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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. James D. Miller, First Presbyterian Church of Tulsa, OK.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. James D. Miller, offered the following prayer:

Let us pray together.

Almighty God, who flings galaxies into space, who plays with quarks and quasars—how stunning it is, as the prophet Isaiah puts it: that You call us each by name, and we are Yours.—43:1.

It's because of such grace, O God, that we choose to begin our work this day by commending these Senators, their families, and those who work most closely with them into Your care. And as we do, we remember especially those here today who come from home carrying personal burdens that have little to do with the pressures of public service. You know our individual needs, O God. Wrap Your arms around those who find this day difficult; surprise them with Your life-giving grace and strength.

Grant these Senators a heart for the people whom they serve, especially those Americans whose hopes are diminished today, whose dreams constricted, who wonder if there's any voice that really speaks on their behalf.

We thank You for blessings that come through those who serve with energy, intelligence, imagination, and love. Grant these leaders humility in discourse, courage to follow convictions, and wisdom to be led by conscience. May they be honoring of one another, and may the work done here bring honor supremely to You, Sovereign Lord, before whom all of us will one day stand and give account.

We offer our prayers from the different faith traditions in which we live, and as a Christian I pray in Jesus' name. Amen.

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PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, 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.

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RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Oklahoma is recognized.

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DR. JAMES D. MILLER, GUEST CHAPLAIN

Mr. INHOFE. Mr. President, I was very honored to have the opening prayer given by my pastor in Tulsa, OK—a church where my wife, who is present today, and I were married 41 years ago—when he was a very small baby, I might add. It is kind of unique, Mr. President. You know Oklahoma quite well. Oklahoma wasn't even a State until 1907, and yet the First Presbyterian Church started in 1885. For the first 15 years, the congregation was made up entirely of Cree Indian. It is an unusual type of church. I might also add that in all those years—that would be what, 115 years—there have only been six pastors of the First Presbyterian Church of Tulsa. Dr. Jim Miller is the sixth pastor. So once they come, they do not want to leave.

We are honored also to have with us his wife Diana and two of his children, David and Courtney, who are in attendance with my wife.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. I also enjoyed the prayer.

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RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

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MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m.

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SCHEDULE

Mr. INHOFE. Mr. President, today the Senate will be in a period of morning business until 2 p.m. Senator DURBIN will be in control of the first hour and Senator THOMAS will be in control of the second hour.

Following morning business, the Senate will begin debate on the motion to proceed to S. 2557, the National Energy Security Act. At 3:50 p.m. today, the Senate will begin closing remarks on the Water Resources Development Act of 2000, with a vote scheduled to occur at 4:50 p.m. As a reminder, cloture was filed on the pending amendment to the H–1B visa bill on Friday.

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ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I now ask unanimous consent that the Senate convene at 9:30 a.m. tomorrow; that the time until 10:30 be equally divided between the two managers; and that the cloture vote on the pending amendment to the H–1B visa bill occur at 10:30 a.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

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

Mr. INHOFE. I thank my colleagues for their attention.

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H–1B AND LATINO AND IMMIGRANT FAIRNESS ACT

Mr. REID. Mr. President, on Friday I moved that we proceed to the Latino and Immigrant Fairness Act, and my good friend, the majority leader, objected to our proceeding to that bill. I was disappointed, and I am sorry that we are not going to be able to debate this issue, and hope that there will come a time before this Congress ends when we will be able to do so.

Those who are watching for action on this important piece of legislation should understand why we are at this point; that is, why we are not debating the Latino and Immigrant Fairness Act, but, rather, why we are now on H–1B only, and why tomorrow there is going to be a motion to invoke cloture on the underlying bill.

I consider myself to be one of the strongest supporters for increasing visas for highly skilled workers. I have spent an enormous amount of time over the past several years working on this legislation in an effort to expedite its consideration. As a matter of fact, this legislation should have been brought forward to the Senate many months ago. It should have been taken up and debated under the normal process of considering legislation. I believe an H–1B bill would have passed quickly and the legislation would have already been signed into law. But it also would have provided other Members opportunities, as is their right, to offer related immigration amendments for what we all agree is the only immigration bill that we would consider this year as a freestanding bill.

Hindsight is 20–20. The majority decided not to consider this measure under the traditional rules that have served the Senate for more than 200 years. I believe, however, as I have indicated, that we will have time to debate the legislation about which I speak.

I think it is unfortunate that we at this stage are going to do the H–1B bill, apparently, alone. I say that because we were so close to an agreement on this underlying legislation. The details were set—the minority agreed each side would have 10 amendments, an hour each. That was compressed to five, then four. We agreed to do that. But we were turned down, and today we find ourselves in this parliamentary situation.

We could pass this legislation, including the amendment about which I speak, in a day—day and a half at the most. Instead, the majority is insisting on closing off all debate and preventing the consideration of immigration amendments.

I believe that offering and voting on amendments is a right, not a privilege. H–1B was designed so trained professionals could work for a limited time in the United States. It has become widely popular, especially in an age such as this, when Microsoft, IBM and other high-tech companies decided they needed people to fill jobs that were simply not being filled. Hundreds of start-up high-tech companies, in addition to the big ones such as Microsoft and IBM, began using this tool, H–1B, in an effort to recruit an army of high-tech workers for programming jobs. Mostly these people came from India, China, and Great Britain. We now have almost half a million people in this country who came as a result of H–1B. Individuals have filled a critical shortage of high-tech workers in this country and, in fact, the demand still exists. That is why we need to raise the cap for H–1B immigration.

But I also believe strongly that we cannot serve one of our country's very important interests and needs at the expense of others—in particular, when the stakes are people's families and their labor.

The needs of the United States are not subject to the zero sum theory. We cannot afford to deal or choose or prioritize between people and who we will serve as their legislators. We must try to serve them all. That is our cause, and that is what we promised our constituents.

This applies specifically to the other pieces of legislation that have been part of this discussion—in particular with the Latino and Immigrant Fairness Act, the piece of legislation I moved to proceed on last Friday. This piece of act seeks to provide permanent and legally defined groups of immigrants who are already here, already working, and already contributing to the tax base and social fabric of our country with a way to gain U.S. citizenship.

This piece of legislation provides these people with a way to benefit from the opportunities our country affords good citizenship and hard work. While sectors of this economy have benefited from this extended period of economic growth, and with unemployment rates approaching zero in some parts of our country, employers in all sectors, skilled and semi-skilled, are finding themselves with a tremendous shortage of labor. These views are echoed in many quarters.

I would like to refer, for example, to a letter sent to me by the Essential Worker Immigration Coalition, which is a group of businesses and trade associations from around the country which was formed specifically to address the shortage of workers in this country. This letter, dated September 8, is addressed to me.

I ask unanimous consent it be printed in the RECORD.

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

ESSENTIAL WORKER IMMIGRATION COALITION,
September 8, 2000.

Hon. HARRY REID,
Minority Whip, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: The Essential Worker Immigration Coalition (EWIC) is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled (''essential worker'') labor.

While all sectors of the economy have benefited from the extended period of economic growth, one significant impediment to continued growth is the shortage of essential workers. With unemployment rates in some areas approaching zero and despite continuing vigorous and successful welfare-to-work, school-to-work, and other recruitment efforts, some businesses are now finding themselves with no applicants of any kind for numerous job openings. There simply are not enough workers in the U.S. to meet the demand of our strong economy, and we must recognize that foreign workers are part of the answer.

Furthermore, in this tight labor market, it can be devastating when a business loses employees because they are found to be in the U.S. illegally. Many of these workers have been in this country for years; paying taxes and building lives. EWIC supports measures that will allow them to remain productive members of our society.

We believe there are several steps Congress can take now to help stabilize the current workforce.

Update the registry date. As has been done in the past, the registry date should be moved forward, this time from 1972 to 1986. This would allow undocumented immigrants who have lived and worked in the U.S. for many years to remain here permanently.

Restore Section 245(i). A provision of immigration law, Section 245(i), allowed eligible people living here to pay a $1,000 fee and adjust their status in this country. Since Section 245(i) was grandfathered in 1998, INS backlogs have skyrocketed, families have been separated, businesses have lost valuable employees, and eligible people must leave the country (often for years) in order to adjust.

Pass the Central American and Haitian Adjustment Act. Refugees from certain Central American and Caribbean countries currently are eligible to become permanent residents. However, curent law does not help others in similar circumstances. Congress needs to act to ensure that refugees from El Salvador, Guatemala, Haiti and Honduras have the same opportunity to become permanent residents.

We are also enclosing our reform agenda which includes our number one priority: allowing employers facing worker shortages greater access to the global labor market. EWIC's members employ many immigrants and support immigration reforms that unite families and help stabilize the current U.S. workforce. We look forward to working with you to pass all of these important measures.

Sincerely,

ESSENTIAL WORKER IMMIGRATION COALITION.

MEMBERS

American Health Care Association.
American Hotel & Motel Association.
American Immigration Lawyers Association.
American Meat Institute.
American Road & Transportation Builders Association.
American Nursery & Landscape Association.

Associated Builders and Contractors.
Associated General Contractors.
The Brickman Group, Ltd.
Building Service contractors Associated International.
Carlson Hotels Worldwide and Radisson.
Carlson Restaurants Worldwide and TGI Friday's.
Cracker Barrel Old Country Store.
Harborside Healthcare Corporation.
Ingersoll-Rand.
International Association of Amusement Parks and Attractions.
International Mass Retail Association.
Manufactured Housing Institute.
Nath Companies.
National Association for Home Care.
National Association of Chain Drug Stores.
National Association of RV Parks & campgrounds.
National Council of Chain Restaurants.
National Retail Federation.
National Restaurant Association.
National Roofing Contractors Association.
National Tooling & Machining Association.
National School Transportation Association.
Outdoor Amusement Business Association.
Resort Recreation & Tourism Management.
US Chamber of Commerce.

Mr. REID. Mr. President, this letter, among other things, states:

The Essential Worker Immigration Coalition is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled . . . labor.

That is why it is called the Essential Worker Immigration Coalition. Among other things, they want to update the registry, they want to restore section 254(I), and also, as part of their plea, they desire we pass the Central American and Haitian Parity Act.

This coalition has many members. To mention a few: American Health Care Association, American Hotel & Motel Association, American Immigration Lawyers Association, American Road & Transportation Builders Association, Ingersoll-Rand, Cracker Barrel Old Country Store, Carlson Restaurants, National Retail Federation, National Restaurant Association, and the U.S. Chamber of Commerce, among many others.

As you can tell, this piece of legislation has widespread support. This is not a feel-good piece of legislation, that is only attempts to bring more people into the country. It is legislation that is supported by business people in this country who do not have workers to do the work that is essential for them to conduct their business.

Take Nevada as an example. We, of course, depend on tourism as our No. 1 industry. But every State in the Union does. Tourism is ranked in the top three; in many instances, one or two, in every state of the Union. Nevada is an example of why we need this, as it mirrors the country as a whole.

We have to build a new school in Clark County, Las Vegas, every month to keep up with the growth. We have as many as 10,000 people a month moving into Las Vegas. We have jobs in the service industry that simply cannot be filled. We have one hotel that has 5,005 rooms. It takes people to cook the food for the guests, to make the beds, do all the maintenance work in this massive facility, and we are having trouble finding people to do this work. That is another reason why we support this legislation.

This bill aims to correct flaws in current immigration policy that have separated families and denied individuals an opportunity to apply for legal immigrant status by addressing three main issues. First, it would address the Central American and Haitian Parity Act of 2000, otherwise known as NACARA. This important legislation codifies that Central American and Haitian immigrants be granted the same rights that are currently granted to Nicaraguans and Cubans coming to the United States. There is no reason in the world that other people who come under basically the same basis as Nicaraguans and Cubans should not be given the same privileges. Second, 245(I) reauthorizes legislation which would allow immigrants meeting certain criteria to remain in the United States with their families and loved ones, rather than being forced to leave the country while their status is being adjusted.

Every one of us in the Senate have heard these heartbreaking examples, getting calls from our State offices where people are forced to go back to their country of origin when they already have a job here, and a quirk in the law is the only reason that they are ordered to go home. Section 245(I) would reauthorize legislation which would allow these immigrants meeting these criteria to remain in the United States while their status is being adjusted, rather than having them go home, lose their job here, leave their family here. It serves no purpose for the country they go to, and certainly not the country from which they come, the United States.

The third main component of the Latino and Immigrant Fairness Act incorporates legislation I introduced earlier this year in S. 2407 that would change the date of registry from 1972 to 1986.

I would like to provide a little background as to why I thought it was necessary to introduce the Date of Registry Act of 2000. We all remember the massive immigration reform legislation we considered in 1996 during the last days of the 104th Congress. Pasted into that was the Immigration Reform and Immigrant Responsibility Act of 1996, an obscure but lethal description which stripped the Federal courts of jurisdiction to adjudicate legalization claims against the Immigration and Naturalization Service.

First of all, let me say no one who supports this legislation supports illegal immigration.

We believe people who come here should play by the rules. But some people are found in predicaments that need to be readjusted and need to be reexamined.

That is why this legislation is so important.

That provision I talked about was sneaked into the 1996 act, section 377. This has caused significant hardship and denied due process and fundamental fairness for, not hundreds, not thousands, but hundreds of thousands of hard-working immigrants, including about 20,000 in the State of Nevada.

With its hands tied by section 377 language, the Ninth Circuit Court of Appeals issued a series of rulings in which it dismissed the claims of class action members and revoked thousands of work permits and stays from deportation.

As I said, in Nevada alone, about 20,000 people have been affected. These are good, hard-working people who have been in the United States and paid taxes for more than a decade. Suddenly they lose their jobs and ability to support their families.

I can remember Bill Richardson came to the State of Nevada. He was then the ambassador to the United Nations. We have a large Hispanic population in Nevada. Over 25 percent of the kids in our six largest school districts in America have Latino ancestry.

Recently I took part in an event with Secretary of Energy Richardson. We were going to this recreation center. It was kind of late at night. We were told before going there that there were a lot of demonstrators and we should go in the back way, not go in the front way.

Ambassador Richardson and I decided we would go in the front way and walk through these people out there. There were hundreds of people there, none of whom were there to cause any trouble. They were there to tell a story, and the stories they told were very sad. These were people who had American children who were born in the United States and either a husband or wife had improper paperwork done. There were problems. For example, one of the attendees gave a large sum of money to an individual who said he could help them with their citizenship papers. Later he found out that they had not been properly filled out. They were being cheated. There were all kinds of reasons why these people did not meet the program that was necessary to allow them to be here legally. But the main problem they had was section 377 because they could not have a due process hearing. It was outlawed in the 1996 act.

There were terribly sad stories of these people who had lost their homes because of having no work permits. Employers were there saying: Why can't this man or woman work? I need them. I can't find anybody to replace them.

This was one occasion I met with these people. I met with them on several other occasions, and I have seen firsthand the pain this cruel process has caused. Men and women who once knew the dignity of a decent, legal wage have been forced to seek work underground in an effort to make ends meet. Mortgages have been foreclosed

when families who lived in their own homes have been unable to pay their mortgages. They have lost their cars. Parents who had fulfilled dreams of sending their children to college, as they themselves had not been able to do, have seen those dreams turn into nightmares.

What could have happened to create these most unfortunate consequences? As I said, there are lots of reasons. For example, during the 99th Congress, we passed the Immigration Reform and Control Act of 1986, which provided a one-time opportunity for certain aliens already in the United States who met specific criteria to legalize that status.

The statute established a 1-year period from May of 1987 to May of 1988, during which the INS was directed to accept and adjudicate applications from persons who wished to legalize their status. However, in implementing the congressionally mandated legalization program, the INS created new criteria and a number of eligibility rules that were nowhere to be found in the 1986 legislation.

In short, the INS failed to abide by a law passed by a Democratic Congress and signed by a Republican President, President Reagan.

Thousands of people who were, in fact, eligible for legalization were told they were ineligible or were blocked from filing legalization applications. Thousands of applicants sued, but by the time the Supreme Court ruled in 1993 that the INS indeed contravened the 1986 legislation, the 1-year period for applying for legalization had passed. They were in a Catch-22.

While conceding that it had unlawfully narrowed eligibility for legalization, the INS was clearly dissatisfied with the Supreme Court decision. So the court cases dragged on, and the agency employed a different, much more clever approach.

Rather than affording the people within these classes due process of law, the INS succeeded in slipping an obscure amendment into the massive 1996 Illegal Immigrant Reform and Responsibility Act which, in effect, as I said, stripped the Federal courts of their jurisdiction to hear claims based upon the 1986 legislation. That provision was section 377 and is now, unfortunately, the law of the land.

Changing the date of registry to 1986 would ensure that those immigrants who were wrongfully denied the opportunity to legalize their status would finally be afforded that which they deserved 13 years ago.

It is of interest to note that it was also during 1986 that the Congress last changed the date of registry. The date of registry exists as a matter of public policy, with the recognition that immigrants who have remained in the country continuously for an extended period of time—and in some cases as many as 30 years—are highly unlikely to leave, and that is an understatement.

Today we must accept the reality that many of the people living in the United States are undocumented immigrants who have been here for a long time. Consequently, they do pay some taxes, but they could be paying more. They pay sales tax, and many times they do not pay income taxes. As a result, the businesses that employ these undocumented persons do not pay their fair share of taxes.

These are the facts, and coupled with the knowledge that we cannot simply solve this problem by wishing it away, this is the reality we must face when considering our immigration policies today and tomorrow.

We last changed the date of registry in 1986 with the passage of the Immigration Reform and Control Act which changed the date from January 1, 1972. In doing that, the 99th Congress employed the same rationale I have outlined above in support of a registry date change.

Furthermore, my date of registry legislation included in this bill is critical in another aspect. It establishes an appropriate 15-year differential between the date of enactment and the updated date of registry.

This measure builds upon the 15-year differential standard established in the 1986 reform legislation by implementing a ''rolling registry'' date which would sunset in 5 years without congressional reauthorization. In other words, on January 1, 2002, the date of registry would automatically change to January 1, 1987, thereby maintaining the 15-year differential. The date of registry would continue to change on a rolling basis through January 1, 2006, when the date of registry would be January 1, 1991. Limiting this automatic change to 5 years would allow the Congress to examine both the positive and negative effects of a rolling date of registry and make an informed decision on reauthorization.

I should note again that the Immigration Reform and Control Act of 1986, which last changed the date of registry, was passed by a Democratic Congress and a Republican President. I mention these facts to highlight my hope that support for this legislation will be bipartisan and based upon our desire to ensure fundamental fairness as a matter of public policy in our country.

We hear many of our friends on the other side of the aisle, particularly the Republican candidate for President, talking about how the priorities of the Latino community are his priorities. I can tell everyone within the sound of my voice that I have met with many members of the Latino community, and whether it is members of the Hispanic caucus in the Congress or community activists in Nevada or other parts of the country, I am consistently reminded that the provisions contained in the Latino and Immigrant Fairness Act are of their highest priority.

Vice President GORE recognizes this fact and believes he is truly in touch with the concerns and needs of the Latino community by supporting this legislation. If Governor Bush were really serious about the priorities of the Latino community, he would follow Vice President GORE's lead and demand that Congress take up and pass this act today.

This bill would solve the problems of many who have lived in this country for many years but have been wrongly denied the opportunity to legalize their status. This bill would solve the problem of workers who have been paying taxes, who have feared having their work permits stripped, or worse, being deported and separated from their families.

Consider for a moment U.S. citizens of Latino ancestry—past immigrants—who have made significant contributions to American society and culture in every sphere, as have other immigrants from other parts of the world. I am very proud of the fact my father-in-law immigrated to this country from Russia. We are a nation of immigrants. My grandmother came from England.

Throughout our short history as a nation, immigrants have fueled the engine of our economy, and Latino immigrants are no different. Latino purchasing power has grown 43 percent since 1995, reaching over $400 billion this year. Because Latinos create jobs, the number of Latino-owned firms grew by over 76 percent between 1987 and 1992, and will employ over 1.5 million people by next year.

Latinos care about the United States and are willing to fight for it too. Americans of Latino ancestry have fought for the United States in every war beginning with the American Revolution. Currently, approximately 80,000 Latino men and women are on active duty, and over 1 million Latinos are veterans of foreign wars.

