachusetts (Mr. MARKEY) for the language in this area. Importantly, the Secretary must make certain findings regarding the need and utilization of this data. We require NHTSA to harmonize the collection of this information in a manner that enables it to quickly and more efficiently identify problematic patterns in products and vehicles.

The bill lengthens the period in which a manufacturer of a motor vehicle or a tire must remedy the defect without charge, and directs the Secretary to conduct a rulemaking to upgrade the 30-year-old tire standard to bring it in line with modern tire technology.

The bill directs the Secretary to review procedures for opening a defect investigation and directs the Secretary to conduct a rulemaking to improve tire labeling so that we do not have to crawl under our cars to see what our tires are really made of and what size and what pressure they should be operated under.

The bill prohibits the resale of motor vehicle equipment removed and replaced as a part of a recall. It provides additional funding for NHTSA consistent with the appropriation already provided tied to carrying out the provisions of this act.

The bill increases civil penalties to $5,000 per violation per day and a maximum of $15 million and it provides enhanced criminal penalties for violations of existing law that requires filing honest and good information with the government and provides that a person who has specific intent of misleading the Secretary with respect to motor vehicle defects that have caused death or serious bodily injury would suffer more serious criminal penalties.

Importantly, the bill encourages the reporting of information and provides a safe harbor for those who do, but it makes that safe harbor only available to someone who did not actually have actual knowledge that false reporting or incorrect reporting would result in serious injury or death.

Mr. Speaker, I urge all of my colleagues to report this very reasonable bipartisan legislation that passed our committee on a 43–0 vote. I encourage literally the House to pass it on to the Senate and to do this important thing for this Nation to make sure this national tragedy does not happen again in the future.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5164, the Transportation Recall Enhancement, Accountability and Documentation Act. This is important legislation of which I was a cosponsor and it has bipartisan support. It was reported by the Committee on Commerce by a unanimous recorded vote of 42–0.

Firestone's recall of 14.4 million tires which it announced in August of this year is the second largest tire recall ever. It is surpassed only by Firestone's recall of 14.5 million tires in 1978. The recent recall came about only after Ford Motor Company whose vehicles were equipped with many of the recalled tires was given access to Firestone's claims data in late July and was able to link 46 deaths and a large number of claims to accidents involving two 15-inch models of Firestone tires, the ATX and the Wilderness AT.

Since August 9, the number of fatalities attributable to accidents involving the recall of Firestone tires has grown to 101 according to NHTSA, the National Highway Traffic Safety Administration.

Mr. Speaker, I would note that the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. UPTON), and the gentleman from Massachusetts (Mr. MARKEY) deserve a great deal of credit for what has transpired here as does the gentleman from Minnesota (Mr. LUTHER), the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Ohio (Mr. SAWYER). They have worked hard, as have a number of other Members too numerous to be mentioned at this time.

In any event, the legislation is necessary. It needs to be adopted at an early time.

Mr. Speaker, I rise in support of H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act. This important legislation, of which I am a cosponsor, has broad-based, bipartisan support. It was reported out of the Commerce Committee by a unanimous, recorded vote of 42 to 0.

Firestone's recall of 14.4 million tires, which it announced on August 9th of this year, is the second largest tire recall ever. It is surpassed only by Firestone's recall of 14.5 million tires in 1978.

The recent recall came about only after Ford Motor Company, whose vehicles were equipped with many of the recalled tires, was given access to Firestone's claims data in late July and was able to link 46 deaths and a large number of claims to accidents involving two 15-inch models of Firestone tires—the ATX and the Wilderness AT. Since August 9th, the number of fatalities attributable to accidents involving the recalled Firestone tires has grown to 101, according to the National Highway Traffic Safety Administration (NHTSA).

Even today, countless Americans are on the road—picking up their kids, driving to work—and the last thing that should worry them is the quality and soundness of their tires.

Mr. Speaker, time is of the essence. H.R. 5164 can and should be enacted into law this year. It directly responds to the problems that the committee's hearings uncovered in the Firestone tire recall case. The legislation directs the National Highway Traffic Safety Administration (NHTSA) to develop a plan for analyzing and using information it receives. This is important because the hearings showed that more than two years ago, NHTSA had information on 47 cases of tread separation involving the recalled tires, but failed to do anything with the information it already had.

In addition, this legislation requires manufacturers to give NHTSA claims data and other information that proved to be so important in the Firestone case. If this legislation becomes law, manufacturers will have to notify NHTSA about recalls or customer satisfaction actions taken in foreign countries. Furthermore, new enhanced criminal penalties will apply to manufacturers and others, if they knowingly and willfully withhold or falsify information with the specific intention of misleading the Secretary concerning safety related defects that have caused death or serious bodily injury.

Mr. Speaker, the criminal penalties provided in this legislation fit the requirements set out by Transportation Secretary Rodney Slater when he testified before the committee. At that time, Secretary Slater said the wrong kind of criminal penalties could slow down NHTSA's enforcement activities, and that he would only support criminal penalties for ''egregious activity'' and ''serious matters''. The criminal penalties provided in the legislation strike the proper balance between holding people accountable for their actions without discouraging voluntary reporting and cooperation with government agencies.

We have adopted an amendment on criminal penalties which will ensure that the safe harbor provisions cannot be used by an individual if that individual had actual knowledge at the time of the violation that the violation would result in accident causing death or serious bodily injury, as the gentleman from Louisiana, Mr. TAUZIN, stated in his explanation of the provision.

