

PENALTIES FOR HARMING ANIMALS USED IN FEDERAL LAW ENFORCEMENT

Mr. BURNS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1791, and the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1791) to amend title 18, United States Code, to provide for penalties for harming animals used in Federal law enforcement.

There being no objection, the Senate proceeded to consider the bill.

Mr. KYL. Mr. President, I am proud to support H.R. 1791, the Federal Law Enforcement Animal Protection Act, a bill by Representative WELLER which would make it a federal crime to willfully and maliciously harm an animal used by a Federal agency for the principal purpose of investigating crimes, enforcing laws, or apprehending criminals.

I would first like to thank Senator HATCH for his help in discharging this important bill from Committee. I would also like to thank the advocacy groups and agencies, most notably, the Humane Society of the U.S., U.S. Police Canine Association, U.S. Customs Service, U.S. Border Patrol, and our very own Capital Police, for helping to publicize the need for legislation to protect federal law enforcement animals.

I was pleased when Representative WELLER called me and asked for my support of H.R. 1791. Under current law, a person who willfully injures a federal law enforcement animal can only be punished under the statute that makes it a crime to damage federal property.

Unfortunately, many of these animals have a monetary value of less than a \$1,000, even though their training can cost up to \$20,000, so the act of willfully harming them can only be prosecuted as a misdemeanor. H.R. 1791 will address this problem and punish willful and malicious harm done to these animals more severely than an act of damage to an inanimate object.

This bill is important for law enforcement. These animals play an integral role in protecting our borders, airports and our own capital grounds. In fiscal year 1999, U.S. Customs Canine Enforcement Teams were involved in over 11,000 narcotic or currency seizures. The street value of the narcotics uncovered by the canines exceeded several billion dollars. The dogs detected approximately 631,909 pounds of marijuana, 50,748 pounds of cocaine, 358 pounds of heroin, and \$25.5 million in currency. H.R. 1791 would put federal law enforcement animals on equal ground with local law enforcement animals that are protected in 27 states, including my own state of Arizona.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be

read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1791) was read the third time and passed.

DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 551, H.R. 707.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A 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 for disaster assistance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3946

Mr. BURNS. Mr. President, Senator SMITH of New Hampshire has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. SMITH of New Hampshire, proposes an amendment numbered 3946.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. INHOFE. Mr. President, I am pleased to speak today in favor of passage of the Disaster Mitigation Act of 1999. As the chairman of the Senate Subcommittee with jurisdiction over FEMA, I have been working on this legislation for the last couple of years. Senator GRAHAM and I introduced this legislation last fall and have been working diligently on it ever since. We can both attest to this process being long and arduous, with many unforeseen pitfalls. However, the final result has been a piece of legislation that while changing the scope of disaster assistance, continues to assure that FEMA will have the resources and the capability to deliver disaster assistance when called upon.

As we all know, the Federal government, through FEMA, has been there to help people and their communities deal with the aftermath of disasters for over a generation. As chairman of its oversight Subcommittee, I want to ensure that FEMA will continue to respond and help people in need for generations to come.

Unfortunately, this goal is becoming increasingly difficult since the costs of disaster recovery have spiraled out of control. For every major disaster Congress is forced to appropriate additional funds through Supplemental Emergency Spending Bills, another of which we will be discussing at some point later this year. This not only

plays havoc with the budget and forces us to spend funds which would have gone to other pressing needs, but sets up unrealistic expectations of what the federal government can and should do after a disaster.

For instance, following the Oklahoma City tornadoes on May 3, 1999, there was an estimated \$900 million in damage, with a large portion of that in federal disaster assistance. In the aftermath of hurricane Floyd in North Carolina, estimates of \$1 billion or more in damage have been discussed. This problem is not just isolated to Oklahoma City or North Carolina. In the period between fiscal years 1994 and 1998, FEMA disaster assistance and relief costs grew from \$8.7 billion to \$19 billion. That marks a \$10.3 billion increase in disaster assistance in just five years. To finance these expenditures, we have been forced to find over \$12 billion in rescissions.