Finally, Latinos participate in the American democracy. Of registered voters, Latinos have a higher voter turnout than the population as a whole. Latinos, both established and those new to our hometowns, contribute greatly to the United States. What better time to reconsider our Latino immigration policy and make it more practical and more fair than this month as we celebrate Latino Heritage Month.

America has always drawn strength from the extraordinary diversity of its people, and Latino Heritage Month presents an opportunity to commemorate the history, achievements, and contributions of Americans of Latino ancestry, as well as think to the future.

Immigrants' love for this country is predicated by the recognition of firsthand knowledge of how special this country is and how privileged they are and we are to live here. I believe Latinos will continue to make important contributions to America's future, but in order for Latinos to continue helping America, America must help them with this legislation.

Mr. President, I ask unanimous consent that a letter from the National Restaurant Association be printed in the RECORD.

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

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, May 11, 2000.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of the National Restaurant Association and the 815,000 restaurants nationwide, we want to thank you for introducing S. 2407, the Date of Registry Act of 2000, and urge the prompt passage of this legislation.

The restaurant industry is the nation's largest private sector employer, providing more than 11 million jobs across the nation. Restaurants have long played an integral role in this country's workforce. Not only does the restaurant industry provide a first step into the workforce for thousands of new workers, for many of them it provides a career. In face, 90 percent of all restaurant managers and owners got their start in entry-level positions within the industry. Throughout the next century, restaurants will continue to be the industry of opportunity. However, there will be many challenges for the restaurant industry in the face of a growing global economy and a tightening labor market. Addressing the labor shortage is of critical concern.

The restaurant industry is the proud employer of many immigrants and has long supported immigration reforms that unite families and help stabilize the current U.S. workforce. While S. 2407 does not address our key concerns about labor shortages, we believe it will help stabilize the current workforce. Nearly 15 years ago, Congress enacted a legalization program that the INS, through action and regulation, wrongly prohibited many qualified immigrants from using. Furthermore, in 1996 Congress stripped federal courts of their ability to hear those immigrants' cases. S. 2407 would address the problems created by these circumstances. The National Restaurant Association strongly supports passage of S. 2407.

We look forward to working with you long-term to address the labor shortage issue and to passing S. 2407 this year. Thank you for your efforts to reform immigration laws.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.
LEE CULPEPPER,
Senior Vice President, Government Affairs and Public Policy.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

VICTIMS OF GUN VIOLENCE

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

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

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

September 25, 1999: Salvatore Bonaventure, 34, Detroit, MI; Darnell Butler, 26, Baltimore, MD; Rodney Campbell, 35, Tulsa, OK; Lewis Crouch, 68, Gary, IN; Roy Dunbar, 31, Chicago, IL; Zachery Gordon, Jr., 25, Baltimore, MD; Gordon Green, 42, Philadelphia, PA; Dominic Hunt, 21, Baltimore, MD; Richard Love, 15, St. Louis, MO; Gerardo R. Martinez, 29, Chicago, IL; Jesus Revron, 32, Philadelphia, PA; Duane Russell, 26, Minneapolis, MN; Fabian Venancio, 41, Tulsa, OK; Unidentified Female, 15, Chicago, IL; Unidentified Male, 46, Long Beach, CA; Unidentified Male, 48, Long Beach, CA; Unidentified Male, 31, San Jose, CA.

One of the victims of gun violence I mentioned, 31-year-old Roy Dunbar of Chicago, was an art teacher who worked at his local boys and girls club. Every day at that club, more than 300 kids participated in athletics and other after-school activities. Known as the ''professor'' at the club, Roy tried to steer youngsters away from gangs, violence and drugs. One year ago today, Roy was driving home when a gang member he knew from the neighborhood flagged him down. Roy expressed concern for the boy and encouraged him to stop associating with gangs. Evidently, the boy was insulted by Roy's words because the boy pulled a gun and shot at Roy until the gun was out of ammunition.

Another victim, 15-year-old Richard Love of St. Louis, died after he was shot in the abdomen by two of his friends while they were playing with his .22 caliber pistol.

Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday and Sunday.

September 22, 1999: Telly Butts, 22, Gary, IN; Ray Clay, 40, Detroit, MI; Emmitt Crawford, 54, Oklahoma City, OK; Berneal Fuller, 27, Gary, IN; Ricardo Griffin, 22, Detroit, MI; Benjamin Hall, 45, New Orleans, LA; Desean Knox, 14, Gary, IN; Randy Ladurini, 29, Minneapolis, MN; William McClary, 29, Detroit, MI; Yonatan Osorio, 17, Dallas, TX; Victor Richardson, 28, Denver, CO; Marice Simpson, 26, New Orleans, LA.

September 23, 1999: Domingo Alvarez, 63, Miami, FL; William Belle, 70, Miami, FL; James Bonds, 43, Baltimore, MD; Peter A. Cary, 50, Seattle, WA; Jean Paul Henderson, 20, New Orleans, LA; Alfred Hunter, 26, Detroit, MI; Kenneth Ponder, Sr., 27, Louisville, KY; Jason L. Ward, 28, Oklahoma City, OK; Eric D. Williams, 24, Chicago, IL.

September 24, 1999: Dudley R. Becker, 52, Seattle, WA; Sher Bolter, 57, Louisville, KY; Barry Bell, 27, Oakland, CA; Alexander Brown, 33, Philadelphia, PA; Arletha Brown, 32, Toledo, OH; Ryan V. Coleman, 29, Chicago, IL; Teddy Garvin, 17, Washington, DC; James Hojnacki, 34, Toledo, OH; Michael Irish, 55, Denver, CO; Dianne Jefferson-Nicolas, 53, Chicago, IL; Odel Norris, 20, Philadelphia, PA; Eric Leron Martin, San Francisco, CA; Paul Rexrode, 34, Baltimore, MD; Aaron Walker, 18, Washington, DC; Unidentified Male, 14, Chicago, IL.

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

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PRESCRIPTION DRUG BENEFIT

Mr. GRAHAM. Mr. President, for the past 2 weeks, my colleagues have heard me speak regarding the need to add a prescription medication benefit to Medicare. I indicated that in my judgment the most fundamental reform for Medicare is to shift it from a program which, since its inception, has focused on illness and accident—that is, providing services after one becomes sick enough, generally, to go into the hospital or has suffered an accident that requires treatment and hospitalization—and move to a system that also emphasizes prevention; that is, to maintain the highest state of good health and not wait until the state of good health has been destroyed.

If we are to adopt that fundamental shift, it will necessitate that Medicare provide a prescription drug benefit. Why? Because virtually every regimen that is prescribed to stabilize a condition or reverse a condition involves prescription drugs. So a fundamental component of reforming Medicare is to provide prescription drugs.

I have also spoken about the skyrocketing drug prices which are now affecting virtually all of our older citizens.

Today, in my fifth and final statement in this series, I want our colleagues to hear from real people, the people who are affected by the decisions we are about to make. These stories remind us that we have little time to waste.

Unfortunately, some of the voices I am going to present are probably going to be too far gone in their need for prescription drugs and in their personal circumstances to benefit by a program which, under the most optimistic timetable, would not commence until October 1, 2002 and, under other proposals, would be even 2 years beyond that in terms of being available through the Medicare program as a universal benefit.

While we are arguing as to whether to put a prescription medication benefit into effect and start the clock running towards the time when it will actually be available, people are breaking bones. They are going blind. While we are debating which party would benefit

from the passage of a prescription drug program this year, people are in pain.

This is not a hyperbole. This is not rhetoric. This is reality for hundreds of thousands of seniors from every State and from every political persuasion. This is a 911 call. If we fail to pass a prescription drug benefit this session, if we fail to start the clock running towards the time when this benefit will be available to all Medicare beneficiaries, we will have ignored their pleas for help.

I appreciate being provided with a few moments to share some of these voices of pain. I am also painfully aware that the stories I am going to tell are not unique. They are common. They have become near cliches here in Washington. I would wager that every one of us has a constituent who has written us about splitting pills to make prescriptions last longer. My guess is that every Member of this Chamber has heard from someone who has to make that difficult choice between food or prescription drugs. And we hear from doctors handing out free samples of medicine whenever they can get them and begging for help on behalf of their patients.

We get letters describing situations as ''desperate'' and from numerous people who tell us they are at wits' end. The tragedy is that we have been telling these stories for so long they are beginning to sound like nothing more than 30-second TV clips. The fault is ours for failing to act. These are not 30-second sound bits. These are real stories of our friends, our neighbors, in many cases our parents and grandparents. Someday they could be all of us.

These are people such as Nancy Francis of Daytona Beach, FL. Ms. Francis used to be able to get the medication she needs through Medicaid as a medically indigent older person. Then the Government did her a great favor. It raised her monthly Social Security check. Because of that raise, she is now too rich by all of $6.78 a month, to qualify for Medicaid. This $6.78 leaves her fully dependent upon Medicare for health care financing.

Medicare is a good system with a gaping hole. It does not cover prescription drugs. Medicaid, the program for the medically indigent, paid for nine prescriptions Ms. Francis takes in order to stay active and well. Medicare pays for none. Ms. Francis can put every penny of that $6.78 a month towards her prescriptions and it won't make a dent. So for some months, Ms. Francis just doesn't buy any prescription drugs. Then she waits and hopes she will be able to stay alive long enough for help to arrive.

Then there is Mary Skidmore of New Port Richey, FL. Mrs. Skidmore worked for 20 years renting fishing boats. Her late husband worked on the railroad. Now she thinks she may have to get another job. Mrs. Skidmore is 87 years old. She has two artificial knees. No one, she says, will hire her. She needs a job to pay for a new hearing aid. Without a hearing aid, she cannot hear sermons at her church on Sunday. But with $300 a month in prescription medication bills, a hearing aid is a luxury that Mrs. Skidmore cannot afford.

She takes medication for her heart, cholesterol, bones, and blood pressure. Giving up this medicine is not an option. It is, in her words, ''what keeps me going.''

Mrs. Skidmore's medication bills have even kept her from marrying her boyfriend. He has enough to pay for the utilities in the home they share, but not much else. If she marries him, she will lose her former husband's railroad pension—a pension that she counts on to survive.

Marsaille Gilmore of Williston, FL, is a little bit luckier. Between Social Security and a little bit of income from investments, she and her husband can usually pay for the $300 to $400 per month she spends on prescription medication. Sometimes they even have a little left over to go out to dinner—but not to the movies. Mrs. Gilmore says the movies are too expensive.

Some months, the Gilmores are not so lucky. Recently, their truck broke down. It is now in the shop, and things are stretched pretty tight. Sometimes things are so tight that the Gilmores think about going to Mexico to stock up for half the price on the very same medications they now buy in Williston.

Remember Elaine Kett? I told her story last week. Elaine is 77 years old. She spends nearly half her income on medication. This chart indicates the number of prescription drugs which Mrs. Kett fills every month. The total is $837.78 a month or $10,053.36 a year. That figure is almost exactly half of Mrs. Kett's total annual income. Her prescriptions are helping to keep her alive. How ironic then that in her plea for help she writes that the cost of medication is ''killing her.'' It is the very thing she depends upon for life; it is the source of her quality of life.

Dorothy Bokish is in a similar trap. She pays $188 in rent each month and $162 for her prescription drugs. That leaves her with $238 a month for food, heat, air-conditioning, and gas. It doesn't leave much for her to buy gifts for her grandchildren or to take herself to an occasional show. I shudder to think what would happen should something go wrong—or, if I may say, more wrong—for Mrs. Bokish.

What would she have to give up if her water heater broke or a storm knocked out a window in her home? What does she have left to give up? What some seniors are considering giving up is unconscionable.

A central Florida man told his family, which is helping to buy his medication so his wife can afford to continue to take hers, he is considering giving up his medication so that his wife can live. If he does so, he will certainly die.

Another Florida senior has gone through two grueling heart surgeries and has been prescribed medication to stave off a third. But he can't afford to fill the prescription. He says he thinks sometimes he would rather die than go through surgery again. He says that sometimes the struggle to survive is just too much.

I am profoundly embarrassed when I tell these stories. I am embarrassed that in these times of unprecedented prosperity as a nation, we have not come together to find some way to ease this pain. These seniors and countless others wait and wait and wait. There are those who now say we have to wait until another election to even begin the process of providing meaningful prescription drug coverage. Many of them won't be able to wait until the next month, much less until another extended period of indecision here.

The time to act is now. This is quite literally a matter of life and death. It is also quite literally a challenge to our Nation's basic sense of decency and values. It is my hope that before this session of the Congress concludes, we will have responded to the highest values of our American tradition.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. The Senate is in morning business. Under the previous order, this hour is under the control of the Senator from Wyoming, Mr. THOMAS.

Mr. DOMENICI. I thank the Chair.

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ENERGY

Mr. DOMENICI. Mr. President, I would like to talk about two things today. The first is energy policy—or America without an energy policy.

Let me say with as much certainty as I can muster that we have no energy policy because the Interior Department of the United States, the Environmental Protection Agency of the United States, and the Energy Department all have priorities, and they are ideological priorities that put the production of energy for the American people last. There is some other objective, motive, or goal that is superior to the production of oil and gas and the development of an energy policy that uses coal.

Do you think Americans know today that we have not built a coal-burning powerplant in America in 12 years? Do you think Americans know that the only thing we are doing to increase our electric capacity so they can have light, electricity, and everything else in their homes is to build a powerplant

with natural gas? We have built five—all with natural gas. And we sit back and wonder why natural gas has gone from $2 to $5.63 in 9 months.

Let me be the first to predict that the next crisis will be when natural gas goes even higher, because we have made it the only fuel we can use—under what? Under the policies of the Environmental Protection Agency, which has their own rules, their own regulations, and their own ideologies. I have not heard them say once we have adjusted an environmental concern because we are worried about America's energy policy.

I wonder if the occupant of the chair has ever heard the Environmental Protection Agency say we must be doing something wrong because there are no new refineries being built in America—none, zero, zip. The greatest nation on Earth has not built a new refinery to convert crude oil into the products of everyday use for years. We have, in fact, closed 38 refineries to environmental concerns—albeit they are small.

We own millions of acres of land. That is why I say the Interior Department is part of our energy policy. But they have different concerns. They never consult on energy issues. So what do they do? They lock up millions of acres of land that could produce oil or natural gas and say, We are not going to touch them.

Why don't you ask Americans? Why don't you ask Americans whether they want to be more beholden to the cartel or whether they would like to use a little bit of their property to go in and drill an oil well? Do it with whatever protection you want for the environment.

Let's have a serious debate about ANWR, an American piece of real estate that is beautiful and something we should protect. It has many millions and millions of barrels of American oil that could be produced by American companies for American use. And every time it is brought up on the floor of the Senate, the environmentalists in America consider that even to take a little, tiny piece of that huge refuge and go see how many millions of barrels of oil are there would be the biggest environmental disaster ever.

But who is worrying about Americans who want to use oil and have it refined so they can drive their automobiles? Who would like to use the coal we have in abundance and make sure we use it as cleanly as possible, and build powerplants so we don't run out of electricity and so we don't have brownouts in California?—Brownouts which some are predicting today because the policies that could have affected the production of electricity for California have not been judged on the basis of our energy needs, they have been based only upon environmental purity.

That is why the United States of America is the most difficult piece of geography occupied by humans in the world in terms of establishing in America a powerplant. It is the most difficult and expensive place in the world to build a powerplant with the greatest engineers and scientists around. We can't build one because there is no agreement between the Environmental Protection Agency and the public holders of land to work together. The question is never asked: What would be good for American energy policy?

Let me move on. Let me make sure we understand. We don't have someone making energy policy, or setting the rules, or saying to the American private sector: Here are the rules; go work under them. We have none because Interior, EPA, and Energy all have priorities, and none of their priorities makes the production of oil and gas and the development of our coal high priorities.

The Interior Department is making the drilling for oil and natural gas as difficult as possible. EPA, rather than devising good environmental policy based on sound science, it has become the enemy. This is due to an ideological, pure environmental policy at the expense of providing energy we need. This is not understood by most Americans. Yet we have an Energy Department. Sometimes I feel sorry for the Secretary of Energy because there is no authority for them to do much about anything. But we do have a strange oxymoron. We have an Energy Department that is anti-nuclear power and pro-windmills to produce electricity and sources of electrical power for America.

I might repeat, we have an Energy Department that is pro-windmill and anti-nuclear. I give Secretary Richardson credit for moving slightly under the prodding of Congress to do a little bit of research in future years on the use of nuclear power, which may end up falling on America as being the only thing we can do in 15 or 20 years that is environmentally clean by the time we get around to explaining it as safer than most any other source of energy. Yet only recently do we have an energy policy that would consider anything that has to do with nuclear power now or for the future.

Treasury Secretary Summers warned the President that the administration's proposal—now a decision—to drive down energy prices by opening the Government's emergency oil reserves—and I quote—''would be a major and substantial policy mistake.'' Summers wrote the President—and Greenspan agreed—that using the Strategic Petroleum Reserve to ''manipulate prices rather than adhering to its original purpose of responding to a supply disruption is a dangerous precedent.''

You see, fellow Senators, we have established a Strategic Petroleum Reserve in the afterglow of some foreign country saying, ''We are cutting off your oil supply.'' And, even though it was a small amount, they said, We are cutting it off—and we were dependent on it. Lines were forming at our gasoline stations. Do you recall? In the State of New York, the lines were forming at 5:30 in the morning, to my recollection. People were so mad at each other that, if they thought somebody went ahead of them in line—in one case in eastern America, they even shot the person who went ahead of them in the line.

We said we ought to find a place to put crude oil so that if anybody stops the flow of crude oil to America, or engages in some kind of war, or mischief that denies us our energy, we will have a certain number of days of supply in the ground for use. Mr. President, that is a lot different than an America which is now without any energy policy.

We say the prices have gone too high, even though everything I have said contributed to it: An Interior Department that won't let you produce oil, an Environmental Protection Agency that has no reason to consider whether their rules and regulations are so stringent, too stringent, beyond reasonable, whether in the area of refineries, in the area of building a powerplant, in the area of producing more energy through wells that we drill, their policies have nothing whatever to do with energy needs of our country.

With all that piled on America, we have an election coming up and the oil prices are a little too high. We would like to take a little bit of that oil out of the reserve and put it on the market and use it. Secretary Summers added that the move ''would expose us to valid charges of naivete, a very blunt tool to address heating oil prices.'' That is from the Secretary of the Treasury a couple of weeks ago.

Of course, over the weekend, a spokesman for this administration and for the Gore campaign got on the national networks and said: The Secretary is with us. Of course, he works for the President.

They all sat down and said: What is the worse thing that can happen to the Gore campaign? Clearly, they all said if these oil prices keep going up. It is not a question of, can we produce heating oil; our refineries are at the maximum production already. This release of additional barrels from the reserve can do nothing for that. It is just that the price is so high that a lot of poor people in northeastern America who still use heating oil, and those in the West are not aware how many, but there are millions; they are not going to be very happy. That is the issue. That is why the petroleum reserve is being used.

The truth is, in our country it behooves people like myself and many others to at least make sure the public understands why we are in the mess we are, who got us there, what was done to make it so that it wouldn't happen the way it has. All the answers come down to the fact that nobody was worried so long as the prices were cheap, so long as those OPEC countries were producing more than was needed in the world, keeping the prices down at $10 or $11 or $12 a barrel.

While we lived happily and merrily, month by month, with that situation, firing up our great economic recovery, at the same time we were destroying millions of little stripper wells that were producing three and four barrels per well. They closed down because the price was too cheap. Even today, we are producing less oil than we were 3 or 4 years ago because we destroyed oil production capacity when we let it go too low, while we were exhilarated with the fact that the cartel was cheating on itself and the price of oil was coming down. We didn't bother to find out how much that was affecting New Mexico in an adverse manner. When it went up in price, we went to them and said: Now it ought to come down; it is too high. I don't imagine for the first few months they greeted us with too much joy or willingness to help us after we sat by and watched it go so low without any concern for what happened to them.