Mr. Speaker, I also call to my colleagues' attention the fact that this legislation authorizes $9.1 million for NHTSA, the full amount that the Agency requested to deal with matters related to the Firestone tire recall. While budget cuts in the past may have hindered NHTSA's activities in important areas, it is clear that, at this time, Republican, and Democratic members of the committee recognize the importance of NHTSA's work.

I would note, however, that we must move quickly, if we are to help NHTSA prevent a recurrence of the kind of problem that occurred in the Firestone case. Time is quickly running out for this Congress. While there is not enough time to solve every problem at NHTSA, we can, and we should, enact legislation to deal with the major problems uncovered in the committee's investigation of the recent Firestone tire recalls.

Mr. Speaker, public concern is great, and not just about the dangers of driving on the recalled tires. The public rightly perceives that both Firestone and NHTSA failed to respond early on to information and warnings that should have alerted them to the problems with the recalled Firestone tires. Those failures caused consumers to be exposed to risks of injury and death far longer than should have been the case. Both NHTSA and the companies involved need to take affirmative steps to restore public confidence.

Mr. Speaker, enactment of this legislation will help restore public confidence. I urge my colleagues to support H.R. 5164.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. UPTON), the author of this legislation, the chairman of the Subcommittee on Oversight and Investigations.

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

Mr. UPTON. Mr. Speaker, I would like to associate my remarks with those that have gone before me, both my good friend down the hall, my colleague from the great State of Michigan (Mr. DINGELL), and certainly the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, the gentleman from Louisiana (Mr. TAUZIN).

This effort has been bipartisan from the very start, from the very get-go. There are a lot of people here to thank. Obviously the gentleman from Virginia (Mr. BLILEY) for getting this on the fast track through subcommittee and full committee last week, the hearings that the gentleman from Louisiana (Mr. TAUZIN) and I conducted last month, the many hours of hearings, and his leadership on this has been refreshing for the Congress to get this done. But particularly as we have reached across on both sides of the aisle, working with my good friend the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY) and others and the Committee on the Judiciary, we have in fact put together a bill that is solid, that is common sense. We identified major problems and we addressed them with this legislation.

I looked back at the record back in the 1970s. There was another big tire recall. It was the Firestone 500 tire. A lot of evidence came forth. A lot of problems were identified. Yet the Congress did not move, the House or Senate, to actually correct it and here we are 25, 30 years later and we are undergoing the same thing. But this is much more of a tragedy, for we have lost more than 100 lives because of these tires. We have seen hundreds and hundreds of accidents, many serious injuries. What this bill does is it corrects those problems.

As chairman of the Subcommittee on Oversight and Investigations, our investigative staff went out and, in fact, we did collect the evidence, we did identify the problems, and we worked very closely with the legislative subcommittee, and the gentleman from Louisiana (Mr. TAUZIN) did a wonderful job of laying that out in the many days and the many hours of hearings that we had the last 6 weeks. And we worked in a bipartisan fashion to get this thing done. And here we are early now in the morning, in the waning days of the Congress trying to complete this task.

The gentleman from Louisiana talked about the many positives about this bill so that in fact this cannot happen again. And now passing this tonight as we will do, or this morning I guess I should say, working with the Senate to make sure that this gets done, already talking with the White House to make sure that this bill lands on the President's desk and he is going to be able to sign it. Shame on us, shame on this Congress if we cannot get this bill done in the last couple of days.

I think it is a terrific credit to the staff, to the Members, to get this bill done tonight in this bipartisan way dealing with the information that we learned over the last 4 or 5 weeks, working with all those involved on this very important issue to in fact put together a bill that would pass in the full Committee on Commerce, 42–0, and again hopefully on the floor tonight without dissent.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Michigan very much for yielding me this time.

I too want to go down the litany of saints who have participated in the construction of this piece of legislation, the gentleman from Michigan (Mr. DINGELL), the gentleman from Minnesota (Mr. LUTHER) on our side along with many others, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. UPTON), the gentleman from Virginia (Mr. BLILEY) and many others on the other side.

This has been a piece of legislation which obviously has had to move very quickly. I thank the majority for their cooperation, including three amendments that I was particularly interested in: Dynamic testing so that we would be able to ensure that there is a better understanding of exactly what happens to these vehicles under road conditions rather than some static test that really does not test the full capabilities of vehicles; ensuring that there is a warning system in vehicles in the event that there is a problem with pressure of a tire that could cause a danger to those who are using the car or any vehicle; and an early warning system as well so that there is ample notification that there could be defects in any of these products.

What I would like to do right now is to rise to engage the gentleman from Louisiana in a colloquy in order to provide some clarification concerning two matters of particular concerns to the public.

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First, under the section entitled ''early warning requirements,'' we provide for the reporting of new information to NHTSA generally at an earlier stage than the stage when an actual recall takes place based on the finding of a defect. To protect the confidentiality of this new early stage information, the bill provides in Section 2(b) in the subsection titled ''disclosure'' that such information shall be treated as confidential unless the Secretary makes a finding that its disclosure would assist in ensuring public safety, but with respect to information that NHTSA currently requires be disclosed to the public it is my understanding of the committee's intention that we not provide manufacturers with the ability to hide from public disclosure information which under current law must be disclosed. Would the gentleman from Louisiana (Mr. TAUZIN) agree that this special disclosure provision for new early stage information is not intended to protect from disclosure that is currently disclosed under existing law such as information about actual defects or recalls?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman is correct.