The Bill we are passing today will address this problem from two different directions. First, it authorizes a Predisaster Hazard Mitigation Program, which assists people in preparing for disaster before they happen. Second, it provides a number of cost-saving measures to help control the costs of disaster assistance.

In our bill, we are authorizing Project Impact, FEMA's natural disaster mitigation program. Project Impact authorizes the use of small grants to local communities to give them funds and technical assistance to mitigate against disasters before they occur; but this is not just a federal give-away program. Local communities are required to have a demonstrated public-private partnership before they can become a Project Impact community.

Too often, we think of disaster assistance only after a disaster has occurred. For the very first time, we are authorizing a program to think about preventing disaster-related damage prior to the disaster. We believe that by spending these small amounts in advance of a disaster, we will save the federal government money in the long-term. However, it is important to note that we are not authorizing this program in perpetuity. The program, as adopted, is set to expire in 2003. If Project Impact is successful, we will have the appropriate opportunity to review its work and make a determination on whether to continue the program.

This forward thinking approach is revolutionary in terms of the way the federal government responds to a disaster. We all know it is more cost effective to prevent damage than to respond after the fact. I should note that in my state of Oklahoma, which has recently been hit by severe flooding, one of the affected communities, my home town of Tulsa, was a Project Impact community. While the community suffered some damage, the effects could have been much more severe had the community not undertaken preventative mitigation measures.

In passing this bill, we are also allowing states to keep a larger percentage of their federal disaster funds for state mitigation projects. Under current law, states can only retain up to 15 percent of their post disaster assistance funds for state-wide mitigation programs. We are now increasing that percentage to 20 percent. Too often states have run into the program of too many mitigation projects, with too little resources.

For example, in Oklahoma, the state used its share of disaster funds to provide a tax rebate to the victims of the May 1999 tornadoes who, when rebuilding their homes, build a "safe room" into their home. Because of limited funding, this assistance is only available to those who were unfortunate enough to lose everything they owned. The "safe room" program in Oklahoma is a prime example of giving states more flexibility in determining their own mitigation priorities and giving them the financial assistance to follow through with their plans.

An additional problem we remedy with the increase is the lack of comprehensive state-wide mitigation plans. Under current law, states are required to submit mitigation plans to FEMA, at which time they are routinely approved. However, as a condition of receipt of increased funding, states are going to have to do a better job at bridging the gap between state and local mitigation plans by developing comprehensive mitigation plans so that in the aftermath of a disaster, states know what their most vulnerable areas are and can take appropriate preventative measures.

While we are attempting to re-define the way in which we respond to natural disaster, we must also look to curb the rising cost of post-disaster related assistance. The intent of the original Stafford Act was to provide federal assistance after States and local communities had exhausted all their existing resources. As I said earlier, we have lost sight of this intent.

To meet our cost saving goal, we are making significant changes to FEMA's Public Assistance (PA) Program. One of the most significant changes in the PA Program focuses on the use of insurance. FEMA is currently developing an insurance rule to require States and local government to maintain private or self-insurance in order to qualify for the PA Program. We applaud their efforts and are providing them with some parameters we expect them to follow in developing any insurance rule.

While FEMA's progress in this area is commendable, it has come at the considerable opposition from States and local governments who fear the impact of any new insurance regulation. Instead of ignoring the concerns of the stakeholders, we have sought to work with them and bring their views to the table early in the regulatory process. As FEMA continues its work towards an insurance regulation, States and local governments are now assured

that the final rule will encompass their concerns.

Second, we are providing FEMA with the ability to estimate the cost of repairing or rebuilding projects. Under current law, FEMA is required to stay in the field and monitor the rebuilding of public structures. By requiring FEMA to stay afield for years after the disaster, we run up the administrative cost of projects. Allowing them to estimate the cost of repairs and close out the project will bring immediate assistance to the State or local community and save the Federal government money.

In all, the Congressional Budget Office (CBO) projects our bill to save approximately \$238 million over five years. I personally feel this is an underestimate. CBO, because of budget rules, is unable to take into account any savings that occur outside the initial five-year window. Yet, CBO says in its analysis that long-term savings are likely as a result of the predisaster mitigation measures included in the bill. CBO also says it cannot quantify the savings associated with the implementation of any future insurance rule. Yet, common sense tells us that if public buildings have some level of private insurance, federal spending under the Public Assistance Program will be reduced.