Refineries were running at 95 percent last week. To take a supply out of SPR, it would still need to be refined into heating oil. Obviously, I have explained that isn't the issue. The issue will be the price. We don't have enough refining capacity to take the SPR and add to the supply of heating oil.

What else does this using the reserve as it was not intended by Congress do? It sends the wrong signal to the private industry in America. If I am in the business of storing heating oil, and the Federal Government starts stockpiling, I cut my reserve and I assume somebody will come in here asking us to prohibit them from cutting their own reserves. Clearly, they cannot keep their storage to maximum capacity while the government is building its own capacity to compete—something we won't figure out until it is too late. Then somebody will say: Why did this happen? They should not have cut back on their reserves.

I indicated natural gas prices were going up, up, and away. This fantastic fuel is $5.35 per 1,000 cubic feet; 6 months ago it was $2.16. We are talking about oil and derivatives of oil because of the cartel. From $2.16 to $5.35 is not because of any cartel; it is because of the huge demand for natural gas. When the demand gets so big the production can't go up so fast, what happens? The price goes up. That is a big signal and a sign to us.

No one seems to be concerned in this administration that we haven't built a powerplant to generate electricity for the growing demand, such as in California. We haven't built a new powerplant of any significance because the only thing we can build it with is natural gas. We cannot build it with coal, even though they were being built around the world. America's environmental laws are out of tune with America's energy needs. They haven't been tuned to be concerned about America's energy future. It is just ideological—as pure as you can get it in terms of environmental cleanliness. That is it for America.

Inventories are 15 percent below last winter's level and 50 percent of America's homes are heated with natural gas. They are beginning to see it in their bills. Clearly, America has almost no competitor for that. We don't have an abundance of electricity to take its place. In fact, brownouts are expected in many parts of the country because we are underproducing what we need by way of electricity.

Natural gas fires 18 percent of the electric power. I am sure there are many sitting back saying: Isn't that neat? We haven't had to worry about nuclear. We don't have to clean up coal to the maximum and use some of it to produce electricity in America. We just build natural gas powerplants. We used to forbid it. I think the occupant of the Chair remembers that during the crisis we said don't use natural gas for powerplants. We took that out.

Here goes America. Next crisis, will there be enough natural gas or will the price be so high? It will not be just to those who are burning it for powerplants. It will be in 50 percent of the homes in America. They will start asking: Where is an energy policy with some balance between energy sources instead of moving all in one direction because all we were concerned about was the environment?

Compared to 1983, 60 percent more Federal land is now off limits to drilling. I spoke generally of that. Now I will be specific. As compared with 1983, there is 60 percent more Federal land that is off limits for drilling. On October 22, 1999, Vice President GORE said in Rye, NH: I will do everything in my power to make sure there is no new drilling.

I guess what we ought to be working on is when will we no longer need any crude oil, which is refined into gasoline and all those wonderful products? Because, if you brag to America that you will do everything in your power to make sure there is no new drilling, we have to ask the question: Where are we going to get the oil?

I will move to another item that I spoke of generally a while ago, a great American reserve of crude oil called ANWR, up in Alaska. I believe any neutral body of scientists—geologists, engineers—could go up there and take a look and report to the Congress and the people of this country that ANWR could produce oil for America without harming that great natural wilderness. I am absolutely convinced that is the case. Yet you cannot believe the furor that attends even a mild suggestion that we ought to do something such as that. Perhaps somebody will even quote what I just said, saying that I am for destroying the ANWR, that I am for destroying that wilderness area, that natural beauty.

No, I am not. I am for trying to put together a policy that increases our production of crude oil so we can at least send a signal to the world that we do not want to increase our dependence. We want to do something for ourselves, and wouldn't it be nice if there were a stable oil market so Americans could get involved in production here at home, hiring Americans? It would be owned by Americans if that happened in ANWR. What a stimulus for American growth in oil-patch-type activities.

OCS, offshore drilling—off limits. There is no question we could double our domestic supply if we could open up some of the offshore drilling areas. Clearly, the more we have to import crude oil, the more the environmental risk in getting it here in tankers where something could happen to them. The amount keeps going up. Yet right in various of our bays and ocean fronts, there is natural gas in abundance. And there exist wells where we have proved we know how to do it. But somebody says: Oh, my, no more of that. That's environmentally degrading.

What are we going to talk about when Americans say we cannot afford the natural gas because the only thing we are fueling powerplants with and using in America is natural gas? We have it out there in the oceans and in some bays—yet we would not dare touch it? There are 43 million acres of forest land that are off limits for roadbuilding, thereby making exploration and production impossible.

The Kyoto agreement would envision doubling the use of natural gas, thus doubling electricity costs. No policies address either consequence. Multiple use, which we used to think was a great thing for our public lands, is only words today. Multiple use means if there are natural resources that can help Americans and can help prosperity and help us grow, that ought to be used along with recreation and other things. That has almost left the vocabularies of those in high places who manage our public lands. There are 15 sets of new EPA regulations that affect the areas we are talking about. Not one new refinery has been built since 1976. This administration's energy policy has, in my opinion, been in deliberate disregard of the consequences on the consumers' checkbook and their standard of living and the way people will be living in the United States.

This summer we had soaring gasoline prices and that left motorists in America—as prices soared they got more and more sore, but they didn't know who to get sore at. The prices are still pretty high.

Other consequences that have been deliberately disregarded are the electricity price spikes California experienced this summer. Californians usually spend about $7 billion a year in electricity. This spike was so dramatic they spent $3.6 billion in the month of July, only half of what they spent annually before that. That is a great question to be asked—why? California is a big electricity importer. They have ever-growing demands because of Silicon Valley. These companies use a lot of electricity and a lot of energy. Demand was up 20 percent in the San

Francisco area last year, but there is no new capacity. Environmental regulations make building a new powerplant in California impossible. That may be what they want. But I wonder where they are going to get the energy? Where are they going to get the electricity when nobody else has any to spare?

I predict in a very precise way that home heating bills this coming winter will be exorbitant, even while we are experiencing the gasoline spikes in the Midwest. It used to be one type of gasoline was suitable for the entire country. You remember those days. There are now 62 different products—one eastern pipeline handles 38 different grades of gasoline, 7 grades of kerosene, 16 grades of home heating oil and diesel, 4 different gasoline mixtures are required between Chicago and St. Louis, just a 300-mile distance.

As a result of these Federal and local requirements, industry has less flexibility to respond to local and regional shortages. There are 15 sets of environmental regulations—tier II gasoline sulfur, California MTBE phaseout, blue-ribbon panel regulations, and regional haze regulations—on-road diesel, off-road diesel, gasoline air toxics, refinery MACK II, section 126 petitions, and there are 6 more.

S. 2962 includes a wide array of new gasoline requirements that are both irrelevant and detrimental to tens of millions of American motorists. Legislation mandates the use of ethanol in motor vehicles that would cut revenues to the highway trust fund by $2 billion a year as one side effect. The U.S. Department of Energy has projected this one bill would increase the consumption of ethanol in the Northeast from zero to approximately 565 million gallons annually.

I have taken a long time. I have given a lot of specifics and some generalities. But I conclude that it is not difficult to make a case that we do not have an energy policy; that the U.S. Government has not been concerned enough about the future need for energy of our country, be it in natural gas, in the products of crude oil, how do we use coal, how do we make electricity.

Frankly, things were very good. They were good because the cartel was selling oil in abundance. While America was enjoying its economic success story, a big part of that was because the cartel was having difficulty controlling its own producers. We lived happy and merrily on cheap oil as our production went down and we sought no other alternatives, and our demand grew as did our use of natural gas. Americans and American consumers are left where, in many cases, they are going to be put in a position where they can't afford the energy that will permit them to live the natural lifestyle that is typically American—living in a home and having in it electric appliances and whatever else makes for a good life, with an automobile, or maybe two, in the driveway. It will not be long that the voices from those situations, those events in America, those kinds of living conditions will be heard loud and clear. There will not be enough of a Strategic Petroleum Reserve to solve their problems because we have not cared enough to do something about it.

I yield the floor.

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SCIENCE AND SECURITY IN THE SERVICE OF THE NATION

Mr. DOMENICI. Mr. President, I am pleased to make these remarks while the occupant of the chair is the distinguished junior Senator from Arizona because these remarks have to do with the Baker-Hamilton report. The Secretary of Energy asked these two men—one an ex-Senator, one an ex-House Member—to compile a report with reference to the national weapons laboratories and the missing hard drive incident. These hard drives were apparently taken out, put back, and found behind a copy machine, and everybody is wondering what happened. I will talk about this report.

I urge—and I do not think I have to—the occupant of the chair to read it soon. It is short and to the point.

The findings of this Baker-Hamilton report confirm what some of us suspected and have said in one way or another many times about the science and security at our National Laboratories.

The report concludes that the vast majority of employees of our National Laboratories are ''dedicated, patriotic, conscientious contributors to our national security and protectors of our national secrets.''

The report states, however, that these individuals, the ones who are responsible for the viability of America's nuclear deterrent, have been hounded by ongoing investigations and security procedures that render them incapable of achieving their mission.

That is a very powerful statement. This commission is very worried about how the morale of the scientists at our National Laboratories, in particular Los Alamos, is affecting their ability to do their momentous work.

They go on to say that while new security measures and processes continue to be imposed, the authors found that X Division—the one that was involved in the last episode—is: ambiguously lodged in a confused hierarchy, subject to unclear and diffuse authority, undisciplined by a clear understanding of accountability for security matters, frightened or intimidated by the heightened sense of personal vulnerability resulting from the efforts to address recent security lapses.

These are hard-hitting, accurate findings.

The scientists at our laboratories need clear lines of authority and accountability. The Department of Energy needs to simplify the lines of command and communication.

The report overwhelmingly endorses the creation of the National Nuclear Security Agency—which we are beginning to understand exists, and we are going to begin to understand what it means when we say the NNSA—and the need to reinforce ''the authority of the NNSA Administrator.''

The NNSA Administrator must have more authority, not less. General John Gordon, the general who is in charge, is in fact the head man and is an excellent person to lead this agency and implement the organizational structure needed for the job.

They reached some other very important conclusions on the current environment at our national laboratories: Demoralization at Los Alamos is dangerous; that poor morale breeds poor security.

There is a severe morale problem at the labs, and they cite four or five general conclusions:

''Among the known consequences of the hard-drive incident, the most worrisome is the devastating effect on the morale and productivity at the laboratory. . . .''

They also say that ''. . . (the) current negative climate is incompatible with the performance of good science.''

The report states, ''It is critical to reverse the demoralization at LANL before it further undermines the ability of that institution both to continue to make its vital contributions to our national security and to protect the sensitive national security information.''

They recommend ''urgent action (is required) . . . to ensure that LANL gets back to work in a reformed security structure . . .''

Incidentally, they conclude that while they laud the Secretary of Energy for trying to create more security with the appointment of a security czar and the like, as some of us said when it was created, it fails to do a job; and remember the Senator from New Mexico saying we are creating another box but it is not going to have clear lines of authority, it is not going to have accountability, people are still not going to be in a streamlined process of accountability. I said it my way, they said it another way, but we concluded the same thing.

There are many other conclusions in this brief report. I urge all of my colleagues to read this report and reflect on their conclusions.

They call for a review of security classifications and procedures, security upgrades at LANL, need to deal with cyber security threats, and adopt or adapt ''best practices'' for the national labs.

Then, under ''Resources'' they underscore:

> Provide adequate resources to support the mission of the national laboratories to preserve our nuclear deterrent, including the information security component of that mission.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DOMENICI). Without objection, it is so ordered.

Mr. KYL. Mr. President, the reason I wanted to exchange places with you for a moment was to commend you on the statement you just made from the floor regarding our Nation's energy policy. Related to that, of course, is the work of the Department of Energy on other matters, including our nuclear facilities, on which you reported with respect to the Baker-Hamilton report. I appreciate that report as well.

Back to the energy policy, I have not heard as good a statement of the overall problem in this country as the Presiding Officer just presented: The fact that in each of the different components of the national energy potential, we have developed policies or, in some cases, failed to develop policies, all of which combine to result in a lack of capacity to provide the fuels to create the energy which our society is going to continue to demand more and more.

When we put it all together, as the Presiding Officer did, it becomes very clear that there is no integration of policy; that the Departments of Government that, in effect, have a veto over the development of these resources prevail, so that there is no capacity to literally have an energy policy that produces the fuel with which we can produce the energy.

An administration that had a policy would coordinate the activities of each of these Departments of Government—the EPA, the Interior Department, the Energy Department, and all of the others mentioned. But that has not been done. Instead, each has been allowed, as the Presiding Officer pointed out, to develop their own policy for their own reasons. The net result is to diminish the capacity of the United States to produce the fuel to produce the energy we need. I think his explanation that we are likely to see an even higher price because of the concentration now into one area—natural gas—is also something that is bound to come true. But I doubt people are thinking that far ahead at this moment.

The last thing I would like to say is about the comments in relation to ANWR. I would like to expand on that a little bit because I get so many letters and calls from constituents of mine in Arizona who are very concerned about the protection of our environment, as am I. They have heard: If we were to allow exploration of oil in this area, it would destroy the environment. I write back to them and say: Look, I have been there. Now, granted not very many of our constituents can afford to go up north of the Arctic Circle a couple hundred miles. You have to work to get there. You have to have some people who know what they are doing to get you there and show you around.

But when you have been there, you realize that the exploration that we have been talking about is in no way degrading of the environment. When you go there, the first thing you see is that in the other place where we have developed the oil potential—it is an area not much larger than this Senate Chamber—they have been able to put all of the wells—I think there are 10 of them; two rows of 5, or that is roughly the correct number—those wells go down about 10,000 feet, and then they go out about 10,000 or 15,000 feet in all directions, so that, unlike the typical view that Americans have of oil wells scattered over the environment, they are all concentrated in one little place, in an artificially built area out into the water.

So it does not degrade the coastal areas at all. It is all focused in one place. It is totally environmentally contained. There is absolutely no pollution. There is no degradation of the environment. There is no impact on animals. There is no environmental damage from this. The pipeline is already there. It is undercapacity. So it is a perfect way to use our Nation's resource for the benefit of the American people.

When this wildlife refuge was created, an area was carved out for oil exploration. This was not supposed to be part of the wilderness. We flew over that area. As far as the eye can see for an hour, there is nothing but snow and ice—nothing. There are no trees. There are no animals. There are no mountains. There is nothing but snow and ice.

You finally get to the little place where they would allow the exploration. There is a little Eskimo village there where you can land. You go to the village, and the people say: When are you going to bring the oil exploration for our village? Because they are the ones who would benefit from it. It is not part of the wildlife refuge. When you say: What is the environmental impact of this? They say there is none.

For almost all of the year, what you see is this snow and ice. For a little bit of the year—a few weeks in the summer—there is a little bit of moss and grass there where some caribou will come to graze and calve. The reason the caribou herds have about quadrupled in size in the area where the oil exploration has occurred is because there is some habitation in that area. And, of course, the caribou are a lot like cows; They like people just fine. They are willing to come right up to the area of habitation and have their little calves. But the wolves do not like people, so the wolves do not prey on them as much, and they don't eat as many of the calves. Therefore the herd is able to grow.

So the only environmental impact anyone has figured out is we have helped the caribou herds expand. This is an area where we can explore for oil without doing any environmental damage. We need the resources, as the Presiding Officer pointed out.

I commend the Presiding Officer for his expertise in this area, for his ability to put it all together in a very understandable way, and for urging this administration to get on with the development of a true energy policy.

Does the Senator from Idaho want to speak now?

Mr. CRAIG. Yes.

Mr. KYL. Mr. President, I yield the floor to the Senator from Idaho, and I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I join with my colleague from Arizona in thanking you for your leadership in the work you have done on energy. I remember, several years ago, when the Senator from New Mexico was talking about the state of play of the nuclear industry and that failure to respond to an equitable process to bring about the appropriate handling of waste would ultimately curtail the ability of this industry to grow and provide an environmentally sound and clean source of electrical energy. That is when we were talking about energy when most of our supplies were in some margin of surplus. Today that surplus does not exist.

In the past eight years, with no energy policy from the Clinton administration, we are now without surplus. We are now entering what could well be an energy crisis phase for our country and our economy. If that is true—here we stand with the longest peacetime growth economy in the history of our country—could this be the tripwire that brings mighty America down? Because we have a President and a Vice President without an energy policy. In fact, under their administration, we have seen a drop in the energy production of our traditional kind. They even want to knock out big hydrodams out in the West that are now supplying enough electricity for all of the city of Seattle, WA. And they say, in the name of the environment, we would take these down. Shame on them.

Why aren't they leading us? Why aren't they providing, as they should, under policy and direction, abundant production and reliable sources?

Historically, our economy has been built on that. America has been a beneficiary of it.

(Mr. KYL assumed the Chair.)

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THE BUDGET PROCESS

Mr. CRAIG. Mr. President, what I thought I might do for a few moments this afternoon is talk about the state of play of where we are as a Senate and as the 106th Congress trying to complete its work and adjourn for the year.

I think a good many of us are frustrated at this point. We have tried mightily to produce the appropriations bills, to work with our colleagues, Democrat and Republican. Obviously,

there are differences in how to resolve those differences. We are spending billions and billions of dollars more than we spent a year ago. Yes, we have a surplus. But, yes, the American people are telling us government is as big as it ought to be. There are new national priorities, and we are attempting to address those.

But what I think needs to happen, and what has historically happened, at least, is an effort to move the 13 appropriations bills through the process, to vote them up or down, and get them to the President. We tried that last week, to move two of them together: the Legislative Branch appropriations bill and the Treasury-Postal bill. Out of frustration on the floor, and our colleagues on the other side deserting us, those bills failed.

I think the average public listening out there says: What's happening here? Why are we almost at the end of the fiscal year and yet a fair amount of the budgetary work needed to be accomplished in the form of appropriations bills to fund the Government for the coming year have not been accomplished?

You saw Senator BOB BYRD lament on the floor of the Senate last week, about the Senate working and getting the appropriations bills passed and sent to the President. And I have to lament with him. I agree that this work should go on. He said: There are Senators in this body who have never seen a situation work as it has been meant to work. I think he was denoting the budget process itself and whether it worked and functioned on a timely basis. How well has the appropriations process worked?

I began to ask that question of my staff, and we did some research over the weekend. I thought it was important that I come to the floor today to talk a little bit about it because I, too, am concerned.

Since 1977, Congress has only twice—in 1994 and in 1988 —passed all of the 13 appropriations bills in time for the President to sign all into law before the October 1 legal fiscal year deadline. Let me repeat that. Only twice since 1977 has Congress passed all of the 13 appropriations bills in time for the President to sign all into law before the October 1st deadline.

Now, that either says something about the budget process and the appropriations process itself, or it says how very difficult this is in a two-party system, and how difficult it is to make these substantive compromises to fund the Government of our United States.

Most years, the Congress only gets a handful of appropriations bills through all the congressional hurdles by October 1, and so, more often than not, has had to pass some, what we call, a stopgap funding bill before it adjourns for the year.

Senator BYRD, on Thursday, said that huge omnibus appropriations bills make a mockery of the legislative process. They certainly don't subscribe to the budget process under the law that we have historically laid out. But, then again, from 1977 until now only twice has that budget process worked effectively.

So I could lament with Senator BYRD about huge omnibus bills or I could simply say how difficult it really is. Yet bundling the funding bills has been more the exception than the rule in the last 23 years. In other words, what we were attempting to do on the floor of the Senate last week was not abnormal. We were trying to expedite a process to complete our work and to do the necessary budget efforts. In fact, in 1986 and in 1987, Congress was unable to send even one funding bill to the President by the legal deadline of October 1. That is an interesting statistic. Let me say it again. In 1986 and 1987, by the October first deadline, the President of the United States had not received one funding bill for Government from the Congress of the United States. In 1986, one of those years when Congress passed zero funding conference reports, Senator Robert Dole was the majority leader of the Senate.

I am here today to say I agree with Senator BYRD, and I lament the fact that bundling is not a good idea. But in 1987, he took all 13 of the appropriations bills, put them together, and sent them down to the President as one big bill. I think a little bit of history, maybe a little bit of perspective, adds to the value of understanding what the Congress tries to do. That was 1987. All 13 appropriation bills bundled and sent to the President before one separate bill was ever sent to the President.