Mr. MARKEY. Mr. Speaker, I think my wife is calling me here. I will not answer it at this time.

Hon, I will be calling you back in just a second.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The gentleman will disable his telephone.

Mr. MARKEY. Mr. Speaker, I would like to engage the gentleman from Louisiana (Mr. TAUZIN) in this colloquy.

Second, in the same section in the subsection entitled ''information in the possession of manufacturer,'' we provide that the Secretary may not require a manufacturer to maintain and submit records respecting information not in the possession of the manufacturer. Concern has been expressed that this provision not become a loophole for unscrupulous manufacturers who might be willing to destroy a record in order to demonstrate that it is no longer in its possession. Would the gentleman agree that it is in the Secretary's discretion to require a manufacturer to maintain records that are in fact in the manufacturer's possession and that it would be a violation of such a requirement to destroy such a record?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman is again correct.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for his responses.

Mr. Speaker, I note the gentleman from Illinois who is here and he deserves special praise for his work on child safety seats.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I simply again want to tell the gentleman again how much I deeply appreciate his contributions to the legislation and to the hearings.

Mr. MARKEY. Mr. Speaker, I hope that we can pass this TREAD bill this year so we do not have to come back.

I wanted to make sure that everyone understand how important it is that we move together to pass this legislation this year.

Mr. TAUZIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), a member of the Committee on Commerce.

Mr. SHIMKUS. Mr. Speaker, I rise in support of H.R. 5164, the TREAD Act, and I would like to thank the gentleman from Virginia (Mr. BLILEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. UPTON), the gentleman from Massachusetts (Mr. MARKEY) for his help and, of course, the ranking member, the gentleman from Michigan (Mr. DINGELL) for their support in this legislation.

We worked hard in the Committee on Commerce to find out why our safety organization cannot connect the dots, identify the problem and warn consumers about the Ford Firestone accidents. The TREAD Act is our response. I also want to thank the chairman for including provisions in my bill, the Child Passenger Safety Act of 2000. Each year more than 1,500 children below the age of 9 are killed and another 20,000 suffer incapacitating injuries in motor vehicle crashes. Parents put their trust in the government standards to assure them that they are purchasing a safe child restraint seat. Unfortunately, like current tire standards, Federal car seat standards are woefully outdated. Testing and manufacturing standards are based on tests performed on a sled not in a real car, and only measure frontal impacts. Car seats are not subject to dynamic testing in various crash modes such as side, rear and rollover impacts. These would measure the durability of each seat when subject to real crash scenarios.

In addition, Federal standards and regulations do not address the safety needs of children over the age of 4 who weigh more than 50 pounds. It is not well-known that over-the-shoulder seat belts are not always safe for children. Booster seats should be used as a transition safety device for toddlers and small children. However, Federal standards have not been developed for manufacturers of boosters.

As a parent of three young boys, I know firsthand that there is a lack of useful consumer information regarding child restraints to assist parents in making the best safety seat selections for their children. That is why I introduced the Child Passenger Safety Act. This legislation included in the TREAD Act will enhance the safety of children in motor vehicles by requiring the National Highway Traffic Safety Administration to improve child restraint safety performance testing and standards and provide parents with better consumer information and labeling for child restraints.

The National Highway Traffic Safety Administration should be about the job of highway traffic safety. In passing the TREAD Act with the inclusion of the Child Passenger Safety Act and signing it into law, they can be about their business.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Speaker, I certainly want to thank the same key players here that have already been thanked adequately, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. UPTON), the gentleman from Massachusetts (Mr. MARKEY) and the staffs, as well as my own staff, for the excellent work in developing this sensible bipartisan piece of legislation.

Mr. Speaker, I particularly want to highlight sections 7 and 8 of the bill. Those sections reflect an amendment that I authored that was added with the support of the gentleman from Louisiana (Mr. TAUZIN), with the support of other Members in the Committee on Commerce. The goal that we had in adopting that particular amendment was, quite frankly, to get these tires off the road just as quickly as possible.

I think there was general consensus that today there are still too many recalled tires in use. There are too many waiting lists at dealers in this country. That is an unacceptable situation and presents much too great of a risk to the consumers of America.

First, under Section 7, tire manufacturers are absolutely required to print tire ID numbers so that consumers can easily determine if their tire is subject to a recall. We heard information to the effect that mechanics even today are having a hard time determining if a particular tire is subject to a recall. This will require that those ID numbers be on the sidewalls so that consumers themselves can make this determination.

Secondly, Section 8 gives the government the flexibility and authority to require manufacturers to fully reimburse consumers for replacing defective parts with competitors' parts even if the manufacturer is unable to do so in a timely basis. The goal there being, let us get the problem taken care of and worry about the compensation later.

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Moreover, manufacturers can be directed to fully reimburse consumers who replace the defective parts before the formal recall occurs.

At this very moment, Firestone is having difficulty replacing their defective parts with new, safer parts. This delay puts consumers, as I mentioned, at risk, at an unacceptable risk of serious injury or death to them or to their family members.

What this Section 8 will do is ensure that in the future, dangerous and defective parts will be off the road as quickly as possible.