Mr. President, we have spent months working closely with other Senators, FEMA, the States, local communities, and other stakeholders to produce a bill that gives FEMA the increased ability to respond to disasters, while assuring States and local communities that the federal government will continue to meet its commitments. Our bill has the endorsement of the National League of Cities, the National Emergency Managers Association, and FEMA.

In closing, I want to thank Senators GRAHAM, SMITH, and BAUCUS for their help and the leadership they have taken on this important issue. I would also like to thank Senators VOINOVICH, GRASSLEY, DEWINE, and BOND for their support of this legislation. Without their help, input, and insight this legislation would be little more than an idea. I look forward to continuing to work with them as this bill moves to conference to make this legislation a reality.

Mr. SMITH of New Hampshire. Mr. President, I rise in support of the amendments to the Stafford Act in the form of H.R. 707. I would like to thank Senators INHOFE and GRAHAM and their staff for all their hard work in developing a good bipartisan bill. I am proud the committee I chair was able to report a bill to the floor with strong bipartisan support. I am also very pleased the version the Senate passed will save the taxpayer money both in the short and long term.

This bill makes great strides to enhance FEMA's ability to better serve the public in times of disaster. It will also help local communities to better

prepare and mitigate potential problems prior to a disaster. The mitigation focus in this bill will ensure better protection of life and property as well as providing savings to the taxpayer.

The substitute H.R. 707 that has been agreed to by the Senate is identical language to that in S. 1691 as amended by the Committee on Environment and Public Works with the additional Technical and Managers' amendments that were filed. Those who wish to research the legislative history of H.R. 707, as passed by the Senate, should refer to the legislative history of S. 1691 and the report, number 106-295, filed by the Committee on Environment and Public Works on S. 1691.

Mr. GRAHAM. Mr. President, I rise to join my distinguished colleague from Oklahoma, Senator INHOFE, upon the passage of our legislation to reauthorize the Federal Emergency Management Agency (FEMA) and to create public and private incentives to reduce the cost of future disasters.

On June 1st, we will face the beginning of the 2000 Hurricane season, the National Weather Service has predicted that the United States will face at least three intense hurricanes during the next six months.

Coming just eight years after Hurricane Andrew damaged 128,000 homes, left approximately 160,000 people homeless, and caused nearly \$30 billion in damage, this forecast reminds us of the inevitability and destructive power of Mother Nature. We must prepare for natural disasters now in order to minimize their devastating effects.

It is impossible to prevent violent weather. Our experiences since Hurricane Andrew—including the Northridge Earthquake, the Upper Midwest Floods, and Hurricanes Fran and Floyd—clearly demonstrate the overwhelming losses associated with major weather events.

However, Congress can reduce these losses by legislating a comprehensive, nationwide mitigation strategy. Senator INHOFE and I have worked closely with our colleagues in the Senate, FEMA, the National Emergency Management Association, the National League of Cities, the American Red Cross, and numerous other groups to construct a comprehensive proposal that will make mitigation—not response and recovery—the primary focus of emergency management. In addition, I would like to recognize the efforts of Senator BOND, Chairman of FEMA's appropriations subcommittee, in working closely with us to pass this legislation.

This legislation amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act by:

Authorizing programs for pre-disaster emergency preparedness;

Streamlining the administration of disaster relief;

Controlling the Federal costs of disaster assistance; and

Providing real incentives for the development of community-sponsored disaster mitigation projects.

Mr. President, history has demonstrated that no community in the United States is safe from disasters. From tropical weather along the Atlantic Coast to devastating floods in the Upper Midwest to earthquakes in the Pacific Rim, all Americans have suffered as a result of Mother Nature's fury.

She will strike again. But we can avoid some of the excessive human and financial costs of the past by applying both what we have learned about disaster preparedness and by implementing new technologies that are available to mitigate against loss.