The year 1986 was the first time since 1977. In 1987—I want to be accurate here—was the second time. In 1986 Republicans were in charge. They couldn't get it done. And in 1987, when Senator BYRD was in charge, they couldn't get it done. So here are 2 years, two examples, one party, the other party, 1986 and 1987, that all 13 appropriation bills were bundled into one and sent down for the President's signature.

Let's take a closer look at 1987. On October 1, the legal deadline, not a single appropriation bill that passed the Congress had been transmitted to the President. Compare this year, when two have already been signed. That is now, the year 2000, two have already been signed by the President, and we expect to send additional bills to the President before October 1. At least that is our goal. We will work mightily with the other side, whether we deal with them individually or put a couple of them together. In fact, no appropriation bill ever went to the President, I am told by our research, in 1987. Of the 10 funding bills both Houses of Congress passed, none emerged from the Democrat-controlled House and Senate conferees. It was a difficult year.

President Reagan was the first to sign an omnibus 13-bill long-term continuing funding bill on December 22 of 1987. Remember, the Congress continued to function late into the year and up until December 22, just days before Christmas, so we could finally complete the work and get it done. Of course, during those years I was not in the Senate. I was in the U.S. House of Representatives.

Now, all said, during that budget battle in 1987, we passed four short-term CRs. During that time, we kept extending the deadlines necessary and passed four short-term CRs to complete the work of the Congress. President Reagan did not even receive a bill until the morning after the final short-term CR had expired. The CQ Almanac described it as a 10-pound, 1-foot-high, mound of legislation. I remember that well. In fact, I was involved in a debate on the floor of the House that year when I actually helped carry that bill to the floor.

All 13 bills were passed and signed twice in 1994 and 1998. Excuse me, 1988; I said 1998. That is an important correction for the RECORD.

On October 1, the Senate had passed only four appropriation bills, and this was with a 55–45 majority. Compared to this year, as of September 7, this body had passed nine bills so far.

I think it is important to compare. It is not an attempt to criticize. Most importantly, it is an attempt to bring some kind of balance and understanding to this debate.

I have been critical in the last several weeks. I have come to the floor to quote minority leader TOM DASCHLE talking about ''dragging their feet and not getting the work done, expecting Republican Senators to cave.'' Well, certainly with those kinds of quotes in the national media and then watching the actions on the floor of this past week, you would expect that maybe that is a part of the strategy.

On October 1, only seven bills had been reported to the Senate. This, according to the 1987 CQ Almanac, is because the Appropriations Committee could not even agree how to meet its subcommittee allocations. Compare that to this year. As of September 13, all 13 bills have been reported to the Senate.

Well, I think what is recognized here is that while bundling bills is not a good idea—and I see the Senator from West Virginia has come to the floor; he and I agree on that. He and I agree that bundling is not a good process because it does not give Senators an opportunity to debate the bills and to look at them individually and to understand them.

At the same time, both sides are guilty. Certainly when Senator BYRD was the majority leader of the United States Senate, that was a practice that had to be used at times when Republicans and Democrats could not agree. That is a practice that we will have to look at again here through this week and into next week as we try to complete our work and try to deal with these kinds of issues.

You can argue that some of these bills did not get debated on the floor of

the Senate. That is true now; it was true in 1987. You can argue that they didn't get an opportunity to have individual Senators work their will on them by offering amendments. That is going to be true now; it was clearly true in 1987.

The one thing that won't happen this year—I hope, at least—is that 13-bill, 10-pound, 1-foot-high mound of legislation. Clearly, I don't think it should happen, and I will make every effort not to let it happen. That isn't the right way to legislate, and we should not attempt to do that.

The leadership, last year, in a bipartisan way, along with the White House, ultimately sat down and negotiated the end game as it related to the budget. Many of our colleagues were very upset with that. They had a right to be because they didn't have an opportunity to participate in the process.

The reason I come to the floor this afternoon to talk briefly about this is that, clearly, if we can gain the cooperation necessary and the unanimous consents that must be agreed to, that very limited amendments should be applied to these appropriation bills, then we can work them through. I am certainly one who would be willing to work long hours to allow that to happen. But to bring one bill to the floor with 10 or 12 or 13 amendments with 60 percent of them political by nature, grabbing for a 30-second television spot in the upcoming election really does not make much sense this late in the game. We are just a few days from the need to bring this Congress to a conclusion, to complete the work of the 106th Congress and, hopefully, to adjourn having balanced the budget and having addressed some of the major and necessary needs of the American people. It is important that we do that.

I am confident we can do that with full cooperation and the balance, the give-and-take that is necessary in a bipartisan way to complete the work at hand.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The period for morning business has just expired.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

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

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COOPERATION AMONG SENATORS

Mr. BYRD. Mr. President, I was sitting in my office when I heard the very distinguished Senator from Idaho speaking on the floor and using my name. He asked for cooperation, and, of course, we all want to cooperate. We want good will and we want cooperation. But one way to get cooperation from this Senator when his name is going to be used is to call this Senator before the Senator who wishes to call my name goes to the floor and let me know that I am going to be spoken of.

I have been in the Senate 42 years, and I have never yet spoken of another Senator behind his back in any critical terms—never. I once had a jousting match with former Senator Weicker. He called my name on the floor a few times, and so I went to the floor and asked the Cloakroom to get in touch with Senator Weicker and have him come to the floor. I didn't want to speak about him otherwise, without his being on the floor. Frankly, I don't appreciate it. I like to be on the floor where I can defend myself.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. I am glad to yield.

Mr. CRAIG. First, let me apologize to you that a phone call was not made. I meant it with all due respect. I did not misuse your name nor misquote you. Certainly, speaking on the floor in the Senate in an open, public forum is not speaking behind your back. That I do not do and I will not do.

Mr. BYRD. Whatever the Senator wants to call it, in my judgment, it is not fair.

Mr. CRAIG. OK.

Mr. BYRD. I will never call the Senator's name in public without his being on the floor. I like to go face to face with anything I have to say about a Senator, and I would appreciate the same treatment.

Mr. CRAIG. Will the Senator yield again?

Mr. BYRD. Yes.

Mr. CRAIG. You know how much I respect you, Senator BYRD.

Mr. BYRD. I hope so.

Mr. CRAIG. In no way do I intend to speak behind your back. It is an important issue that you and I are concerned about.

I think it was important to demonstrate what the real record of performance here is in the Senate under both Democrat and Republican leadership—how difficult it is to bring about the final processes of the appropriations. You and I would probably agree that maybe we need to look at the process because it hasn't worked very well. We have not been able to complete our work in a timely fashion, and it does take bipartisan cooperation.

I have been frustrated in the last couple of weeks by quotes such as the one on this chart, which would suggest if the other side does absolutely nothing, somehow we would cave. Last week appeared—I know you had a different argument, and I agreed with you—not to debate an appropriations bill on the floor separate from another. That is not good for the process, not good for the legitimacy of getting our work done. But it did seem to purport and confirm the quote on this chart.

Again, if I have in some way wronged you, I apologize openly before the Senate. But you and I both know that that which we say on the record is public domain. But I did not offer you the courtesy of calling you, and for that I apologize.

Mr. BYRD. It is for the public domain, no question about that. But if my name is going to be used by any Senator, I would like to know in advance so that I may be on the floor to hear what he says about me so I may have the opportunity to respond when whatever is being said is said. That is the way I treat all other Senators; that is the only way I know to treat them.

Mr. CRAIG. That is most appropriate.

Mr. BYRD. It is the way I will always treat Senators. I will never speak ill of the Senator, never criticize the Senator, unless he is on the floor. I would like to be treated the same way.

Mr. CRAIG. Will the Senator yield one last time?

Mr. BYRD. Yes.

Mr. CRAIG. I have made statistical statements. When I prepared this today, I double-checked them, to make sure I was accurate, with the Congressional Quarterly Almanac so the RECORD would be replete. If I am not accurate, or if I have misspoken in some of these statements, again, I stand to be corrected. I was simply comparing the years of 1986, a Republican-controlled Senate, and 1987, a Democrat-controlled Senate, when you were the majority leader—recognizing that in both of those years major budget battles ensued and we bundled tremendously in those years individual appropriations bills—in fact, in a considerably worse way than we are actually doing this year. I thought that was a reasonable thing to discuss on the floor.

Mr. BYRD. Mr. President, I am not sure that is accurate.

Mr. CRAIG. You can check it.

Mr. BYRD. Mr. President, may we speak of another Senator in the second person?

The PRESIDING OFFICER. The Senator is correct. The Senator should address the Chair.

Mr. BYRD. And speak to another Senator in the second person.

The PRESIDING OFFICER. And not refer directly to another Senator.

Mr. BYRD. Exactly. I think that rule keeps down acerbities and ill will. I want to retain good will. So when I refer to the distinguished Senator, I don't want to point the finger at him by saying ''you.''

Now, Mr. President, I am not sure the Senator is entirely accurate in everything he has said. I didn't hear everything he said, but I have the impression that what he was saying was that we bundled bills together in times when I was majority leader, and so on.

I am not sure that is even accurate. But let me say to the distinguished Senator that I haven't complained about bundling bills together. That is not my complaint at all. My complaint is in avoiding debate in the Senate and sending appropriation bills directly to conference. That is my problem because that avoids the open debate in the Senate, and Senators are deprived of the opportunity, thereby, to offer amendments.

I don't mind bundling bills together in conference if they have passed the Senate. But if they haven't passed the Senate, I am very critical of sending those bills to the conference. I think the framers contemplated both Houses acting upon bills—and that is the way we have done it heretofore until the last few years; appropriation bills have passed the Senate; they have been amended and debated before they went to conference. That is my complaint.

So I hope the Senator will not feel that I have been complaining about bills being joined in conference. I am not complaining about that.

According to the CRS, all regular appropriation bills were approved by or on October 1 in 1977—the first year I became majority leader—in 1989, in 1995, and in 1997. So I have the record before me that shows that four times in those years—that is not a great record, but four times in those years all of the regular appropriations bills were approved by or on October 1.

The distinguished Senator, if I understood him correctly, said only twice. Am I correct that only twice had all appropriations bills been approved on or before October 1?

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. I may have misheard the Senator. Yes. I yield.

Mr. CRAIG. What I quoted was the Congressional Almanac—the CQ Almanac—that said since 1977 only twice, in 1994 and in 1998, has the Congress passed all 13 appropriations bills in time for the President to sign them into law before the October 1 deadline.

Mr. BYRD. Therein lies the tale. The Senator uses the phrase ''in time for the President to sign them into law.''

Mr. CRAIG. By October 1.

Mr. BYRD. By October 1. The RECORD shows that in 4 years, all of the regular appropriations bills were approved by or on October 1.

I can remember in 1977, I believe it was, that all of the appropriations bills were passed but the last one, which passed the Senate by just a few seconds before the hour of midnight at the close of the fiscal year. Obviously, it would not have been in time for the President to have signed the bill by the next day. But all bills did pass the Senate even though the last of the appropriations bills only made it by a few seconds or a few minutes. And in 1987, more than 100 amendments were offered, debated, and disposed of in the consideration of the continuing resolution. We took up amendments, we debated them, and disposed of them.

That is what I am complaining about. I will have more to say about this in a few days. But I am complaining about the fact that appropriations bills are brought to the Senate floor, and in many instances Senators don't have the opportunity to offer amendments and have them debated. They don't have the opportunity to debate the bills fully.

Secondly, I am complaining about sending appropriations bills directly to conference without the Senate's having an opportunity to debate those appropriations bills and to amend them prior to their going to conference. That short-circuits the legislative process. We represent the people who send us here. This is the only forum of the States. I represent a State, the distinguished Senator from Idaho represents a State, and represents it well. But it doesn't make any difference about the size of the State. Each State is equal in this body—meaning that small, rural States like West Virginia are equal to the large States of New York, California, Texas, and so on.

But when the Senate is deprived of the opportunity to debate and to amend by virtue of appropriations bills being sent directly to conference, this means the people of my State, the people of the small States, the people of the rural States—the people of every State, as a matter of fact, represented in the Senate—are deprived of the opportunity to debate and are deprived of the opportunity to offer amendments through their Senators.

This is what I am complaining about. I have tried to avoid personalities. I could do that. I don't like to do that. I am just stating a fact that we are being deprived, the Senator from Idaho is being deprived of debating and offering amendments. His people are being deprived. That is the important thing—his constituents are being deprived. I think we ought to quit that. I think we ought to stop it.

I hope the distinguished Senator will stand with me in opposition to what I call the emasculation of the appropriations process when that is done.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes. I yield.

Mr. CRAIG. The State of West Virginia and my State of Idaho are very similar. Both are small, rural States. Both the Senator from West Virginia and I are very proud of the fact that we have equal power in the Senate. Our Founding Fathers assured that. That is what created this marvelous balance. Both the Senator from West Virginia and the Senator from Idaho serve on the Appropriations Committee. Obviously, the Senator from West Virginia has tremendous seniority and is former chairman of that committee. I am still pretty much a freshman. We appreciate that debate process. There is no question about it.

At the same time, I am one of those Senators who, before the August recess, turned to my majority leader and said something he didn't want to hear. I said: You know, I am going to start researching the need for a lame duck session because we are not going to get our work done. We have not been allowed to move bills to the floor without 100 amendments or 50 amendments. The Senator from West Virginia can certainly characterize those amendments the way he wants. I will characterize them by saying at least 50 percent of them are political. They come from both sides.

I cannot say that the other side is any more guilty than we are for making a public political statement on an amendment that never passes. We are all frustrated by that. But when you subject a bill to full debate on the floor without being able to get a unanimous consent agreement to govern the time, then we could go on for days and sometimes an entire week on the floor on a single bill.

Is that necessary?

Mr. BYRD. May I regain the floor for just a moment?

Mr. CRAIG. It is the Senator's time.

Mr. BYRD. We have had those experiences. That is not an unheard of experience.

Mr. CRAIG. That is correct.

Mr. BYRD. That is part of the process.

When I was majority leader of the Senate in 1977, 1978, 1979, and 1980 and, again, when I was majority leader of the Senate in 1987 and 1988, not once did I attempt to say to the leader on the other side of the aisle that I will not take this bill up if you are going to call up amendments, or if you call up 5 or 10 or whatever it is, I will not call it up; or having called it up, if Senators on the other side of the aisle persisted in calling up amendments, I didn't take the bill down. That is part of the process.

That is where we differ. There are now Senators in this body who think that that is the way the Senate has always been. I would say to Senator Baker, or to Senator Dole, let's have our respective Cloakrooms find out how many amendments there are. And the Cloakrooms would call Senators. They would bring back a list of the Senators on the Republican side and a list of the Senators on the Democratic side who indicated they had amendments. I never said: Well, we ought to cut them down. I said: Let's list them.

Sometimes there would be 65 amendments, sometimes 80, or whatever. I would say: Let's get unanimous consent that the amendments be limited to those on the list. I never attempted to keep Senators from calling up their amendments, or to insist the leader of the other side cut down his amendments before we would call up the bill. We listed the amendments. Then we sought to get unanimous consent. Usually we could because we worked well together. Once we had the finite list of amendments and got unanimous consent that that would be all of the amendments, we began to then work with each individual Senator—Mr. Dole and Mr. Baker, through their staff on that side, and myself on my side. Our staff attempted to get time limitations on those amendments. Many of the amendments just went away. Senators would do as I have done on several occasions: I had my name put on the list just for a ''germane'' amendment and just for self-protection. So that is the way it is. Many times, amendments fall off.

I have to say that this new way of doing things here is not the way the

Senate has always done it. There are 59 Senators today in this body—I believe I am correct—there are 59 Senators out of 100 Senators who never served in the Senate prior to my giving up the leadership at the end of 1988.

Rules VII and VIII—there are two rules I just happened to think of that have never been utilized since I was majority leader. Never. And there are other rules that have never been utilized since I was majority leader. Fifty-nine Senators have come into the Senate not having seen the Senate operate as it did when Mr. Mansfield was here, when Lyndon Johnson was here, and when I was leader. What they see is a new way of operating in the Senate.

Many of those Senators—I believe 48 of the Senators—here I am speaking from memory; I may have missed one or two—have come over from the other body. I am one of them. But there are 48, maybe 47 or 52, or thereabouts, of today's Senators who have come over to the Senate from the House. They have never seen the Senate operate under its rules, really, unless we call operating by unanimous consent operating by the rules—which would be accurate to say, up to a point. But 48 Senators have come over from the House and many of those Senators would like to make the Senate another House of Representatives. The Senate was not supposed to be an adjunct to the House.

I have been in the other House. I have long studied the rules and the precedents and worked in the leadership in one capacity or another in this Senate. I served in the Democratic leadership 22 years here, as whip, as secretary of the conference, as majority leader, as minority leader, as majority leader again.

I grieve over what is happening to the Senate. I say we need to get back to the old way of doing things because we are short circuiting the process. In so doing, we are depriving the people of the States of the representation that they are entitled to in this Senate. By that I mean that the people's Senators are not allowed to call up amendments, they are not allowed to debate at times. This way of operating would certainly, I think, bring sadness to the hearts of the framers because they intended for this Senate to be a check on the other body. They also intended for this Senate to be a check against an overreaching executive. But if Senators can't call up bills from the other body and debate them and amend them, then the Senate cannot adequately check the other body against the passions that may temporarily sweep over the country. The Senate cannot bring stability to the body politic and to the government that the framers intended.

I am happy to yield again.

Mr. CRAIG. If the Senator will yield for one last question.

Mr. BYRD. Yes.

Mr. CRAIG. I made this comment, and the Senator made a corresponding comment that appears to suggest that my comment is in conflict with his and they may not be. I want to correct this for the record.

The Congressional Quarterly Almanac says that only seven appropriations bills had passed the Senate on October 1 of 1987. But we did not provide for the President an omnibus bill with 13 in it until December 22, 1987.

I am not suggesting by this statement that the Senate didn't go on to debate those individual bills on the floor between October 1 and December 22; I didn't draw that conclusion.

Mr. BYRD. May I comment?

The Senator is only telling half the story.

Mr. CRAIG. I am only quoting the Almanac.

Mr. BYRD. Well, my memory, which is not infallible, reminds me that the President of the United States asked for an omnibus bill that year. He didn't want separate bills. Mr. Reagan didn't want separate bills that year. He wanted an omnibus bill. I hope I am not mistaken in the year that we are discussing.

But does the Senator not recall one year in which Mr. Reagan did not want—he wanted one bill because we were entering into some kind of an agreement amongst us; he wanted one bill to sign rather than several. So we accommodated him.

Mr. CRAIG. If the Senator will yield.

Mr. BYRD. Yes.

Mr. CRAIG. I don't recall what President Reagan did or did not want. I know what the record shows he got.

I guess the question I ask the Senator from West Virginia, from October 1 to until December 22, did the Senate debate and pass out the remainder of the appropriations bills that had not been completed by October 1, which would have been a total of six, I believe, if the Congressional Quarterly Almanac is correct, and we only worked up seven prior to the deadline?

Mr. BYRD. I am looking at the chart, ''Final Status of Appropriation Measures, First Session, 100th Congress.'' That would have been 1987. Every bill was reported. I think I am getting now to the question that the Senator asked.

Some of the bills were reported but not taken up, but floor action shows that the Senate continued to act upon appropriations bills: Treasury-Postal Service was acted upon on the floor September 25; Transportation, October 29; military construction, October 27; legislative, September 30; Labor-HHS-Education, October 14; Interior, September 30; energy and water, November 18; Commerce-Justice, October 15.

So they were all acted on. And, yes, the answer is, the Senate continued to act upon those bills even through the latter months of the year.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CRAIG. Those records comport with what I have said. I wanted to make sure I was not inaccurate. My concern is that we will have not completed our work on the floor by the deadline unless we can gain the kind of cooperative effort to move these pieces of legislation.

And by your observation, I was accurate in the sense that five were debated and passed or voted on after the October deadline of 1987.