Again, I want to commend my colleagues on the Committee on Commerce for bringing this bill to the floor, this pro-consumer bill, this year, and for their commitment to getting this passed into law this year. I think it is just outstanding the work that has been done in this regard.

I think what this act does show is that when we work together in a bipartisan manner like this, we can accomplish good things for the American consumer and attempt to ensure that tragedies like the one that we heard in this committee will never happen again.

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

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

Mr. Speaker, let me close very briefly. I do want to make a few comments.

First of all, I want to say a word to the investigators on the Committee on Commerce. I think the Nation owes them a debt of gratitude. The investigators on the Democratic and Republican side of the aisle who work for our Committee on Commerce have done incredible work.

Those who witnessed the hearings by which our Committee on Commerce and our two subcommittees delved into the causes of this problem, and hopefully the solutions that we bring to the House floor tonight, those hearings were in large measure determined by the great work of the investigative staff of our committee. I wanted to say a word of thanks to them. I think indeed our country is going to be better off because of their work.

Secondly, I thought we ought to think about tonight the victims of this tragedy, the victims and their families. There are people still being injured and still, unfortunately, suffering severe injury, even death on the highway, as this awful recall continues. It may be the worst recall I have seen in all my years in public service.

Until it is finished, until every family has safe tires to ride upon, our committee will continue its investigation and continue pressing the companies involved here to complete this recall in as quick a fashion as possible.

I also think we ought to think about the workers at these two companies. I know they have been terribly stressed by this awful position the two companies find themselves in, both Bridgestone/Firestone and also the Ford Motor Company.

Obviously, this has been a trying time for all the families of the workers who support these two great American companies. On the other hand, both companies obviously have a lot to answer to as this investigation continues.

I think the work we did is going to help victims recover in the courts of our land, recover damages for accidents and deaths. I hope that will be one of the good effects of our investigation, that the facts we uncovered will assist them in proper recovery.

I also want to make the point that what we have tried to do is not determine who was liable, either civilly or otherwise. What we have tried to do is find out what was wrong with the process.

In doing so, I wanted to first of all commend NHTSA for the many, many lives it has saved over the years and the good work that our national highway safety transportation agency does.

We believe, from the facts we have found, that someone dropped the ball in this case. That is regrettable. But I think that should not take away from the fact that NHTSA is still a great agency that protects safety on the highways, and has in fact saved many lives.

Finally, I wanted to point out that the legislation we will finally pass tonight is all about information. It is about getting the information in the proper hands so that, instead of an awful recall, instead of a body count accumulating before defective products are taken off the market, that in fact those products never make it to the marketplace in the first place, that we do not have to suffer the loss of American citizens to find out that something went wrong.

Again, I want to thank all of my colleagues and all the staffs for the great work on this bill. I hope that before we adjourn this session, the words of the gentleman from Michigan (Mr. UPTON) will ring in the ears of everyone who is left to consider that, that it would be an awful shame if we left this session without putting this bill for signature on the President's desk.

Mr. HYDE. Mr. Speaker, we all understand the importance of this legislation. It would have been difficult, if not impossible, to ignore the well publicized incidents involving motor vehicles and their tires which have been highlighted in excellent oversight hearings by the Committee on Commerce. The result of these hearings has been to call into question the sufficiency of the regulatory scheme governing the motor vehicle industry, and to ask whether further incentives are needed to ensure that safety information will be made available to the public in a timely fashion. It was the considered opinion of the Commerce Committee that changes were needed, as evidenced by this bipartisan legislation that we have before us.

The TREAD Act, as it is known, strengthens current reporting requirements about defects in motor vehicles, tires, or other motor vehicle equipment. It would also require reporting of defects in motor vehicles and products which occur in foreign countries, something that many believe would have saved lives had it been in place when safety incidents began occurring in places such as Venezuela and Saudi Arabia. As part of this intensified reporting scheme, H.R. 5164 would subject persons who intentionally violate these, as well as existing, reporting requirements to heightened criminal fines and penalties.

In my view, this new criminal penalty section strikes an eminently reasonable balance. It penalizes truly intentional acts of withholding or falsifying safety information while continuing to encourage the motor vehicle industry to provide full information to the National Highway Transportation Safety Administration about possible safety problems involving their products. I see no striking departure in this legislation from existing principles of criminal law. In fact, if anything, it builds on current law. Section 1001 of Title 18 makes it a crime to make a false statement to the government. The Attorney General currently may, and will continue to have the authority to, prosecute anyone who either makes false reports to the NHTSA, or who fails to disclose information that is required by statute. What this bill does in rightly recognize that withholding information that, if known, could be the difference between life or death should carry a higher penalty. What it means, in essence, is that a person who intends to mislead the government about safety related defects will be subject to a harsher penalty than one who, just through reckless indifference, submits a form that contains false information. Both of these acts currently carry a maximum jail sentence of five years. Under H.R. 5164, an intentional misstatement (or omission) of information about safety related defects would lead to a trebled maximum penalty of 15 years.

Under normal circumstances, the Committee on the Judiciary would have formally asserted and exercised its jurisdiction over the criminal penalties section of this legislation. However, at this late stage in the session it would have been difficult for us to do so without running the risk that it become delayed or bogged down by procedural roadblocks. Given the importance of this bill, we instead chose to work closely with the Commerce Committee and its staff to develop and perfect the criminal provisions. Included in our consultations with the Commerce Committee was a discussion of many of the issues that were identified to us by the Department of Justice. Where possible, we incorporated their constructive suggestions.