Florida has been a leader in incorporating the principles and practice of hazard mitigation into the mainstream of community preparedness. We have developed and implemented mitigation projects using funding from the Hazard Mitigation Grant Program, the Flood Mitigation Assistance Program, FEMA's Project Impact, and many other public-private partnerships.

All Americans play a role in reducing the risks associated with natural and technological hazards. Engineers, hospital administrators, business leaders, regional planners, emergency managers and volunteers each contribute to community-wide mitigation efforts.

A successful mitigation project may be as basic as the Miami Wind Shutter program. The installation of shutters is a cost-effective mitigation measure that has proven effective in protecting buildings from hurricane force winds, and in the process, minimizing direct and indirect losses to vulnerable facilities. These shutters significantly increase strength and provide increased protection of life and property.

For example, Hurricane Andrew did \$17 million worth of damage to three hospitals in Miami. These facilities included Baptist, Miami South, and Mercy Hospitals. Through the Hazard Mitigation Grant Program, these hospitals were retrofitted with wind shutters. Six years after Hurricane Georges brushed against South Florida, this mitigation project paid real dividends. Mercy Hospital estimated that the \$2 million investment in their shutters protected their \$230 million medical complex. In addition, the track of this storm motivated evacuees to leave more vulnerable areas of South Florida to seek shelter. The protective shutters allowed this hospital to be used as a safe haven for 200 pregnant mothers, prevented the need to evacuate critical patients, and helped the staff's families to secure shelter during the response effort.

In July of 1994, Tropical Storm Alberto's impact on the Florida Panhandle triggered more than \$500 million in federal disaster assistance. State and local officials concluded that the most direct solution to the problem of repetitive flooding was to remove or demolish the structures at risk. A Community Development Block Grant of \$27.5 million was used to assist local governments in acquiring 388 extremely vulnerable properties.

The success of this effort was evident when the same area experienced flooding again in the spring of 1998. Although both floods were of comparable severity, the damages from the second disaster were significantly lower in the communities that acquired the flood prone properties. In summary, this mitigation project reduced the communities' vulnerability to loss.

Today, we will reinforce the working partnership between the federal government, the states, local communities and the private sector. In mitigating the devastating effects of natural disasters, it is also imperative that we control the cost of disaster relief. Our legislation will help both of these efforts. I thank my colleagues for their support of this initiative.

Mr. EDWARDS. Mr. President, I rise today to express my support for the Disaster Mitigation and Cost Reduction Act, and more importantly—the Federal Emergency Management Agency.

When I was elected to the Senate more than a year ago, I didn't think I would be faced with such an enormous challenge my first year in office—helping my state rebuild from the one of the worst hurricanes in our history. On September 16, Hurricane Floyd pounded eastern North Carolina. Sixty-six counties, more than 70 percent of the state—were declared federal disaster areas. Fifty-seven people were killed, and more than 60,000 homes were affected.

I've come to the floor many times and praised the courage and the strength of eastern North Carolinians. Through this disaster, I have met some of the most spirited and strong people. And I have also met some of the most knowledgeable and caring federal workers—the men and women of the Federal Emergency Management Agency. Whether it was Director James Lee Witt, who visited my office many times to keep me up-to-date on the federal response, or any of the field representatives who explained the programs available to the victims, FEMA helped North Carolina begin the long recovery process. And today, ten months after the storm hit, FEMA is still helping us coordinate the federal and state recovery efforts. It's been said before—and I now know first-hand—that Director Witt turned FEMA from a disaster of an agency into a disaster response team.

The measure we pass today will help make simple changes to ensure this agency continues to offer first-rate response. Most importantly, the bill before us would increase the Hazard Mitigation Grant Program cap from 15 percent to 20 percent. We can't stop a hurricane, tornado or earthquake, but we can take concrete steps to mitigate damage. Increasing the amount States are allowed to spend on mitigation will give those governments the necessary resources to move those people out of harm's way. That means less future damage and less costly disasters.

H.R. 707 also authorizes Project Impact. New Hanover County, in my state, was one of the first seven pilot Project Impact communities. Project Impact is FEMA's predisaster mitigation program that works directly with communities across the country to help them become more disaster-resistant. In New Hanover County, residents are determined to build better, stronger and smarter in order to prevent damage from the inevitable late-summer hurricanes. The University of North Carolina at Wilmington is also involved in the effort to mitigate disasters. That's the great thing about the Project Impact communities—they are using all available agencies and organizations to ensure safe and smart development. We should officially recognize these communities efforts and encourage the same work in other disaster prone areas.