Mr. BYRD. Mr. President, let me respond to that. The Senator] speaks of cooperation from the other side. I note that 1, 2, 3, 5, 6—9 of these appropriations bills—10, 11—11 of them were reported from the Senate Appropriations Committee this year no later than July 21, reported and placed on the calendar—11 of them.

Why weren't they called up in the Senate? The Appropriations Committee, on which the distinguished Senator from Idaho and I sit, the Appropriations Committee, under the excellent leadership of Senator TED STEVENS, reported those bills out; 11 of them, I believe—no later than—what date was that? No later than the 21st of July. Why weren't they called up? We had plenty of time. Why weren't they called up?

May I say, in addition to that, the Senate certainly had the time to act on those bills. We were out of session on too many Fridays. We come in here on Monday, many Mondays, and we do not cast a vote, or we cast a vote at 5 o'clock, or we go out on Fridays, we don't have any session at all, or we go out by noon with perhaps one vote having been taken.

The Senator and I could talk until we are each blue in the face, but it seems to me that someone needs to explain in a reasonable way as to why we don't act on Mondays and Fridays, act as we ought to as a legislative body—be in session. We are getting paid for the work. Why don't we act on these appropriations bills?

When I was majority leader, I stood before my caucus in 207. I can remember saying it: ''We are not here to improve the quality of life for us Senators. Our constituents send us here to improve the quality of life for our constituents. I am interested in the quality of work.''

My own colleagues were doing some complaining. I said: We are going to be here, we are going to vote early on Mondays, and we are going to vote late on Fridays. You elected me leader. As long as you leave me in as leader, I am going to lead.

Now, I said, we will take 1 week off every 4 weeks, and we can go home and talk to our constituents, see about their needs. So we will have 1 week off and 3 weeks in, but the 3 weeks that we are in, we are going to work early and we are going to work late. And we did that in the 100th Congress.

If one looks over the records of the 100th Congress, one will find that Congress was one of the best Congresses, certainly, that I have seen in my time here in Washington. The productivity was good, we worked hard, there was good cooperation between Republicans

and Democrats. We all worked, and appropriations bills didn't suffer. Appropriations bills were never sent to conference without prior action by this body. Every Senator in this body on both sides of the aisle was allowed to call up his amendment, to offer amendments, as many as he wanted to. Nobody was shut off. We just simply took the time. We stayed here and did the work.

Nobody can say to me, well, we don't have the time to do these bills. Mr. President, we have squandered the time. We have squandered the time already. I used to have bed check votes on Monday mornings at 10 o'clock, bed check votes so that the Senators would be here at 10 o'clock. It didn't go over well with some of the Senators, even on my side. But one leads or he doesn't lead. When one leads, he sometimes runs into opposition from his own side of the aisle. I was not unused to that. But nobody can stand here and tell me that we have fully utilized our time and that we have to avoid bringing bills up in the Senate because Senators will offer amendments to them. I am ready to debate that anytime.

I thank the distinguished Senator. I will yield again if he wishes.

Mr. CRAIG. I have one last question because you have got your ledger there, which is very valuable, making sure that statements are accurate, because I focused on 1987, the year of your majority leadership.

We talked about the bills. I think we confirmed one thing. The Congressional Quarterly Almanac also goes on to say that foreign ops, Agriculture, and Defense were never voted on on the floor and never debated, that they were incorporated in the omnibus bill. So, in fact, the practice you and I are frustrated by was incorporated that year into that large 13-bill omnibus process; is that accurate?

Mr. BYRD. This is accurate. During Senate consideration of the continuing resolution for fiscal year 1987, which contained full year funding for all 13 appropriations bills, more than 100 amendments were offered, debated, and disposed of.

Mr. CRAIG. But my question is: The individual foreign ops, Agriculture, and Defense bills were in fact not individually debated on the floor and amended?

Mr. BYRD. They were in the CR and therefore subject to amendment.

Mr. CRAIG. I see. But not individually brought to the floor? I understand what you are saying. I am not disputing what you are saying about incorporating them into a CR.

Mr. BYRD. The Senator—my distinguished friend from Idaho—misses the point. There may be CRs this year. There have been CRs before.

Mr. CRAIG. Yes.

Mr. BYRD. I have never denied that. The point is that the CRs were called up on the floor, they were debated, and they were amended freely. That is what I am talking about. The Senate had the opportunity to work its will even if those bills, two or three, were included in the CR. That is the point. The Senate was able to work its will on the CR and to offer amendments and debate and have votes.

Mr. CRAIG. No, that is not the point.

If the Senator will yield, we are not in disagreement. We are not yet to the CR point. If we get there, I have not yet heard any leader on either side suggest that we not amend it. We hope they could be clean. We hope they could go to the President clean, without amendments.

But if we are going to incorporate in them entire appropriations bills that have not yet been debated—and that was my point here with bringing that up; they were in CRs but they were not brought to the floor individually and debated. There was an opportunity—you are not suggesting, you are saying—and it is true—that there was an opportunity at some point in the process for them to be amended.

Mr. BYRD. Yes.

Mr. CRAIG. Yes. We are not in disagreement.

Mr. BYRD. Except this: The Senator says we hope they can go to the President clean. I don't hope that.

Mr. CRAIG. Oh.

Mr. BYRD. No, indeed. Never have I hoped that. I would like to have seen a time when Senators didn't want to call up amendments. Maybe I could have gone home earlier. But I have never thought that was a possibility. And I wouldn't hope they would go to the President clean because I think Senators ought to have the opportunity to clean up the bills, to improve them. Surely they are not perfect when they come over from the other body, and Senators ought to be at liberty to call up amendments and improve that legislation. That is the legislative process. Let's improve it.

I thank my colleague.

Mr. CRAIG. I thank the Senator for yielding. You see, we do agree on some things but we also disagree on others. There we have a point of disagreement.

Mr. BYRD. The Senator ought not disagree with me on saying that Senators ought to have an opportunity to call up amendments and that we don't necessarily wish to see clean bills sent to the President. I didn't want to see a clean trade bill sent to the President.

Mr. CRAIG. If the Senator will yield just one last time?

Mr. BYRD. Yes.

Mr. CRAIG. If we are attempting to complete our work on a bill-by-bill basis and we extend our time to do that with a clean CR, simply extending the processes of Government and the financing of Government for another week or two while we debate individual bills—that is what I am suggesting.

If we are going to incorporate other bills, appropriations bills, in the CR, I am not objecting to amendments. I am saying that if we are going to deal with them individually on the floor, as you and I would wish we could and should, then the CR that extends us the time to do so, in my opinion, should be clean in going to the President so he will not argue or attempt to veto something because we would stick an amendment on it with which he might disagree.

Mr. BYRD. I think we are ships going past one another in the dark, the Senator and I, on this. I am for having full debate, having Senators offer their amendments. Whether or not bills sent to the President are clean, to me, I think, is not a matter of great import. I think the framers contemplated that each House, the House in the beginning on revenue bills and then the Senate on revenue bills by amendment and the House and Senate on other bills, sometimes one House would go first, sometimes the other House would go first except on revenue bills, by practice, appropriations bills.

To me, in the legislative process, the people are getting their just rights, the people are getting what they are entitled to, and the Republic will flourish and the liberties of the people will endure if Senators have an opportunity to debate fully—disagree, agree, offer amendments, have them tabled, have them voted up or down. This Republic will be in a much safer position and in a much better condition if the Senate is allowed to be what the Senate was intended to be by the framers.

I hope the Senator will join with me in protecting this Senate and in doing so will protect the liberties of the people. Protect the Senate. Forget about party once in a while. George Washington warned us against factions and about parties. I have never been such a great party man myself, and the Senator will not find me criticizing the ''other side'' very often, or the ''Republicans'' very often. I can do that and have been known to do it, but there are other things more important, and the Senate is one of the other things that is more important. We are talking about the Senate. We are talking about the cornerstone of the Republic. As long as we have freedom to debate in the Senate and freedom to amend, the people's liberties will be secured. I thank the Senator.

Mr. CRAIG. I thank the Senator for yielding.

Mr. BYRD. I yield the floor.

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NATIONAL ENERGY SECURITY ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The question now pending is the motion to proceed to S. 2557.

The Senator from North Dakota.

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SENATE SCHEDULE

Mr. DORGAN. Mr. President, I was listening to the discussion among my colleagues, Senator CRAIG, Senator BYRD, and Senator DASCHLE was here earlier. I thought it would be useful to discuss the concept that has been discussed. In the end, it does not matter

what is said one way or the other about who is at fault for this or for delaying that. The question people ask at the end of a legislative session is, Are things a little better in this country because those folks met and discussed things in the United States, what works, what does not, what we can do and cannot do?

If the answer to that is yes, none of this matters much. But the Senator from West Virginia, in responding to some discussions earlier by the Senator from Idaho, makes a very interesting point. I have not been here nearly as long as the Senator from West Virginia has been.

This is a calendar which shows this year, the year 2000. The red days on this calendar are the days the Senate was not in session. We will see the Senate was not in session a fair part of the year. In fact, another chart will show the number of days we have been in session. It is now the end of September, and we have been in session 115 days out of all of this year. Of those 115 days we were in session, on 34 of them, there were no votes at all. So we have been in session 115 days, but on 34 of those days, there have been no votes.

There have been only two Mondays in this entire year in which the Senate has voted, and if I may continue with this chart presentation, there have been only six Fridays in all of this year on which the Senate has voted. Out of 13 appropriations bills, only two have been signed into law by the President. In the month of September, when we must try to finish the remaining 11 appropriations bills, we have not had any votes on Mondays, except for possibly today if we have a vote later today. And there have been no votes on Fridays in the month of September.

I thought it would be useful to describe what is going on here. Let me read this statement from my friend and colleague, the Senate majority leader, earlier in the year. He said:

> We were out of town two months and our approval rating went up 11 points. I think I've got this thing figured out.

I know Senator LOTT wants this place to work and work well. I mentioned the other day to Senator LOTT that there is a television commercial about these grizzled, leather-faced cowboys on horseback herding cats. It is actually a funny commercial because they even get those cats in a river and try to move them across the river. These big cowboys with these leather coats, the big dusters they wear for storms, are holding these little stray cats.

I said to the Senate majority leader: That reminds me a little perhaps of the job you and others have of keeping things moving around here.

The Senator from West Virginia makes a very important point, and I want to outline it. We have had plenty of time to get to work to pass this legislation. We just have not been in session in the Senate much of the year. Frankly, most people run for the privilege of serving in the Senate because they have an agenda, too, and they want to offer amendments. They want to offer ideas that come from their constituencies that say: Here is what we think should be done to improve life in this country; here is what we think should be done to deal with education, health care, crime, and a whole range of issues.

When there are circumstances like we have seen this year where legislation does not even, in some cases, come to the floor of the Senate, but instead goes right to conference, it says to Senators: You have no right to offer any amendments. That does not make sense.

The reason I came over, I say to the Senator from West Virginia, is that I heard the discussion by my colleague from Idaho saying Senator DASCHLE is to blame for all of this. Nonsense. Winston Churchill used to say the greatest thrill in the world is to be shot at and missed. The Senator from Idaho has just given all of us a thrill. But Senator DASCHLE is at fault?

Senator DASCHLE does not schedule this Senate. We are not in charge. I wish we were, but we are not in charge. We are the minority party, not the majority party. I hope that will change very soon.

What Senator DASCHLE said is clear. In fact, he said it again last week: If I had been majority leader, and I am not, today would be a day in which we take up an appropriations bill and we would be in session until we finish that bill and everybody has a chance to offer amendments. If it takes 24 hours, then we will not get a lot of sleep, but we will finish that bill.

Senator DASCHLE said: My preference is to take these bills up individually. I would be willing to do an appropriations bill a day—long days, sure; tough days, absolutely. But he said let's do them. Bring them to the floor. Open them up for amendment. Let's have debates, offer amendments, and then let's vote. Democracy, after all, is about voting. It is not always convenient.

The Senator from West Virginia had a reputation for not always making it very convenient for people because he has insisted that appropriations bills be brought to the Senate floor and that they be debated fully and that everybody have the opportunity to bring their amendments to the floor of the Senate, have a debate, and then have a vote.

Again, sometimes that is difficult. People want to be here and there and everywhere else on Fridays and Mondays and parts of the week. But the fact is, we are now in September, towards the end of the month, and 11 of the 13 appropriations bills are not yet signed. I am a conferee on at least two of them for which no conference has been held.

I might mention to the Senator from West Virginia, I think perhaps you were referring earlier to the Agriculture appropriations bill. The House passed it July 11. The Senate passed it July 20. I am a conferee. There has been no conference. The House has not even appointed its conferees. In today's edition of the CQ Daily Monitor, one of my colleagues is quoted as saying that ''aides'' have worked out a compromise in the Agriculture spending conference report, and it will come to the floor on Wednesday.

Now, that is a surprise to those of us who are supposed to be conferees. This is a bill on which there has been no conference, and someone in the majority party is saying aides have worked this all out, and it is going to come to the floor of the Senate on Wednesday. Boy, I tell you, this system is flat out broken. That is not the way this system ought to work. Aides do the work without a conference?

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. BYRD. The Senator is precisely correct. The system is not operating as it was intended to operate. We are improvising it as we go along. We are changing it all the time. The Senate is changing. And I regret to say that.

I simply want to thank the Senator for using the charts. They are very persuasive. They tell the story. They tell it concisely.

I also thank the Senator for standing up for the Senate and the true system. The Appropriations Committee was created in 1867. So for 133 years we have had this system. The Appropriations Committee was very small in the beginning. I think it was made up of only five members.

The system is being changed by Senators who have come here, most of them, from the other body. They don't know how the Senate is supposed to work. They never saw it operate under the rules. It is being run mostly by unanimous consent now, not by the rules. For example, we never have calendar Mondays here anymore. We ought to try that just once in a while to keep the system—the real system—alive.

I thank the Senator for his timely comments.

Mr. DORGAN. I appreciate the comments of the Senator from West Virginia as well. It should never, ever be considered old-fashioned to have the Senate work in a manner in which it was intended to work; that is, to have debates and to have votes. That is not old-fashioned. That is a timeless truth about how democracy ought to work.

A timeless truth here is that we will get the best for the American people by soliciting all of the best ideas that come from every corner of this Chamber. Those ideas come from every corner of our country. People come here not for their own sake; they come to represent the people of West Virginia and Maine and California and my State of North Dakota. The development of all of those ideas—through debate, through the offering of amendments, and so on—represents what I think can contribute best to America's well-being.

There are so many things that I wanted to do this year that we are not doing. There is so little time left. We have a farm program that does not work. Families out on the land—family farmers are the best in America—are just struggling mightily. The farm program does not work. It ought to be repealed and replaced with one that does. That is not rocket science. Europe does it. We can do it.

A Patients' Bill of Rights: We debated that forever. We ought to pass that. A prescription drug benefit in the Medicare program: We know we should do that and do it soon. Fixing the education system: Again, we know what needs to be done there. There is a whole series of things we ought to be doing that have not been done this year, let alone most of the appropriations bills, which we should pass.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. DORGAN. Of course, I yield.

Mr. BYRD. Mr. President, I am constrained to say, as I have said before, that the fault is not all on one side. And I have complained about this to my own caucus. Too many times, on this side of the aisle, we have called up the same old amendment over and over and over again. I have said this in my own caucus, and I have said this before to my colleagues. So we are at fault to an extent in that regard. That is not to say a Senator does not have the right to call up an amendment. He has the right to call up his amendment as many times as he wishes. But I see no point in beating a dead horse over and over and over. That is something I think we, on our own side, should talk about and try to avoid.

Now, there are occasions when, for one reason or another, perhaps a Senator is absent or a supporter of a given amendment may be away for a funeral or something else, and the amendment may be called up, and it loses. Then I think there is real justification for calling up that amendment again on a future date.

But there are times here when it seems to me my own side is only interested in sending a ''message.'' We want to send ''messages.'' This is alright up to a point. I have kind of grown tired of just sending ''messages.''

For example, nobody has supported campaign financing longer than I have in this Senate. As a matter of fact, I offered a campaign financing bill with former Senator David Boren in this Senate in the 100th Congress. Now, I offered cloture on that bill eight times. No other majority leader has ever offered cloture on the same bill eight times. But I was disappointed eight times because only four or five Members of the Republican Party ever joined the Democrats in supporting that campaign financing bill. So we tried and we tried again.

I think we send too many ''messages'' on this side of the aisle. I can understand the majority leader, in trying to avoid this repetition of having to vote on the same old amendment—and they are political amendments—has attempted to bypass the Senate by not calling up bills.

Many authorization bills—if one will take a look at this calendar, look at the bills on this calendar. If the Senator will look at the bills on this calendar, we have a calendar that is 71 pages in length. Some of those probably are authorization bills. They are not called up. So, Senators all too often only have appropriations bills to use as vehicles for amendments which they otherwise would call up if the authorization bills were on the calendar and were called up.

The authorizing committees need to do their work. They need to get the bills out on the calendars. And then, when the bills are on the calendar, if they are not called up, Senators are going to resort to calling up amendments on appropriations bills. So there is enough fault and enough blame here to go around.

But I think the greatest danger of all is for the Senate to be relegated to a position in which it cannot be effective in carrying out the intentions of the framers. And that can best be done by not calling up appropriations bills, sending them directly to conference, and preventing Senators from carrying out the wishes of their constituents, by not allowing Senators to debate and call up amendments.

I thank the distinguished Senator. He has taken the floor on several occasions to mention this and to call our attention to it. I thank him.

(Ms. COLLINS assumed the chair.)

Mr. DORGAN. Madam President, the Senator from West Virginia will recall that he told me a story some long while ago about this desk that I occupy in the Senate. This desk, as do all of these desks, has an interesting history. This desk was the desk of former Senator Robert La Follette from Wisconsin. It was Senator BYRD who informed me of something that happened 91 years ago, I believe, in late May in the year 1909.

Senator La Follette was standing at this desk—this desk may not have been in this exact spot, but it was this desk—involved in a filibuster.

During those days, this Senate had a lot of aggressive, robust debates. Senator La Follette was a very forceful man with strong feelings, and he stood at this desk engaged in a filibuster. As the story goes, apparently someone sent up a glass of eggnog for him to sip on during the filibuster. He brought that glass of eggnog to his lips and drank then spat and began to scream that he had been poisoned. He thought he had tasted poison in this glass of eggnog. The glass was sent away—I believe this was in 1909—to have it evaluated. They discovered someone had, in fact, put poison in his drink. They never found the culprit.

I think of stories such as this one about this Chamber, what a wonderful tradition in the Senate of people who feel so strongly. We should not diminish the role of the Senate as the place of great debates.

I served in the House. It is a wonderful institution. There are 435 Members. There they package their debates through the Rules Committee. They say: You get 1 minute, you get 2 minutes, you get 5 minutes. We will entertain these 10 amendments, and that is all. And if you are not on the list, you are not there. That is the way the House works because that is the only way it could work with 435 Members. But the Senate was never designed to work that way. It was never intended to work that way. The Senate was to be the center of the great debates, debates that are unfettered by time, unfettered by restriction. Is that in some ways inefficient? Yes. Is it cumbersome, sometimes inconvenient? Sure. It is all of that. But it is also the hallmark of the center of democracy. We ought not ever dilute that, nor should we ever dilute the opportunity of every single person who comes to sit and at times stand in the Senate to represent his or her constituents to make the strongest case they can make on whatever the issue is that day.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. BYRD. Speaking of the old days, I sat in that presiding chair up there on one occasion 22 hours. I sat there 22 hours, through a night of debate on civil rights legislation, when I first came here. It fell to my lot to have that as a chore, as it falls to the lot of newer Senators. I sat there 22 hours.

I can remember the civil rights debate of 1964. I hope my memory is not playing tricks on me. One hundred sixteen days elapsed between the day that Mr. Mansfield motioned up that bill and the day that we cast the final vote on that bill, 116 days. We were on the motion to proceed for 2 weeks. I believe the Senate spent 58 days, including 6 Saturdays and, it seems to me, 1 Sunday—the Parliamentarian will remember this—but 6 Saturdays, get me now, in debating the Civil Rights Act of 1964.