I have been assured, however, that by electing not to formally exercise the committee's jurisdiction over these important criminal sections, we have in no way waived or limited our right to be fully represented on any conference committee that might be appointed to resolve differences with the Senate.

It is my strong hope that this legislation will be enacted before the end of this legislative session, and that the new criminal provisions it contains will have the desired deterrent effect on the withholding of safety information, and a concurrent salutory effect on the safety of the motor vehicles available to American consumers. I congratulate its sponsors for their hard work in crafting a balanced measure which they were able to bring to the floor so expeditiously, and in such a bipartisan manner.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 5164, the TREAD Act. This bill, of which I am a cosponsor, was introduced by my friends on the Commerce Committee, Representatives TAUZIN and UPTON.

I would like especially to thank Representative TAUZIN, the Chairman of the Telecommunications Subcommittee, for his willingness to work with our office on the two amendments, which were accepted.

These amendments, which deal with keeping recalled and defective equipment out of the stream of commerce and the safety testing of vehicles, addressed key consumer safety issues and I am pleased they were included in this important legislation.

Overall, this legislation will require companies to report foreign recalls to the National Highway Traffic Safety Administration (NHTSA) within five days.

In addition, manufacturers will now be required to contact NHTSA immediately if they begin to notice a significant number of injuries associated with their product.

The legislation will also increase the civil penalties and add criminal penalties to better encourage those companies to err on the side of caution if there is a safety question.

Mr. Speaker, I believe that this bill will make our roads a safer place and it serves as a good starting point for when we take up the reauthorization of NHTSA next Congress.

Mr. WAXMAN. Mr. Speaker, I rise in support of this bill because we need legislation that will improve the flow of important safety information from motor vehicle and motor vehicle parts manufacturers to federal regulators and consumers. This bill does not do all it should, but it does represent a modest step forward. And even more importantly, further improvements are possible in discussions with the Senate as we craft final legislation.

There are several deficiencies in the bill that should be addressed by the conference committee in the event that Senator MCCAIN'S bill, S. 3059, passes the Senate. Foremost among these are provisions that have the appearance of criminal penalties but will, in all likelihood, have no meaningful impact.

The criminal provisions in this bill would only extend to a particularly exotic variety of false statements. It does nothing to punish a manufacturer's willful introduction of a deadly and defective product onto the market. Nor does it punish a manufacturer's knowing failure to act to prevent a deadly and defective product from reaching consumers. That is the type of conduct that the government needs to deter and needs to punish through the criminal law.

In fact, the criminal provisions in this bill are probably unenforceable. To obtain a conviction under this bill, a prosecutor would first have to prove up all of the elements of a criminal false statement with respect to an auto safety reporting requirement. That conduct is already punishable by imprisonment under existing law, 18 U.S.C. 1001. In addition, a prosecutor would need to prove that the accused made the false statement with (1) the specific intent, (2) to mislead the Secretary of Transportation, (3) with respect to safety related defects, (4) that caused death or grievous bodily harm to an individual. That's not all. On top of all that, a prosecutor must also prove that the accused failed to correct the error or omission within a reasonable time. How long a reasonable time is, and what exactly constitutes a correction is anyone's guess. The bill leaves it up to the Secretary of Transportation.

If those aren't enough obstacles to successful enforcement, there's more: The Justice Department may only prosecute a violation of this statute at the request of the Transportation Secretary. A prosecutor can not commence a prosecution if the Secretary fails or refuses to act.

There are so many obstacles to prosecution in this bill that it would probably never be used successfully, and it will probably do little to deter the egregious misconduct that we're all concerned about. We can and must do better than that.

The provisions Senator MCCAIN has included in S. 3059, while not perfect, are at least a better approach. The Senate bill focuses, not on false statements to government regulators, but more appropriately on a manufacturer's intentional failure to act to prevent a serious accident. That bill would make it unlawful for a director, officer, or agent of a manufacturer to authorize, order, or ratify the introduction of a motor vehicle or motor vehicle equipment if he or she knew that the company had failed to comply with a safety standard or failed to report a defect; knew the condition of a vehicle created an ''imminent serious danger of death or grievous bodily harm;'' and knew that the condition actually caused grievous bodily harm or death. I believe this provision more directly addresses the problem and will more effectively deter a manufacturer from ignoring serious safety defects simply to pursue a profit.

If and when this bill reaches the conference committee, we should at least adopt the Senate provision. I intend to work with Senator MCCAIN to further improve the criminal penalty provisions he has already included.

This legislation also fails to provide the National Highway Traffic Safety Administration with the civil enforcement provisions that they say they need. NHTSA has been hamstrung by its inability to assess civil penalties administratively. Almost every other regulatory agency has this authority, including the Environmental Protection Agency, the Food and Drug Administration, and agencies within the Department of Transportation. While NHTSA has requested this authority, the House Commerce Committee has denied it.

This creates the baffling situation where members of Congress are attacking NHTSA for not enforcing motor vehicle safety laws more aggressively, while denying NHTSA's request for adequate enforcement powers.

Finally, there are also lost opportunities in this legislation. In the early 1970's, NHTSA issued a roof crush resistance standard for passenger cars. This standard is outdated and fails to model what happens in real-world crashes.