Finally, in my State we know how the Federal government's disaster response programs work—and sometimes don't work—together. This bill takes steps to streamline the programs and to better coordinate between different agencies. Portions of this bill would make life a bit simpler for our outstanding emergency management agency in North Carolina. Whether it's streamlining management costs or making infrastructure repairs simpler, this bill makes much-needed improvements in the system.

Mr. President, there is no area of the country untouched by natural disasters. Whether it's my state battered by hurricanes; California plagued by earthquakes; the Midwest hit by floods; or the states in "tornado alley;" we all know the sudden devastation Mother Nature can bring. And we all know we can count on FEMA at a time when the states we represent are most vulnerable, when our people hurt the most. Now its time for Congress to support this bill and to ensure FEMA can continue the first-rate response we so depend on.

Mr. CRAPO. Mr. President, I rise to engage the distinguished Subcommittee Chairman in a colloquy.

Mr. INHOFE. I yield to the Senator.

Mr. CRAPO. I want to express my appreciation for the Senator's efforts, and those of the Committee Chairman, Senator SMITH, and Subcommittee Ranking Member Senator GRAHAM in working with Senator BAUCUS and me to reaffirm the eligibility of Private Non-Profit (PNP) irrigation companies for FEMA reimbursement of their facilities in the aftermath of disasters. As he knows, a pending FEMA policy would unfairly single out irrigators among PNPs as ineligible for FEMA assistance. Language in the legislation would ensure that PNP irrigators receive the same treatment as other PNPs in the event of a disaster.

This matter is of critical importance to PNP irrigation companies throughout the West. Generally taking on the responsibilities of water utilities elsewhere, irrigation companies provide a

valuable service to westerners, including the provision of drinking water, irrigation support, and other critical facilities. Without these services, life in the West could not exist as we know it today.

At this time, I would ask that we yield to the distinguished Ranking Member of the full Committee, Senator BAUCUS. Senator BAUCUS?

Mr. BAUCUS. I thank the Senator. I want to echo his comments about the importance of this provision. PNP irrigators provide a valuable service to communities in many western states and their continued fair treatment under FEMA policies is the right thing to do. I extend my thanks to Chairman INHOFE, Chairman SMITH, and Senator GRAHAM in working to address this matter, both in Committee and here today.

As this measure makes its way through the legislative process, I hope we can count on the Senator's continued assistance in protecting the interests of PNP irrigators. I thank the Senator.

Mr. INHOFE. I appreciate the Senator bringing this matter to the Committee's attention and working with us to come up with a clear policy on PNP irrigators. As he knows, during the mark-up in February, the Committee adopted the Crapo/Baucus/Bennett amendment to solve this situation. However, as we later learned, the amendment was insufficient in the eyes

of FEMA to resolve this issue. I think that the language contained in the legislation unequivocally addresses the issue and there can be no ambiguity in the wishes of the Senate concerning FEMA's policy affecting private nonprofit irrigators in the states. Therefore, I reiterate my commitment to enacting legislation that creates equity for PNP irrigators in the implementation of FEMA policies.

Mr. CRAPO. I thank the Senator. I yield back the floor.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3946) was agreed to.

The bill (H.R. 707), as amended, was passed.

ORDERS FOR THURSDAY, JULY 20, 2000

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 on Thursday, July 20. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour

be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Agriculture appropriations bill under the previous order.

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

PROGRAM

Mr. BURNS. When the Senate convenes at 9:45 a.m., the Senate will immediately resume debate on the Harkin amendment No. 3938 to the agricultural appropriations bill. A vote could occur shortly thereafter in relation to the amendment.

Also, Senators are to be notified that the leadership expects to complete action on this appropriations bill in the early afternoon. Therefore, votes can be expected throughout the day on Thursday.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:08 p.m., adjourned until Thursday, July 20, 2000, at 9:45 a.m.