I voted against the act. I was the only Northern Democrat who voted against it. I was the only northern Democrat who voted against cloture. And the only other Democrats who voted against cloture were Alan Bible of Nevada—and I am talking about Senators outside the South—and perhaps Senator Hayden of Arizona. We spent six Saturdays. We didn't go home on Saturdays. We stayed here and we voted. I forget how many rollcall votes we cast. Even following the cloture, we were on that bill, I believe, 10 days or so, on the bill even after cloture was invoked but we stayed here and did the work.

Had Everett Dirksen, the Republican leader, not voted for cloture and led some of the Senators on the other side to vote for cloture, had that Republican leader not worked with Mr. Mansfield and Hubert Humphrey in those

days to pass an important act, that act would not have passed. Cloture would never have been invoked on that act, if Everett Dirksen, the leader on the other side, and some of the Senators who went with him, had they not decided to vote for cloture and vote for the bill. That was teamwork. That was cooperation. That was stick-to-itiveness. That was the Senate at its best.

I spoke against that bill. I spoke 14 hours 13 minutes against that bill. If I had it to do over again, I would vote for it. But I was just out of law school. I thought I knew a lot about constitutional law. And there were some great constitutional lawyers here then. Sam Ervin was here, Lister Hill, John Sparkman, Richard Russell, Russell Long; these were men who had been in this chamber for a long time. They didn't come to the Senate in order to use it as a stepping stone in a lateral move to the Presidency. They came here to be Senators. But the Senate argued. It debated. It amended. It took whatever time was necessary, and the Senate spoke its will. That is what we don't have these days. We don't have that these days.

I thank the Senator for the service he is performing.

Mr. DORGAN. Madam President, let me try to summarize what brought me to the floor.

A colleague arrived on the Senate floor and said the reason we are in the circumstance in which, at nearly the end of a legislative session and only 2 of 13 appropriations bills have been completed by the Congress, and not much of the major legislation we had hopes for in the 106th Congress has been passed, is that Senator DASCHLE is stalling, causing problems, is just not going to wash.

It is sheer nonsense to suggest somehow that the minority leader of the Senate is determining the schedule of the Senate. There are times when one has to be repetitious in the Senate.

Let me give an example: increasing the minimum wage. When it comes time for increasing the tax benefits for the highest income groups in America, we have people rushing to the floor, standing up and talking about tax cuts. Good for them. If you happen to be in the top one-tenth of 1 percent of the income earners, there are people here coming to the floor of the Senate saying: Let's give you a big tax cut. They won't call it that. They will say it is for the little guy. But just unwrap the package and see what is there.

If you are in the top one-tenth of 1 percent of the income earners, good for you. You have great representation in the Senate. At least on a half dozen occasions this year, you had people coming over to vote for big tax cuts for you.

But what if you are at the bottom of the economic ladder? What if you are a single mother, working the midnight shift for the minimum wage, trying to make ends meet, trying to pay the rent, trying to buy food and see if there is any way you can scratch out money to have health insurance for your children? What about you? Who is rushing to the Senate floor to say perhaps we ought to provide a small increase in the minimum wage?

An increase in the minimum wage doesn't happen very often. Time and time again, we have tried to address the needs by increasing the minimum wage. It hasn't gotten done. We are near the end of the session. Is it repetitious to bring it back up? You bet it is. But some of us intend to be repetitious when it means standing up for the rights of the people at the bottom of the economic ladder who are working hard but who are losing ground because the cost of living is going up and their wages are not.

How about the issue of trying to keep guns out of the hands of criminals? Let me describe that problem in this session of the Congress. Most everybody agrees—certainly the law requires—that we prevent criminals from having access to guns. If you have been convicted of a felony, you don't have a right to own a gun. The second amendment doesn't apply to you, but it applies to law-abiding citizens. Criminals have no right to have a gun.

The NRA and virtually everybody else has agreed that we ought to have an instant check system where, if somebody wants to buy a gun, there name will be run through a computer check to see if this person is a convicted felon. If in running this check you discover the person has previously been convicted of a felony, that person has no right to a gun. At every gun store in this country, when you go in to buy a gun, that happens.

Everybody supports that—the National Rifle Association, Republicans, and Democrats; everybody supports that. But there is a loophole. If you don't go to a gun store but instead go to a Saturday gun show, there is no requirement when you purchase a gun at that Saturday gun show that they run your name through an instant check.

A fair number of guns are passing from one hand to another on Saturdays and Sundays at gun shows with no determination of whether the person buying the gun is a felon. So we in the Congress pass a provision that closes that gun show loophole. Is it erratic? Not at all. It is very simple, common sense. It says no matter where you buy a gun, a gun store or a gun show, your name has to be run through an instant check to determine whether you are a convicted felon. If you are not, you can buy the gun. If you are a convicted criminal, you can't because you don't have a right to a gun. That bill passed the Senate by one vote. It went into a piece of legislation and went to conference and never came back out.

A week or so ago, an appropriations subcommittee was considering legislation that would have allowed the introduction of an amendment to close that loophole once again because that provision is on a bill that apparently is not going to move in this session. This would have provided an opportunity to offer an amendment to close the gun show loophole. Instead of allowing that, guess what? They took that appropriations subcommittee bill and moved it directly to conference. It never came to the floor of the Senate. Those who would have offered the amendment to close the loophole were never offered the opportunity to do that. That is not the regular process in the Senate, not the way things ought to be done.

So there are reasons to insist on some of these issues from time to time. We wish, for example, that on many of these days when we weren't in session, we would have been in session. Perhaps we would have finished most of the appropriations bills. Perhaps we would have been able to reach agreement on issues such as education.

We have had a fairly significant debate, over many months in the 106th Congress, on the issue of education. We know that smaller class size means better instruction and better education. We know that 1 teacher with 30 students is less able to teach those students than 1 teacher with 15 students. So we have a proposal to help in that regard by helping school districts and States have the resources to hire more teachers. Yet we are not able to get that completed because there is controversy in this Congress about that issue.

There are also schools in this country that are crumbling. Anybody who visits any number of schools will recognize that there are a lot of schools in this country that were built after the Second World War when the folks came back from that war and got married and had families. They built schools in a prodigious quantity all across the country. School after school was built in the fifties, and now many of those schools are 50 years old and in desperate need of repair.

Every Republican and Democrat, man or woman, ought to understand that when we send a kid through a schoolroom door, as I have described Rosie Two Bears going through a third grade door the day I was visiting her school, we ought to have some pride in that school, some understanding that every young ''Rosie'' who is walking through the school doors is walking into a classroom that is the best we can provide, that will offer that child the best opportunity for an education we can offer that child.

But I have been to schools where 150 kids have 1 water fountain and 2 toilets. I have been to schools where kids are sitting at desks 1 inch apart, and there is no opportunity to plug in computers and get to the Internet because the school is partially condemned and they don't have access to that technology; they don't have a football field, a track, or physical education facilities. I have been to those schools. We can do better than that. There are

ways for us to help school districts modernize, rehabilitate, and rebuild some of those schools, and proposals to do that have largely fallen on deaf ears in this Congress.

Prescription drugs: We know what we should do on that issue. We know lifesaving drugs only save lives if you can afford to access those drugs. The current Medicare program doesn't provide a prescription drug benefit. 12 percent of our population are senior citizens and they consume one-third of all the prescription drugs. The cost of prescription drugs increased 16 percent last year alone. It is hard when you go to the homes of older Americans or go to meetings and have them come talk to you about the price of prescription drugs and see their eyes fill with tears and their chins begin to quiver as they talk about having diabetes, heart troubles, and other problems. They say they have been to the doctor and the doctor prescribed drugs, but they can't afford them. They ask, ''What shall we do?'' It happens all across the country all the time. We know we should add a prescription drug benefit to the Medicare program.

The Patients' Bill of Rights: If any issue ought to be just a slam dunk, it is this issue. Yet we are at the end of this session and can't pass a real Patients' Bill of Rights. The House passed one; it was bipartisan. And then the Senate passed a ''patients' bill of goods''—well, they don't call it that, but that is what it is. It is just an empty vessel to say they have done something.

We should pass the Patients' Bill of Rights and make sure that in doctors' offices and in hospital rooms across this country, medical care is administered by the doctors and by skilled medical personnel.

I won't recite all the stories. One is sufficient to make the point.

A woman fell off a cliff in the Shenandoah mountains and was in a coma. She had multiple broken bones. She was taken to an emergency room on a gurney and unconscious. She was treated and eventually recovered. Her managed care organization said it would not pay for her emergency care because she didn't have prior approval to visit the emergency room. This is a person hauled in on a gurney, unconscious, and she was told she needed prior approval in order to have the emergency room treatment covered by her managed care organization. Examples of that sort of treatment go on and on and on.

Patients should have a right to know all of their medical options, not just the cheapest. Patients ought to have a right to get emergency room treatment during emergencies. A patient ought to be able to continue treatment with the same oncologist. If a woman is being treated for breast cancer and her spouse has an employer who changes health care plans, she ought to be able to continue treatment with the same cancer specialist she had been working with for 3 or 5 years. Those are basic rights, in my judgment, which are embodied in the Patients' Bill of Rights. It is so simple and so straightforward and so compelling. Yet this Congress has not been able to get it done.

The list goes on. Agriculture sanctions: We have sanctions prohibiting food shipments to so many countries—about a half dozen around the world. We have economic sanctions against them, and those sanctions include a sanction on the shipment of food. President Clinton has relaxed that some; he is the first President to do so, and good for him. But he can't relax it, for example, with respect to Cuba. That is a legislative sanction, and we have to repeal it.

We ought not to use food as a weapon in the world. There should be no more sanctions on food shipments anywhere. The same ought to be true with medicine. The Senate has spoken on that by 70 votes. We said let's stop it. We are too big and too good a country to use food as a weapon. We try to hit Saddam Hussein and Fidel Castro and we end up hitting poor, sick, hungry people. It ought to stop. Yet we are near the end of this session and we don't seem to be able to do that.

It does not wash for anyone to come to this Chamber and say the problem is the minority party. That is nonsense. The problem is we haven't been in session a majority of this year. These red dates are the dates in which we have not been in session. The problem is we have people who do not want to schedule debate on the floor of the Senate on amendments because they do not want to cast votes on those amendments. We ought to change that. Let's decide whatever the amendments are and whatever the policy is and debate it and vote and whoever has the votes wins. In a democracy, you don't weigh votes. You count votes. Whoever ends up with the most votes at the end wins. That, again, is not rocket science. But that is the way democracy ought to work.

We have not been in session most of the year, and now we have people coming out suggesting that somehow the minority leader is responsible for the problems of scheduling in this session. It just does not wash. It is just not so.

I hope perhaps in the coming 2 weeks that remain in this 106th Congress that we will have some burst of energy, some burst of creativity, and perhaps some industrial strength vitamin B–12 administered to the entire Congress as a whole that would make us decide to do the things we know need doing.

As I indicated when I started, at the end of the day, the American people do not care much about who offered amendments and who didn't, and who brought legislation to the floor trying to shut debate off and who didn't. They are interested at the end of the day in whether this 106th Congress met and made much of a difference in their lives and in their families' lives. What people care about is the things they talk about around the supper table: Are my kids going to a good school? If not, what can I do about that? Do I have a good job that has some job security? Do I have a decent income? Am I able to believe that my parents and grandparents will have access to good health care? Do I live in a neighborhood that is safe?

All of these are issues that affect American families. All of these are issues that we are working on. And, regrettably, in the 106th Congress we are not working on them in a very effective way because we have not been meeting most of the year.

On those critical issues—health care, education, economic security, and a range of other issues—the things that will most affect working families in this country are things that this Congress is not inclined to want to work on, or are not inclined to want to pass. It would be one thing if we couldn't pass legislation addressing these issues because we had votes on these matters and we lost. But often we discover there are other ways to kill something by denying the opportunity to bring up the amendment for a vote.

It is interesting. In this Congress, we have had something pretty unusual. We have actually had legislation brought to the floor of the Senate and then cloture motions are filed to shut debate off before the debate even begins. We have had legislation brought to the floor of the Senate with cloture motions designed to shut amendments off before the first amendment was offered.

You wonder: How does that work? How does that comport with what the tradition of the Senate should be as a great debating society on which we take on all of the issues and hear all of the viewpoints and then have a vote about the direction in which we think this country should be moving?

When I came to the Congress some years ago, one of the older Members of Congress was Claude Pepper, who was then in his eighties—a wonderful Congressman from Florida. He used to talk about the miracle in the U.S. Constitution—the miracle that says every even-numbered year the American people grab the steering wheel and decide which way they want to nudge this country. That is how he described the process of voting. That is the power that the American people have. The American people choose who comes to this Chamber. The rules of this Chamber provide that we do the same as the American people. We take their hopes and we take their aspirations and their thoughts for a better life and we offer them here in terms of public policy. Then we are supposed to vote. That is the bedrock notion of how you conduct democracy.

Yet we are all too often getting in this rut of deciding that we don't have time; we don't want to have a vote on this; we want to sidetrack that; we want to hijack this.

That is not the way the Senate ought to work.

Again, I didn't intend to come to the floor this afternoon, but nor did I want to sit and listen to debate which suggests that the minority leader, or the Democratic caucus, or anybody else for that matter, is at fault for what is taking place.

As the Senator from West Virginia indicated, there is perhaps sufficient blame to go around. I don't disagree with that. But I also know that we didn't win the election. I wish we had. We don't control the Senate. I wish we did.

But between now and the date we finish in this session of Congress, let me encourage those who make schedules around here to heed the words of the minority leader, Senator DASCHLE. If we have a fair number of appropriations bills remaining and people are worrying about whether we are going to get them done, then what Senator DASCHLE suggests, and I firmly support, is to do one appropriations bill a day. Bring up a bill today. It is Monday. It is 3:30. Let's bring a bill up and debate it and stay here until it is done. That is a sure way of getting the bills done. It is a sure way of providing everybody with an opportunity to be heard. It is also a way perhaps to get the votes on the issues I described that I think this Congress ought to be doing.

I assume we will have an interesting debate in the coming days. I hope Congress will be able to finish its work in the next 2 or 3 weeks. I hope that when we finish our work Democrats and Republicans can together say at the conclusion of the 106th Congress that we have done something good for America. But that will not happen unless things change, and unless we take a different tact in the next 3 weeks. There is a list of about 8 or 10 pieces that we ought to do. Bring them to the floor. Let's get them done, and then let's adjourn sine die feeling we have done something good for our country.

I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from Maine, I suggest the absence of a quorum, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. SMITH of New Hampshire. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. Under the previous order, the hour of 3:50 p.m. having arrived, the Senate will resume consideration of S. 2796, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and other purposes.

The PRESIDING OFFICER. There will now be 1 hour for closing remarks.

Mr. SMITH of New Hampshire. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, this is the first major piece of environmental legislation debated on the floor since I assumed the chairmanship of this committee nearly 1 year ago. I am proud to bring the Water Resources Development Act before the Senate, of which a major portion is the Everglades which I will talk about in a moment.

This is a good bill. I am very proud of it. It is fiscally responsible. At the same time, it recognizes our obligation to preserve one of the most important and endangered ecosystems in the Nation, if not the world—America's Everglades.

This bill gets us back on track toward regular biennial Water Resources Development Act bills. The committee produced a so-called WRDA bill last year, but that bill was 1 year late.

I am proud of the WRDA portion of this bill. This is not a bill that includes numerous unnecessary projects. The committee established some tough criteria on which we worked very closely. We evaluated the old criteria and put in new criteria. We scrupulously followed this criteria in an effort to not let projects make their way into this bill that did not belong there.

As I noted in my opening statement a few days ago, the committee received requests to authorize more than 300 new projects. By holding firm on our criteria in this WRDA bill, we only authorized 23 new projects. We authorize 40 feasibility studies, and the bill contains 65 project-related provisions or modifications that affect existing projects.

I remain very concerned about clearing the backlog of previously authorized projects that will not or should not be constructed. Along with Senator VOINOVICH, we are working very hard to clear that backlog. Called the deauthorization process, this will be an element of the committee's efforts to reform the Corps and to get those projects deauthorized that should not be there.

This bill tightens that process by shortening the length of time that an authorized project can stay on the books without actual funding. It is not the full answer, but it is a good answer, and it is a good beginning.

During floor consideration of the bill last week, we accepted an amendment that requires the National Academy of Sciences to perform two studies relating to independent peer review of the analyses performed by the Corps of Engineers.

I would like to make a few points about that amendment because it was a very important amendment. We certainly have read a lot about Corps reform in the local newspapers, specifically the Washington Post, over the last few months. The stories raised very legitimate issues about the economic modeling used to justify some of these water resources projects.

However, it is important to understand that a series of articles in a newspaper is no substitute for careful consideration of the facts and of the issues by the Congress. We have the oversight responsibility for the Army Corps, not the Washington Post.

Some Senators, such as Senator FEINGOLD, have proposed reforms that focus on one element in the Corps reform—whether or not to impose a requirement that the feasibility reports for certain water resources projects be subject to peer review. Others, such as Senator DASCHLE, introduced more comprehensive bills that would examine a number of the Corps reform issues, including peer review.

The committee needs more information before we can proceed with any bill that would impose peer review on the lengthy project development process that is already in place. We need to know the benefits of peer review and its impacts before starting down that road.

Senator BAUCUS and I are committed to examining this issue and other issues related to the operation and management of the Corps of Engineers next year. This will include hearings on Corps reform.

The hearings will take comments on the NAS study—the National Academy of Sciences study—the bills that have been introduced, as well as the issue in general.

I was very encouraged that the nominee to be the next Chief of Engineers, General Flowers, is receptive to working with the Congress on a wide range of reform-related issues.

I want to speak specifically about one major element in this legislation, the Everglades. There is an important element that separates this WRDA bill from all others, something that makes this WRDA truly historic. This WRDA bill includes our landmark Everglades bill, S. 2797, the Restoring of the Everglades, an American Legacy Act, very carefully named because it is an American legacy. We do have to restore it. That is what we have done. We have begun the process.

So many have asked—especially some of my conservative friends—why should the Federal Government, why should this Congress take on this long-term expensive effort? The answers really are not that difficult, if you look at them.

First, the Everglades is in real trouble, deep trouble. We could lose what is left of the Everglades in this very generation.

Secondly, the Federal Government, despite the best of intentions, is largely responsible for the damage that was done to the Everglades. The Congress

told the Corps of Engineers to drain that swamp in 1948—and drain it they did, all too well.

Finally, the lands owned or managed by the Federal Government—four national parks and 16 national wildlife refuges which comprise half of the remaining Everglades—will receive the benefits of the restoration.

So there is a lot of Federal involvement here. This is a Federal responsibility. There is a compelling Federal interest. The State of Florida, to its credit, has already stepped up and committed $2 billion to the effort. And Congress needs to respond to that pledge.

Let's be clear on one thing right now: This plan is not without risks. This comprehensive plan is based on the best science we have. Because of the very nature of the plan, and the additional requirements in the bill, we are certain we will know more about the Everglades and the success of the plan in the future.

To those of you who want guarantees, who want to be absolutely certain every dime we spend is going to be spent in a way that is going to restore the Everglades, then I say to you you probably should not support us because I cannot make that guarantee. But what I can say to you is, if we do nothing we lose the Everglades. So if you want to restore this precious national treasure, then you have to be willing to take the risk. And we are cutting that risk dramatically by the way we are doing this.

But we take risks all the time. We take risks every time we invest in a new weapons program for the Defense Department or when we invest in cancer research. I am sure there would be no Senator who would come to the floor and say: We have not yet found a cure for cancer; therefore, we should not risk any more money.

We need to take this risk to save this precious ecosystem. It is well worth it. We have cut the odds. Because of the nature of this plan, and the additional requirements in our bill, we are certain we are going to know much more about the Everglades in the future; and we are going to be able, through the process of adaptive management, to change every year or so. If something is not going right, we can pull back, try something new, so we do not waste a lot of dollars doing things that we do not want to do.

We acknowledge uncertainty. The plan acknowledges uncertainty. So when my colleagues come down and say there is some uncertainty about this, we know that. We anticipate that this plan will change as we gain more knowledge, while we implement it over the next 36 years.