This is a very serious matter. According to NHTSA, in 1998 there were almost 11 million vehicle crashes involving rollovers. Over 3.6 million of those accidents resulted in injury or death. Rollovers played a part in over 15 percent of the passenger car crashes that resulted in fatalities. Rollovers occurred in 36 percent of sport utility vehicle accidents that resulted in fatalities.

This legislation should require NHTSA to issue a new roof crush standard. Our cars have changed remarkably since the 1970's, and it's just commonsense that our safety standards ought to keep pace with these changes.

Mr. Speaker, this is the time to pass strong legislation that provides meaningful protection for the public. I urge my colleagues to pass this bill so that we can work with the Senate to craft legislation that families across our country deserve.

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 5164, 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.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of health reasons.

Mr. POMBO (at the request of Mr. ARMEY) for today on account of attending a funeral.

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. LUTHER) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1756. An act to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes; to the Committee on Science; in addition to the Committee on Armed 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.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes; to the Committee on Government Reform.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes; to the Committee on Government Reform.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the ''James W. McCabe, Sr. Post Office Building.''

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

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

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office.''

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office.''

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the ''Henry McNeal Turner Post Office.''

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 3817. An act to dedicate the Big South Trail in the Commanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 3909. An act to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the ''Henry W. McGee Post Office Building.''

H.R. 3985. An act to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, as the ''Vicki Coceano Post Office Building.''

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew 'Mack' Robinson Post Office Building.''

H.R. 4169. An act to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the ''Barbara F. Vucanovich Post Office Building.''

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unite NC–01 of the Central Barrier Resources System.

H.R. 4447. An act to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the ''Samuel H. Lacy, Sr. Post Office Building.''

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the ''Judge Robert Bernard Watts, Sr. Post Office Building.''

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the ''Dr. Flossie McClain Dedmond Post Office Building.''

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building.''

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the ''Alan B. Shepard, Jr. Post Office Building.''

H.R. 4534. An act to redesignate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building.''

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the ''Joseph F. Smith Post Office Building.''

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the ''Reverend J.C. Wade Post Office.''

H.R. 4658. An act to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the ''J.L. Dawkins Post Office Building.''

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the ''William S. Broomfield Post Office Building.''

H.R. 4975. An act to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the ''Frank R. Lautenberg Post Office and Courthouse.''

H.R. 5036. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2311. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 5, 2000:

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

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

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

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

H.R. 4579. To provide for the exchange of certain lands within the State of Utah.

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

On October 6, 2000:

H.R. 1143. To establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

H.R. 1162. To designate the bridge on the United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the ''William H. Natcher Bridge.''

H.R. 4318. To establish the Red River National Wildlife Refuge.

H.R. 1605. To designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the ''J. Smith Henley Federal Building and United States Courthouse.''

H.R. 4642. To make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4806. To designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the ''Carl Elliott Federal Building.''

H.R. 5284. To designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett United States Customhouse.''

On October 7, 2000:

H.R. 4733. Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4578. Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

On October 10, 2000:

H.R. 4444. To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

ADJOURNMENT

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 618, I move that the House do now adjourn in memory of the late Hon. BRUCE F. VENTO.

The motion was agreed to; accordingly (at 12 o'clock and 25 minutes a.m.), pursuant to House Resolution 618, the House adjourned in memory of the late Hon. BRUCE F. VENTO until today, October 11, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10514. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—FOOD STAMP PROGRAM, REGULATORY REVIEW: Electronic Benefit Transfer (EBT) Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [Amendment No. 390] (RIN: 0584–AC44) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10515. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Phosphorous Acid; Exemption from the Requirement of a Tolerance [OPP–301030; FRL–6599–1] (RIN: 2070–AB) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10516. A letter from the Assistant Secretary, Occupational Safety and Health Administration, transmitting the Administration's final rule—Nationally Recognized Testing Laborities—Fees; Public Comment Period on Regulation Notices [Docket No. NRTL 95–F–1] (RIN: 1218–AB57) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10517. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Labeling: Health Claims and Labeling Statements; Dietary Fiber and Cancer; Antioxidant Vitamins and Cancer; Omega-3 Fatty Acids and Coronary Heart Disease; Folate and Neural Tube Defects; Revocation [Docket Nos. 91N–0101, 91N–0098, 91N–0103, and 91N–100H] (RIN: 0910–AA19) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10518. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body; Partial Stay or Compliance [Docket No. 98N–0044] (RIN: 0910–AB97) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10519. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives for Coloring Sutures; D&C Violet No. 2; Confirmation of Effective Date [Docket No. 99C–1455] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10520. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology and Urology Devices; Effective Date of Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device [Docket No. 94N–0380] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10521. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities [SWH–FRL–6882–6] (RIN: 2050–AD85) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10522. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation of Extension of Attainment Date for the San Diego, California Serious Ozone Nonattainment Area [CA–029–EXTa; FRL–6872–8] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10523. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting a Agency's final rule—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

or SUPERFUND, Section 104 ''Announcement of Proposal Deadline for the Competition for the FY 2001 Brownfields Cleanup Revolving Loan Fund Pilots'' [FRL–6884–1] received October 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10524. A letter from the Secretary, Federal Trade Commission, Bureau of Consumer Protection, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act—received October 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10525. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: HI-STAR 100 Revision (RIN: 3150–AG58) received October 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10526. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom, France, Italy, Sweden, Australia, Germany, Norway, Japan, Belgium, Bermuda, Canada [DTC 111–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10527. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to France and Germany [Transmittal No. DTC 66–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10528. A letter from the Director, U.S. Trade and Development Agency, transmitting a report on the Strategic Plan for FY 2001–2006; to the Committee on Government Reform.