This is a 36-year plan that is going to spend in the vicinity of $8 billion, split equally between the State of Florida and the Federal Government. It works out to a can of Coke per U.S. citizen per year. That is not a bad investment to be able to save the wading birds and the alligators and this precious river of grass of which we are all so proud.

I am confident, because of the time I have spent on this issue, that adaptive assessment or adaptive management—whatever you want to call it—will succeed, even if the plan is modified based on the new information that we get in the future.

The Everglades portion of WRDA has broad bipartisan support. Every major constituency involved in the Everglades restoration supports this bill—every one of them.

Is it perfect? Did everybody get exactly what they wanted? No. But everybody is on board. It is bipartisan and it is wide ranging. It goes from the liberal side of the equation to the conservative side. It includes the administration. It includes both Presidential candidates: Vice President GORE and Gov. George Bush. It includes the Florida Governor, Jeb Bush. It includes the Florida Legislature, both sides of the aisle unanimously. It includes the Seminole Tribe of Florida and the Miccosukee Tribe of Indians in Florida.

It includes major industry groups, such as the Florida Citrus Mutual, Florida Farm Bureau, Florida Home Builders, The American Water Works Association, Florida Chamber of Commerce, Florida Fruit and Vegetable Association, Southeast Florida Utility Council, Gulf Citrus Growers Association, Florida Sugar Cane League, Florida Water Environmental Utility Council, Sugar Cane Growers Cooperative of Florida, Florida Fertilizer and Agrichemical Association; and environmental groups as well, including the National Audubon Society, National Wildlife Federation, World Wildlife Fund, Center for Marine Conservation, Defenders of Wildlife, National Parks Conservation Association, The Everglades Foundation, The Everglades Trust, Audubon of Florida, 1000 Friends of Florida, Natural Resources Defense Council, Environmental Defense, and the Sierra Club.

I think it is pretty unusual to bring a major environmental bill to the Senate floor with that breadth of support. Support for the bill, as it stands today, is even broader than the support that existed for the administration's comprehensive plan.

We have taken a good product and have made it better. How have we made it better? It is more fiscally responsible. We defer decisions on some of the riskiest new technologies until we have more information from the pilot projects, which will help us to understand whether these projects should be continued. It has ground-breaking provisions to assure that the plan attains its restoration goals. It has the creation of a true partnership between the Federal Government and the State. This type of partnership—State concurrence in all important decisions and regulations—has no precedent in our environmental statutes. It has more detailed and meaningful reports to Congress on the progress of the plan, almost on a yearly basis.

The Everglades bill is a great model for environmental policy development, a model I endorse, a model I have worked hard to implement since I have been the chairman. It is cooperative. It is not confrontational. It is bipartisan. It is flexible. It is adaptive. It establishes a partnership between the Federal Government and the State.

Already, there is support for this bill in the House. Congressman CLAY SHAW introduced this bill as H.R. 5121 on September 7. He deserves credit for his leadership in that regard. Many others in the House on both sides of the aisle are ready to join the effort. I am asking my colleagues to join with me in support of this major piece of legislation.

I see my colleague and good friend from the State of Florida, Senator GRAHAM, is on the floor at this time. I will yield the floor in just a moment so he may speak.

Before doing so, I thank him, as well as Senator MACK, for his absolute and resolute involvement in this project. I went to Florida in early January at the request of Senator GRAHAM and Senator MACK to see for myself what the situation was. I spent several days there. We had a hearing in Florida. We listened to the people who were speaking on this issue.

I made a promise at that hearing that I would bring this bill to the Senate floor before the end of the year. With the help of good people such as Senator BOB GRAHAM of Florida and Senator MACK, Senator BAUCUS, and others, we have made that happen. I thank Senator GRAHAM publicly and personally for that. His cooperation has been splendid. Without him, we would not be here.

I yield the floor so my colleague from Florida may have a chance to address this issue that is so important to his State and to the Nation.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair. I express my deepest appreciation and gratitude to Senator SMITH for the great leadership he has provided to the Environment and Public Works Committee in many areas but especially for what he has done for the Florida Everglades, America's Everglades.

Senator SMITH, shortly after he assumed the chairmanship of the committee, after the untimely death of our friend and colleague Senator Chafee, made one of his first acts as chairman of the committee coming to the American Everglades. He did not just come. He absorbed the American Everglades through a series of briefings, field visits, and then concluded with a very long hearing before the annual Everglades Conference.

At that hearing, Senator SMITH gave a forum to all the diverse points of view as to what should be appropriate national policy as it relates to America's Everglades. He gave comfort to the people there that these decisions were going to be made in a rational,

thoughtful manner. That contributed immeasurably to the bringing together of all of those groups behind the plan which is before us today. I take this opportunity to thank the Presiding Officer's neighbor from New Hampshire for the tremendous leadership he has given.

Earlier today I was listening to National Public Radio where there was some grousing about the fact that bipartisanship seems to be a lost component of the congressional process. It is not lost on the Senator from New Hampshire because he has displayed it at its very best. On behalf of Senator MACK, I express our appreciation for that fact.

The legislation before us today represents an unprecedented compromise by national and State environmental groups, agriculture and industry. These diverse interests are united in support of the Everglades restoration bill, title VI of the Water Resources Development Act of 2000. This is the legislation we will have the opportunity to pass through the Senate today.

I ask unanimous consent that a letter of support for this bill be printed in the RECORD. This letter carries with it the names of many of the groups just listed by Chairman SMITH.

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

SEPTEMBER 14, 2000.

AN OPEN LETTER ON RESTORATION OF AMERICA'S EVERGLADES

DEAR FLORIDA CONGRESSIONAL DELEGATION, CONGRESSIONAL LEADERSHIP, AND COMMITTEE LEADERSHIP: We are writing to urge Congress to take immediate and decisive action on a historic accord recently reached on legislation to protect one of the nation's most precious natural resources, America's Everglades. We present a diverse group of interests that includes conservation organizations, agricultural producers, homebuilders, water utilities, and others that don't always agree on Everglades issues. However, we are united with Florida's two Senators, the bipartisan leadership of the Senate Committee on Environmental and Public Works, the Clinton Administration, and Florida's Governor Jeb Bush to endorse a legislative package that will protect America's Everglades while respecting the needs of all water users in Florida.

This legislation, currently embodied in a manager's amendment to S. 2797 and recently introduced in the House by Congressman Clay Shaw, H.R. 5121, was agreed to as a package and on the condition that all parties would support it in the Senate and the House. We are greatly encouraged that an agreement has been reached on this basis.

This legislation can be a sound framework for future management of South Florida's water resources and Congress should approve its orderly implementation as soon as possible. We consider this legislation as currently drafted to be a fair and balanced plan to restore the Everglades while meeting the water-related needs of the region. While there are other changes we all would have preferred, we believe the long and difficult process has produced a reasonable compromise.

This agreement has brought an unprecedented level of support for Everglades' restoration legislation. The greatest threat now facing the Everglades is the profound lack of time left in this Congressional session. We urge the Senate to pass expeditiously S. 2797, Restoration of the Everglades, An American Legacy Act. We further urge the Florida Congressional delegation, the Transportation and Infrastructure Committee, its Water Resources and Environment Subcommittee, and House Leadership to unite with the State, Administration, environmental organizations, and the agriculture, water utilities and homebuilders stakeholder coalition, to pass the bill in the House of Representatives and send it to the President for his signature before Congress adjourns for the November elections.

Sincerely,

Florida Citrus Mutual, Ken Keck; Florida Farm Bureau, Carl B. Loop, Jr.; Florida Home Builders, Keith Hetrick; 1000 Friends of Florida, Nathaniel Reed; Audubon of Florida, Stuart D. Strahl Ph.D.; Center for Marine Conservation, David Guggenheim.

The American Water Works Association, Florida Section Utility Council, Fred Rapach; Florida Chamber, Chuck Littlejohn; Florida Fruit and Vegetable Association, Mike Stuart; Southeast Florida Utility Council, Vernon Hargrave; Gulf Citrus Growers Association Association, Ron Hamel; Florida Sugar Can League, Phil Parsons; The Florida Water Environmental Association Utility Council, Fred Rapach; Sugar Cane Growers Cooperative of Florida, George Wedgworth; Florida Fertilizer and Agri-chemical Association, Mary Hartney.

Defenders of Wildlife, Rodger Schlickheinsen; The Everglades Foundation, Mary Barley; The Everglades Trust, Tom Rumberger; National Audubon Society, Tom Adams; National Parks Conservation, Mary Munson; National Wildlife Federation, Malia Hale; World Wildlife Fund, Shannon Estenoz; Natural Resources Defense Council, Brad Sewell.

Mr. GRAHAM. Madam President, I ask unanimous consent that immediately following my remarks, a letter from the Environmental Protection Agency Administrator, Ms. Browner; Secretary of Interior, Mr. Babbitt; and Assistant Secretary for Civil Works, Mr. Westphal; expressing their support for this legislation also be printed in the RECORD.

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

(See Exhibit 1.)

Mr. GRAHAM. The Everglades is sick. This sickness has been long coming.

It was approximately 120 years ago that man looked at the Everglades and realized that it was different, different than almost anything he or she had seen before, and seeing this phenomenon of the Everglades, made a commitment. The commitment was to turn the unique into the pedestrian by converting the Everglades into something that would look more like man and woman had seen in other areas of this country or other areas of the world.

The result of that has been 120 years of an effort to change the Everglades, to convert the singular into the common. The results of that 120 years have brought the Everglades to their current position. This cannot be cured without the serious surgery that we are about to sanction by the passage of this legislation.

Since the passage of the central and south Florida flood control project in 1948, placing the Everglades in the responsibility of the Corps of Engineers at the direction of Congress, nearly half of the original Everglades have been drained or otherwise altered. According to the National Parks and Conservation Association, the parks and the preserves of the Everglades, of whichever Everglades National Park is the jewel, are among the 10 most endangered national parks in the country.

As Florida's Governor in 1983, I launched an effort known as ''Save Our Everglades.'' Its purpose was to revitalize this precious ecosystem. The goal was simple. We wanted to turn back time. We wanted the Everglades to look and function more as they had at the end of the 19th century than they did in 1983.

In 1983, restoring the natural health and function of this precious system seemed to be a distant dream. But after 17 years of bipartisan progress in the context of a strong Federal-State partnership, we now stand on the brink of this dream becoming a reality.

I will speak for a moment about this unprecedented Federal-State partnership. I often compare this unique partnership to a marriage. If both partners respect each other and pledge to work through any challenges together, if they are willing to grow together, the marriage will be strong and successful.

Today, we are again celebrating the strength of that marriage. This legislation contains several provisions which were born out of the respect that sustains this marriage.

It offers assurances to both the Federal and the State governments on the use and distribution of water in the Everglades ecosystem.

It requires that State government pay half the costs of construction. It requires the Federal Government to pay half the costs of operation and maintenance. Everglades restoration cannot work unless the executive branch, Congress, and State government move forward together. The legislation before us today accomplishes that goal.

The legislation before us today represents not only unprecedented compromise and partnership but also unprecedented complexity. Just as the Panama Canal, which this Congress authorized almost a hundred years ago, was the first of its kind, so is Everglades restoration. It is the largest, most complex environmental restoration project not only in the history of the United States of America but in the history of the world.

The lessons we will learn here will be exported to other projects throughout America and throughout the world. I trust that today the Senate will make the right choice. Today will be the day the Senate has an opportunity to make

a bipartisan commitment to an Everglades restoration plan that reflects a true partnership between the State and Federal governments. If we accomplish the historic goal of restoring America's Everglades, then today will be one of the most precious memories of our children and grandchildren.

In the words of President Lyndon Johnson:

If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.

Today is the day we have an opportunity to leave a glimpse of America's Everglades as they were when we first found them for future generations—beautiful, serene, a river of grass.

Madam President, we have commended a number of people who have worked hard to bring us to this day. I want to take this opportunity to commend members of the individual and committee staffs in the Senate who have played an immeasurable role in the success we will soon celebrate. Many people have worked with Senator SMITH, and I want to particularly recognize Chelsea Henderson, Tom Gibson, and Stephanie Daigle for their work on behalf of the American Everglades. With Senator BAUCUS, I thank Jo-Ellen Darcy and Peter Washburn. With Senator MACK, I thank C.K. Lee. And from my office, I thank Catherine Cyr, who has done work of negotiation that would do the most experienced diplomat honor.

So it is my hope we will grasp the opportunity that is before us and commence a long adventure—as long an adventure as is required to overturn 120 years of attempts to convert the Everglades into the common, so that we can leave to our children and grandchildren an American Everglades which salutes the highest standards of the words ''unique,'' ''special,'' and ''unprecedented.'' Those are the words that properly describe this marvelous system of nature.

Thank you.

EXHIBIT 1

DEPARTMENT OF THE INTERIOR, ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF THE ARMY,
Washington, DC, August 21, 2000.

Hon. ROBERT SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We strongly support your bill. S. 2797, ''Restoring the Everglades, an American Legacy Act,'' and recommend its passage by the Senate and House of Representatives as soon as possible. If enacted, this bill will help achieve the bipartisan goal of re storing a national treasure, America's Everglades.

S. 2797 is the product of hard work and negotiation among the Administration, the State of Florida and your Committee. Indeed, the proposed manager's amendment reflects full agreement between the Administration and the State of Florida on the bill. Accordingly, with adoption of the manager's amendment, we will recommend that the President sign the bill. The bill represents a highly effective approach for meeting essential restoration objectives while recognizing other issues important to the citizens of Florida.

We commend you, along with Senators Max Baucus, Bob Graham and Connie Mack, for your leadership and commitment to making Everglades legislation a top priority. We stand ready to do all we can to secure passage their year.

Sincerely,

BRUCE BABBITT,
Secretary of the Interior.
CAROL BROWNER,
Administrator, Environmental Protection Agency.
JOSEPH W. WESTPHAL,
Assistant Secretary for Civil Works Department of the Army.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Madam President, I thank my colleague for his very kind remarks. I very much appreciate his hard work on behalf of the Everglades, which dates back prior to his time in the Senate, as we all know, when he was the Governor of Florida. Then-Governor GRAHAM was very instrumental in keeping this project on line.

I think it is also important to understand that the Founding Fathers were a lot more brilliant than we sometimes give them credit. In this process, I think they foresaw an opportunity where a Senator from a State such as New Hampshire, which has nothing to do with the Everglades, could be chairman of a committee that would bring forth a major piece of environmental legislation in conjunction with the Florida Senators—a piece of environmental legislation as to another State about 2,000 miles to the south. It is a remarkable process we have here that would see that happening. I think the founders knew it. That is why we have a Senate, where we can work these things through in a way that has a national touch.

As I went down there and saw the Everglades firsthand and had the opportunity to have a hearing with Senators GRAHAM and VOINOVICH, who was also there, I realized—and I had visited there many times as a tourist—that the Everglades was in fact draining, that some 90 percent of the wading birds were lost, and animals and plant life were dying. On the one hand, on one side of the Tamiami Trial you had a desert; on the other side you basically had the wetlands that it was supposed to be. But the Tamiami Trail is a dam that needs to be removed to allow that water to flow all through that ecosystem from Lake Okeechobee to the Gulf of Mexico. It is a great project.

People might say, What is the Senator from New Hampshire doing here? Well, I remember the first time my son saw an alligator in Florida as a 6-year-old boy. It was a very poignant moment, and you don't forget those things. In talking to the park rangers over the years—and, most specifically, the last time I was there in January—you realize that the Everglades are in trouble. As I said earlier, there are no guarantees here, but I think we have cut the odds dramatically. I am very optimistic that this will work and work well. So I am certainly looking forward to the passage of this bill. I hope the House will quickly follow suit so that we can make this law before the end of the year.

I see Senator BAUCUS has arrived. I want to say before yielding to him how much I appreciate his help throughout this process. It has been a bipartisan effort. We are all guilty of partisanship from time to time, as well we should be; I think there are times when partisanship is important. But there was no partisanship on this issue. We worked together on it to bring this bill forward. Senator BAUCUS and his staff were very helpful, and we are grateful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I thank my good friend, Senator SMITH, for his comments.

I join him in urging my colleagues to support final passage of the legislation before us.

As we stated on the floor last week, this important bill authorizes projects for flood control, navigation, shore protection, environmental restoration, water supply storage, and recreation. All very important matters across the country. These projects often don't get headlines or much attention, but they clearly mean a lot to many people.

Each of these projects meet our committee criteria. That is important, too, because the Environment and Public Works Committee gets lots of requests. The projects are technologically feasible, economically justified, and environmentally sound. In addition, each project has a local sponsor willing to share a portion of the cost, which is something we insist upon in order to show that the project is important locally.

Passage of this bill will advance two projects that are very important for my State of Montana—the fish hatchery at Fort Peck Lake and the exchange of cabin site leases in the C.M. Russell Wildlife Refuge.

The fish hatchery is particularly important since it will create more jobs and help our State's economy in northeastern Montana, a part of the State which is, frankly, hurting.

The cabin lease exchange provision will also benefit the government, sportsmen, and cabin site owners by acquiring inholdings that are within the refuge and that have high value for wildlife in return for cabin sites now managed by the Corps.

Finally, this bill will start us on the path to restoration of that unique national treasure known as the Everglades.

Last week we heard my colleagues from Florida, as well as the leaders of

the Environment and Public Works Committee elaborate on the importance of this effort. We all know how important it is. It is one of our natural treasures.

This provision is a testament to true bipartisanship. Senators GRAHAM and MACK have been at the forefront of this effort. Governor Jeb Bush and the Clinton administration, particularly Interior Secretary Bruce Babbitt, have also worked closely to achieve this result.

And, of course, it could not have happened without the support of Senator SMITH, our chairman, who put this issue at the top of the committee's agenda this year and has worked tirelessly throughout the year to make this bill happen, and Senator, VOINOVICH, the subcommittee chairman. This has been an effort of his as well.

Without this bipartisan support in Washington, and throughout Florida, this project would not be where it is today. It would still be on the drawing board. And the Everglades would still be destined to die.

In conclusion, I want to assure our colleagues that this bill is the right thing to do. And it is worthy of their support.

Before yielding the floor, let me also mention some of the staff who deserve recognition for putting this bill together. I will submit a longer list for the RECORD.

But let me mention here my fine staff, particularly Jo-Ellen Darcy, who is sitting to my immediate left. Her expertise and experience in water issues has been a real asset to me and the committee.

I'll also tell you that she has become more familiar with the State of Florida than I think she ever imagined.

And Peter Washburn, who is sitting to Jo-Ellen's left, a fellow from EPA on the staff of the Environment Committee. He has provided invaluable assistance in shepherding this bill through the legislative process, and on many other issues before the committee.

Senator SMITH's staff, Chelsea Henderson, Stephanie Daigle, and Tom Gibson have similarly provided the leadership necessary to get this bill done. And Senator VOINOVICH's staff, Ellen Stein and Rich Worthington, were instrumental in negotiating this bill from the beginning.

Finally, staff from Senator GRAHAM's office, Catharine Cyr, and from Senator MACK's office, C.K. Lee, at times probably felt that they were on the staff of the committee for all the time they put into this effort.

All of us in the Senate, and all Floridians, should appreciate their dedication and hard work. They are people whose names aren't often mentioned. In fact, to be honest about it, they do most of the hard work. They are true servants in the best sense of the term because they are doing work for our country, yet do not seek to have their names in headlines.

I ask unanimous consent that a list of the many other people who deserve thanks for their part in making this bill a reality be printed in the RECORD.

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

SENATE STAFF DESERVING THANKS

EPW Committee: Tom Sliter, David Conover, Tom Gibson, Chelsea Henderson, Stephanie Daigle, Peter Washburn, and Jo-Ellen Darcy.

Catherine Cyr with Senator Graham; C.K. Lee with Senator Mack; Ellen Stein with Senator Voinovich; Rich Worthington with Senator Voinovich; Kasey Gilette with Senator Graham; Ann Loomis with Senator Warner; and Janine Johnson and Darcie Tomasallo-Chen with Legislative Counsel.