10529. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2000–NM–43–AD; Amendment 39–11907; AD 2000–19–06] (RIN: 2120–AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10530. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2000–NM–259–AD; Amendment 39–11909; AD 2000–19–08] (RIN: 2120–AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10531. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and EMB–145 Series Airplanes [Docket No. 2000–NM–300–AD; Amendment 39–11903; AD 2000–19–02] (RIN: 2120–AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10532. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and EMB–145 Series Airplanes [Docket No. 2000–NM–301–AD; Amendments 39–11904; AD 2000–19–03] (RIN: 2120–AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10533. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2000–SW–41–AD; Amendment 39–11898; AD 2000–17–52] (RIN: 2120–AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10534. A letter from the General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule—Code of Contact for International Space Station Crew (RIN: 2700–AC40) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. House Resolution 575. Resolution supporting Internet safety awareness; with an amendment (Rept. 106–949). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 762. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; with an amendment (Rept. 106–950). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 615. Resolution providing for consideration of motions to suspend the rules (Rept. 106–951). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 616. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes (Rept. 106–952). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 617. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 2001, and for other purposes (Rept. 106–953). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 5164. A bill to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes; with an amendment (Rept. 106–954). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PORTMAN (for himself and Mr. LEVIN):

H.R. 5427. A bill to reauthorize the Drug-Free Communities Act, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 5428. A bill to direct the Secretary of the Interior to exercise authority under the Southern Nevada Public Land Management Act of 1998 to acquire by exchange certain environmentally sensitive lands for inclusion in the Red Rock Canyon National Conservation Area; to the Committee on Resources.

By Mr. CUNNINGHAM:

H.R. 5429. A bill to amend title 18, United States Code, to protect and promote the public safety and interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate, or interfere with persons seeking to operate animal enterprises, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Texas:

H.R. 5430. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about individuals on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes; to the Committee on Commerce.

By Mr. GUTIERREZ:

H.R. 5431. A bill to redesignate the facility of the United States Postal Service located at 3319 North Cicero Avenue in Chicago, Illinois, as the ''Roman Pucinski Post Office''; to the Committee on Government Reform.

By Mrs. MALONEY of New York (for herself and Mr. LANTOS):

H.R. 5432. A bill to amend the Nazi War Crimes Disclosure Act to extend and modify the functions of the Nazi War Criminal Records Interagency Working Group to cover records of the Japanese Imperial Government, for other purposes; to the Committee on Government Reform.

By Mr. RANGEL:

H.R. 5433. A bill to permit expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mrs. ROUKEMA:

H.R. 5434. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; 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. SMITH of New Jersey (for himself and Mr. SAXTON):

H.R. 5435. A bill to amend title 38, United States Code, to authorize the payment of dependency and indemnity compensation to the surviving spouses and children of certain veterans with a service-connected disability that was continuously rated totally disabling for a period of one or more years immediately preceding death; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey:

H.R. 5436. A bill to amend the Internal Revenue Code of 1986 to allow a credit against gross income for organ donation; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. MEEHAN, Mr. NEAL of Massachusetts, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. CAPUANO, Mr. OLVER, Mr. WEINER, Ms. MILLENDER-MCDONALD, Mr. STARK, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. MOAKLEY, Mr. NADLER, Mr.

ANDREWS, Mr. PALLONE, Mr. MENENDEZ, Mr. DELAHUNT, Ms. LOFGREN, and Ms. PELOSI):

H.R. 5437. A bill to require a study by the Bureau of Labor Statistics to develop a methodology for measuring the cost of living in each State, and to require a study by the General Accounting Office to determine how Federal benefits would be increased in each State if the determination of such benefits were based on such methodology; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and 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 Ms. KAPTUR (for herself and Mr. OBEY):

H. Con. Res. 420. Concurrent resolution providing for corrections in the enrollment of the bill H.R. 4461; to the Committee on Commerce, 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. BRYANT:

H. Con. Res. 421. Concurrent resolution expressing the sense of the Congress with respect to the accomplishments of the U.S.S. Tennessee (BB–43) during World War II; to the Committee on Armed Services.

By Mr. DAVIS of Illinois:

H. Con. Res. 422. Concurrent resolution authorizing the use of the Capitol Grounds for the Million Family March; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H. Res. 618. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Bruce F. Vento, a Representative from the State of Minnesota; considered and agreed to.

By Mr. GREEN of Wisconsin:

H. Res. 619. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating the Pulitzer Prize winning author Edna Ferber; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. WOLF, Mr. GEJDENSON, Mr. GREENWOOD, Mr. CARDIN, Mr. PITTS, Ms. SLAUGHTER, and Mr. FORBES):

H. Res. 620. A resolution expressing the sense of the House of Representatives regarding recent elections in the Federal Republic of Yugoslavia, and for other purposes; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H. Res. 621. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 150; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 842: Mr. BLAGOJEVICH.
H.R. 960: Mr. LANTOS.
H.R. 1046: Mr. ROGAN.
H.R. 1275: Mr. BROWN of Ohio, Mr. GREEN of Wisconsin, Mrs. CAPPS, and Ms. BROWN of Florida.
H.R. 1422: Mr. CONDIT.
H.R. 1621: Mr. JONES of North Carolina and Mr. SISISKY.
H.R. 1732: Mr. CARDIN.
H.R. 1824: Mr. MCKEON and Mr. HOBSON.
H.R. 2351: Mr. KANJORSKI.
H.R. 2562: Mrs. LOWEY.
H.R. 2741: Mr. DELAHUNT.
H.R. 2870: Mr. THOMPSON of California.
H.R. 2900: Mr. REYES and Mr. THOMPSON of California.
H.R. 3302: Mr. SPENCE.
H.R. 3377: Mr. BALDACCI.
H.R. 3514: Mr. PAYNE and Mrs. ROUKEMA.
H.R. 3580: Mr. JOHN and Mr. SCHAFFER.
H.R. 3842: Ms. LEE, Mr. ROEMER, Mr. BERRY, Mr. THUNE, Mr. BLAGOJEVICH, Mr. LAZIO, Ms. VELAZQUEZ, Ms. ROS-LEHTINEN, Mr. LEVIN, Mr. MANZULLO, and Mr. KUCINICH.
H.R. 3875: Mr. BISHOP.
H.R. 4046: Mr. BLUMENAUER and Mr. WAXMAN.
H.R. 4219: Mrs. ROUKEMA, Mr. BECERRA, and Mr. WAMP.
H.R. 4239: Mr. GUTIERREZ.
H.R. 4277: Mr. WYNN.
H.R. 4334: Mr. FOLEY.
H.R. 4412: Ms. MILLENDER-MCDONALD and Mr. HILLIARD.
H.R. 4493: Mr. WEINER.
H.R. 4649: Ms. BALDWIN.
H.R. 4669: Mr. CALVERT.
H.R. 4672: Mr. WATTS of Oklahoma.
H.R. 4707: Mr. MCDERMOTT, Mr. FRANKS of New Jersey, and Mr. LAZIO.
H.R. 4728: Mr. SMITH of Washington and Mr. ROGAN.
H.R. 4740: Mrs. THURMAN and Mr. BAIRD.
H.R. 4959: Mr. CARDIN.
H.R. 4964: Mr. STRICKLAND and Ms. WOOLSEY.
H.R. 4966: Ms. VELAZQUEZ.
H.R. 4976: Mr. FLETCHER.
H.R. 5026: Mr. WICKER, Mr. MCINTOSH, Mr. VITTER, and Mr. COX.
H.R. 5027: Mr. LEWIS of Kentucky.
H.R. 5095: Ms. BALDWIN.
H.R. 5096: Mrs. MORELLA, Mr. FRANK of Massachusetts, Ms. ESHOO, Mrs. MINK of Hawaii, Mr. CAPUANO, Mr. MARKEY, Mr. FARR of California, Mr. SANDLIN, Mr. LANTOS, Mr. BAIRD, and Mr. KUCINICH.
H.R. 5137: Mr. FILNER, Mr. HOEFFEL, and Mr. MCHUGH.
H.R. 5247: Mr. BAIRD.
H.R. 5259: Mr. SHAW, Mr. HILLEARY, Mr. JOHN, Mr. FOLEY, Mr. MCCRERY, Mr. ISAKSON, and Mr. BISHOP.
H.R. 5261: Mr. BORSKI, Mr. HILLIARD, and Mr. LANTOS.
H.R. 5271: Mr. RODRIGUEZ.
H.R. 5287: Mr. DEUTSCH.
H.R. 5324: Mr. LAFALCE and Mr. PRICE of North Carolina.
H.R. 5337: Mr. DEUTSCH.
H.R. 5337: Mr. FILNER.
H.R. 5345: Mr. EVANS.
H.R. 5365: Mr. ROHRABACHER.
H.R. 5366: Mr. YOUNG of Alaska, Mr. KNOLLENBERG, Mr. JOHN, and Mr. SCHAFFER.
H.R. 5373: Mr. TOOMEY and Mr. ADERHOLT.
H.R. 5385: Mr. MICA, Mr. FORBES, Mr. GARY MILLER of California, and Mr. THUNE.
H.R. 5397: Mr. LEACH and Mrs. THURMAN.
H.R. 5410: Mr. DAVIS of Florida.
H.R. 5417: Mr. MCCOLLUM, Mr. BEREUTER, Mr. BACHUS, Mr. KING, Mr. ROYCE, Mr. METCALF, Mr. BARR of Georgia, Mr. RYUN of Kansas, Mr. COOK, Mr. RILEY, Mr. MANZULLO, Mr. RYAN of Wisconsin, Mr. OSE, Mr. SWEENEY, Mr. TERRY, Mr. CARDIN, Mr. GEJDENSON, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. SCOTT, and Mr. FALEOMAVAEGA.
H. Con. Res. 174: Ms. STABENOW and Mr. KUCINICH.
H. Con. Res. 363: Mr. LANTOS.
H. Con. Res. 370: Ms. MILLENDER-MCDONALD.
H. Con. Res. 377: Ms. SLAUGHTER and Mr. GREEN of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 745: Mr. BRADY of Texas.
H.R. 1640: Mr. BRADY of Texas.
H.R. 3634: Mr. BRADY of Texas.
H. Res. 184: Mr. BRADY of Texas.