Army WRDA or Everglades Participants: Assistant Secretary of the Army for Civil Works, Dr. Joseph Westphal; Michael Davis; Jim Smyth; Chip Smith; Earl Stockdale; Susan Bond; Larry Prather; Gary Campbell; Milton Rider; and Stu Appelbaum.

Department of the Interior CERP legislative team: Secretary Bruce Babbitt; Mary Doyle, Acting Assistant Secretary for Water and Science; Peter Umhofer, Senior Advisor; Don Jodrey, Attorney, Office of the Solicitor; David Watts, Attorney, Office of the Solicitor; and Dick Ring, Superintendent, Everglades National Park.

Environmental Protection Agency: Administrator Carol Browner; Gary Guzy; Bob Dreher; Jamie Grodsky; John Hankinson; Richard Harvey; Philip Mancusi-Ungaro; Eric Hughes; and Dana Minerva.

White House Council of Environmental Quality: Bill Leary.

STATE OF FLORIDA EVERGLADES TEAM

Florida Governors Office: Governor Jeb Bush, J. Allison DeFoor, R. Clarke Cooper, Rick Smith, and Nina Oviedo.

Florida Department of Environmental Protection: Secretary David B. Struhs, Ernie Barnett, Leslie Palmer, John Outland, and Jennifer Fitzwater.

South Florida Water Management District: Executive Director Frank Finch, Kathy Copeland, Mike Collins, Tom Teets, John Fumero, Elena Bernando, Paul Warner, Abe Cooper, and Cecile Ross.

South Florida Ecosystem Restoration Task Force: Rock Salt.

Mr. SMITH of New Hampshire. Madam President, since both Senator GRAHAM and Senator BAUCUS have both mentioned so many people to thank, we always run the risk of leaving someone out whenever we do that. With apologies to anyone that I do, I would like to reiterate and reinforce some of those who have already been thanked as well as perhaps a couple more.

I think first and foremost we should mention Senator John Chafee who certainly started the process of the efforts on the Everglades, along with Senator BAUCUS. I know that John Chafee would be very proud of this moment because he felt deeply about this ecosystem. I think it is a great honor to be here now and be at this point knowing that John Chafee would have wanted this. It is a great tribute to him because he started the process. All we did was jump into the harness that he had already put on the team.

I also thank Senator VOINOVICH, subcommittee chairman, because he brought a lot of debate on this issue. He helped us correct many provisions—certainly on the financing end and the cost end. We look a lot more closely at projects because of him. He was certainly a stalwart in seeing that this was a more fiscally responsible item than perhaps it may have otherwise been.

Certainly Senator BAUCUS, who I already thanked, and Senators MACK and GRAHAM. As Senator BAUCUS correctly said, it seemed as if Senator MACK was on the committee. But that is the way we worked it. They are the two Senators. We worked with them. Senator GRAHAM, of course, is on the committee. But we worked together, knowing that we wanted all the input we could get from all of them.

The administration was helpful. Mary Doyle and Peter Umhofer at the Department of the Interior. And Secretary Babbitt who was here for a press conference when we announced and released the bill; Joe Westphal and Mike Davis from the Department of the Army; Gary Guzy from EPA; Stu Applebaum, Larry Prather, and many others from the Corps of Engineers; and Bill Leary from CEQ.

From the State of Florida—they have been absolutely fantastic on both sides of the aisle: David Struhs, Leslie Palmer, and Ernie Barnett from the Florida Department of Environmental Protection; Governor Bush himself, who has just been outstanding in conversation after conversation, working together on all of the provisions of this bill; and Kathy Copeland from the South Florida Water Management District.

From Senator BOB GRAHAM's staff, Catharine Cyr Ranson and Kasey Gilletteand, have been wonderful. We appreciate all they have done.

Senator MACK's staff has already been mentioned by Senator BAUCUS. But I would also like to thank C.K. Lee, who was really the honorary member of the committee staff.

Senator VOINOVICH's staff: Ellen Stein, Rich Worthington; and, of course, Senator BAUCUS' staff: Tom Sliter, Jo-Ellen Darcy, and Peter Washburn, all worked together in a nonpartisan way. We tried to keep the doors open at all times.

Of course, my own staff, Dave Conover, who is the chief of staff on the committee; Ann Klee, Angie Giancarlo, and Chelsea Henderson, now Maxwell—she found time to get married after they got the Everglades set and ready to go. We let her get married and go on her honeymoon and come back to be here for the finale—and Stephanie Daigle and Tom Gibson, all brought a great blend of knowledge of the water issues and engineering, as well, to the whole debate.

Let me say in closing to my colleagues that when you look back on your career in the Senate, I think you can be very proud of what you did. When you cast a vote to save the Everglades, I don't know if you are ever going to regret it. I think it is going to be a defining moment. Fifty years from

now when the historians look back, they are going to say when it came time to stand up for the Everglades, they did. I think it will be one of the finest things that you have done in your careers. I certainly feel that way about mine. The only regret would be if we didn't try. We did try, and I believe we will succeed as a result of the fact that we took this risk.

Some have said it would be ''bad politics,''—bad politics for the administration to work with the Republican Congress on an environmental issue; bad politics for Republicans to work with the administration with Florida as a ''swing State''; that maybe Governor George Bush will get too much credit, or AL GORE, who has been closely associated with the Everglades, is going to get too much credit. There is enough credit to go around. Who cares.

The point is that most everyone in Florida—and I do not know too many on the other side who do not—supports restoring the Everglades. Let the credit fall where it may. Let the credit be taken where people want to take it. But the truth is we did the right thing. That is all that matters in the long run.

There is a lot of history here. Congress initiated this plan in WRDA in 1992 when George Bush was in office and the Democrats were in the majority. It then refocused the Everglades effort in WRDA in 1996 when the Republicans were in the majority and Bill Clinton was in the White House.

I think you see that there is plenty of evidence of bipartisan support.

Congress set up the process under which this comprehensive plan was developed, but it was developed by this administration in cooperation with Florida, with tribes, and all other stakeholders.

Florida, under Jeb Bush, stepped up to the plate and passed the legislation, along with the funding, to keep this moving forward even before the Federal Government made its commitment. Florida made its commitment to put their money up.

When I became chairman, as has already been said, I took up the mantle and made this a priority. I believe in it. I made this restoration of the Everglades my highest priority. I am very grateful that my colleagues felt the same way and joined with me because, obviously, we wouldn't be here if it was just my priority. It takes at least 51 Senators to have that priority as well or we wouldn't be here.

The Senate took the plan and made some important modifications, strengthened it, broadened the support; Senator VOINOVICH's input strengthened it.

We are poised to send the bill to the House, a bill that has the support of every major south Florida stakeholder, the State of Florida, the administration, and I think most Members of the Senate.

Restoration of the Everglades is not a partisan issue. I ask my colleagues, if you have any doubts and you are worried about every single ''i'' being dotted and every ''t'' being crossed, take the risk. You will be glad you did. This is the right thing to do.

I am very excited about this action. I am very excited by the fact we have looked to the future. In politics, sometimes we look to the next election. This time, with this vote, we are going to look to the next generation and respond so our grandchildren and their children will enjoy alligators and wading birds and the river of grass once again—not only those who have had the chance to experience it now, but it will still be there for centuries to come because of what we did. I am proud of everyone for help in doing this.

EVERGLADES ECOSYSTEM

Mr. MACK. Madam President, I rise today to engage my colleague from Florida in a colloquy. Specifically, I want to clarify our understanding of the portion of the legislation we're considering today to restore, preserve and protect the Everglades ecosystem. My understanding is that the Comprehensive Everglades Restoration Plan authorized by this bill create a balance between state and federal interests in ensuring that the predicted Plan benefits—including benefits to both state and federal lands—are attained. It is my view that this bill is intended to recognize and maintain the State's interest in preserving the sovereignty, in State law, over the reservation and allocation of water within the State's boundaries. It is my further understanding that the Agreement called for between the President and the Governor of Florida will not result in a federalization of State water law. Florida water law requires that all reasonable beneficial water uses and natural system demands are subject to a public interest balancing test. Implementation of the Plan will rely upon State law and processes for reserving and allocating water for all users, according to the principles set out in the legislation before us. It is not the intent of this Act, or the President/Governor Agreement required by this Act, to create a procedure where all of the new water made available by the Plan will be allocated to the natural system leaving nothing for other water users. Rather, the agreement will simply ensure that water for the natural system is reserved first, and any remaining water may be allocated among other users according to the provisions of State water law. I yield to my colleague from Florida, Senator GRAHAM.

Mr. GRAHAM. Madam President, I would join my colleague from Florida, Mr. MACK in clarifying our understanding. I agree with his remarks, and make the further point that the Plan authorized by this bill will capture a large percentage of the water lost to tide or lost through evapotranspiration for use by both the built and natural systems, with the natural system having priority over the water generated by the Plan.

Mr. MACK. I appreciate the comments of my colleague and yield the floor.

SECTON 211, PROJECT DEAUTHORIZATION

Mr. WARNER. Madam President, Sec. 211 of the Water Resources Development Act of 2000 includes a provision to accelerate the process to deauthorize inactive civil works projects. I am concerned, however, that this provision will have unintended consequences for deep-draft navigation projects.

In 1986 the Congress authorized many port improvement projects after a 16-year deadlock with the Executive Branch. At that time, these projects were authorized according to the Report of the Chief of Engineers. Subsequently, with the concurrence of the non-Federal sponsor, elements of these major projects were constructed in phases. For example, in the case of the Norfolk Harbor and Channels Deepening Project, the project authorizes the deepening of the main channels to 55 feet, deepening anchorages to 55 feet and deepening secondary channels to 45 feet.

Significant progress has been made to deepen our nation's most active ports. These projects are critical to America's competitiveness in the global marketplace and to securing a favorable balance of trade. Like other major port navigation projects, construction under the Norfolk Harbor and Channels project has occurred in increments or phases. The outbound channel, anchorages and Southern Branch of the Elizabeth River have all been deepened under the current authorization. Work is underway to deepen the inbound channel to 50-feet, and the Commonwealth has fully funded this increment.

The remaining elements of the project are still vitally important and wholly supported by the Commonwealth of Virginia. The Port of Virginia is the second busiest general cargo port on the East Coast and the largest port in terms of total cargoes, which include bulk commodities such as coal and grain. The port complex consists of the Newport News Marine Terminal, Norfolk International Terminals, Portsmouth Marine Terminals, and the Virginia Inland Port.

In fiscal year 2000, over 12 million tons of containerized cargo moved through the ports. Virginia's general cargo facilities are responsible for more than $800 million a year in commerce and tax revenue. Also, Hampton Roads ranks among the world's largest coal exporting ports—handling more than 50 tons annually. Virginia's ports are one of the few in this country capable of loading and unloading the new generation of container ships.

I am concerned that the provision in section 211 relating to separable elements in subsection (b)(2), will deauthorize the 55-foot phases of this project within 1 year. This section fails to recognize that it makes good economic sense, from the federal and state perspective, to construct these large projects in phases.

I would ask the Chairman if my understanding of this section is correct?

Mr. SMITH of New Hampshire. The Senator from Virginia, Mr. WARNER, is correct in his understanding of the potential impact of the provision. However, it is not my intent to deauthorize large navigation projects which enjoy strong state and federal support. The Committee has discussed this matter with the Corps of Engineers and we are aware that the provision may inadvertently capture a universe of active, ongoing projects. I can assure my colleague that we will work in conference to be sure that projects like the Norfolk Harbor and Channels project, as well as other critically important projects are not deauthorized as a result of this provision.

Mr. WARNER. I thank the Chairman and I look forward to working with him on this issue. I have offered two provisions to clarify the intent of this section to the Chairman. I am aware that the Assistant Secretary of the Army's office also has provided technical assistance on this matter. I trust that before we conference with the House of Representatives, we will have language recommended by the Corps to correct the scope of this section.

HOMESTEAD AIR FORCE BASE

Mr. MACK. Madam President, I rise today to call the Senate's attention to a provision of the bill before us expressing the sense of the Senate concerning Homestead Air Force Base in Florida. I want to take a moment of the Senate's time today to express my understanding of this resolution and my own intent in agreeing to its inclusion in the bill before us today.

As my colleagues are aware, this Air Force base is currently in the disposal process set forth by Congress when it established a fair and impartial system for closing military facilities around the country. Since Hurricane Andrew devastated the region in 1992, the citizens of South Florida have waited for a disposal decision from the federal government. It is anticipated the property could provide a stable economic platform for a community that is in need of jobs and economic development. Clearly, it is my intent that whatever use to which the property is ultimately put be accomplished in a manner that does not adversely impact the surrounding environment or the Everglades restoration plan we're considering today.

But let me be clear, Mr. President. It is emphatically not my intent that this resolution be read by the United States Air Force to mean they should add to, alter, or amend the existing process for disposing the property at Homestead Air Force Base. It is my strong view that the process for conveying surplus military property is clearly set forth in the law and that process should be followed until the final Supplemental Environmental Impact Statement on the property is completed and the Air Force disposes the property.

Mr. GRAHAM. Will the Senator yield?

Mr. MACK. Yes.

Mr. GRAHAM. I agree with the remarks by my colleague from Florida, and I would add that, in my view, the resolution makes clear that—once the conveyance process is complete—the Secretary of the Army should work closely with the parties to which the property is conveyed to ensure compatibility with the surrounding environment and the restoration plan. Further, the resolution requests the Secretary of the Army report to Congress in two years on any steps taken to ensure this compatibility and any recommendations for consideration by the Congress. While this is laudable, and has my full support, this resolution should not be read to mean the Air Force must add any new hurdles to the existing base closure and disposal process.

I notice my colleague, Senator INHOFE, on the floor. I would ask my colleague for his thoughts on the Homestead matter and ask him if it is his understanding that the base closure law clearly sets out the process for disposing surplus military facilities and that this resolution does not alter or amend that law?

Mr. INHOFE. I appreciate the comments of my colleagues from Florida. I have worked in the Armed Services Committee of the Senate to protect and defend the base closure and disposal process from political manipulation. I would agree that the resolution in the legislation before us today should not be read to mean the Air Force should delay its decision on the disposal of Homestead Air Force Base or otherwise alter its decision making process. The law is clear on how surplus military facilities in this country are disposed and it is my intent that this law be followed and adhered to by the Air Force. I note the presence on the floor of the distinguished chairman of the Armed Services Committee on the floor. I yield to Senator WARNER.

Mr. WARNER. I thank my colleague for his courtesy. I have listened carefully to the discussion between my colleagues. I would agree with the remarks of Senator INHOFE. The base closure process now in law should work its will in the case of Homestead Air Force Base according to the principles set forth in the law. No new layers of decision should be added as a result of the action we're taking here today.

Mr. BURNS. Madam President, I rise today in support of S. 2796, The Water Resources Development Act of 2000. I want to thank the Chairman of the Environment and Public Works Committee, Senator SMITH of New Hampshire, and my colleague from Montana, Senator BAUCUS for working with me to include two provisions in this year's bill.

Earlier this year, I introduced the Fort Peck Fish Hatchery Authorization Act of 2000. As you may know, the Fort Peck Reservoir is a very prominent feature of North Eastern Montana. The Fort Peck project was built in the 1930s to dam the Upper Missouri River. The result was a massive reservoir that spans across my great state.

The original authorization legislation for the Fort Peck project, and subsequent revisions and additions, left a great many promises unmet. A valley was flooded, but originally Montana was promised increased irrigation, low-cost power, and economic development. Since the original legislation, numerous laws have been enacted promising increased recreational activities on the lake, and also that the federal government would do more to support the fish and wildlife resources in the area.

In this day and age, economic development in rural areas is becoming more and more dependent upon recreation and strong fish and wildlife numbers. The Fort Peck area is faced with a number of realities. First, the area is in dire need of a fish hatchery. The only hatchery in the region to support warm water species is found in Miles City, Montana. It is struggling to meet the needs of the fisheries in the area, yet it continues to fall short. Additionally, an outbreak of disease or failure in the infrastructure at the Miles City hatchery would leave the entire region reeling with no secondary source to support the area's fisheries.

We are also faced with the reality that despite the promises given, the State of Montana has had to foot the bill for fish hatchery operations in the area. Since about 1950 the State has been funding these operations with little to no support from the Corps of Engineers. A citizens group spanning the State of Montana finally decided to make the federal government keep its promises.

Last year the citizens group organized, and state legislation subsequently passed to authorize the sale of a warm water fishing stamp to begin collecting funds for the eventual operation and maintenance of the hatchery. I helped the group work with the Corps of Engineers to ensure that $125,000 in last year's budget was allocated to a feasibility study for the project, and Montanans kept their end of the bargain by finding another $125,000 to match the Corps expenditure. Clearly, we are putting our money, along with our sweat, where our mouth is.

Recreation is part of the local economy. But the buzzword today is diversity. Diversify your economy. The Fort Peck area depends almost solely on agriculture. More irrigated acres probably aren't going to help the area pull itself up by its boot straps. But a stronger recreational and tourism industry sure will help speed things up.

A lot of effort has already gone into this project. A state bill has been passed. The Corps has dedicated a project manager to the project. Citizens have raised money and jumped over more hurdles than I care to count. But the bottom line is that this is a great project with immense support. It is a good investment in the area, and it

helps the federal government fulfill one thing that it ought to—its promises.

Unfortunately, everything we wanted wasn't included in this legislation. As I originally drafted the legislation it ensured that the federal government would pick up part of the tab for operation and maintenance. Unfortunately, as Chairman SMITH and Senator BAUCUS worked out the details of the legislation for inclusion in the Water Resources Development Act, they were unable to support this provision. I had hoped that, as in the portion of this bill dealing with the Everglades, they would allow the federal government to pick up a larger portion of the operation and maintenance overhead.

Second, the legislation continues to include a section for power delivery that directs the Secretary of the Army to deliver low cost Pick-Sloan project power to the hatchery. This provision in the bill has raised the concerns of the local electric co-operatives and those that use Pick-Sloan power. I have worked with the Corps and the local interests to assure that this provision is not needed as drafted. I have discussed the need for changes with both the Chairman and Senator BAUCUS. I have secured a commitment from both of them to resolve this issue when the legislation goes to conference committee.

Despite this shortcoming with the legislation, I am have worked hard on the hatchery project and feel it is necessary that we must move ahead as it has been included. I thank the Committee for working with me to ensure the hatchery project was included on my behalf.

Another Montana specific provision, recently added to the legislation, allows the Corps of Engineers and the United States Fish and Wildlife Service to dispose of sites that are currently occupied by cabin leases and use the proceeds to purchase land in, or adjacent to, the Charles M. Russell National Wildlife Refuge that surrounds Fort Peck Reservoir. This provision is a classic example of a win-win situation that will help support recreation and wildlife habitat in the region. By selling these cabin sites, we are reducing government management considerations, offering stability to the cabin owners, and providing a revenue source to purchase inholdings. Senator BAUCUS and I have been working on this legislation for a few years, and to see it included in this legislation is a great accomplishment for both of us.

Mr. TORRICELLI. Madam President, I rise to address a provision included in WRDA that will help local communities in many parts of the nation deal with the burden they often face when the federal government undertake dredging projects in their region.

Before discussing the merits of this legislation, I want to first thank my colleagues, particularly Senators SMITH, BAUCUS, and VOINOVICH for their assistance and cooperation. My colleagues have been remarkably helpful in this matter, they have understood the need, and I am grateful that they have agreed to include it in the managers package.

Within WRDA there is a $2 million annual authorization to allow the U.S. Army Corp of engineers to develop a program that will allow all eight of its regional offices to market eligible dredged material to public agencies and private entities for beneficial reuse.

Beneficial reuse is a concept which has largely been largely underutilized. As a result, dredged material is often dumped on the shorelines of local communities to their disadvantage, instead of sold to construction companies and other developers who would be eager to have this material available. We have known about this strange and ironic, even tragic, situation for some time, yet until now, not enough has been done to bring relief to these communities.

The people of southern New Jersey are all too familiar with this situation. Current plans by the U.S. Army Corps call for more than 20 million cubic yards of material dredged from the Delaware River to be placed on prime waterfront property along the Southern New Jersey shoreline. However, with some effort and encouragement, the Army corps has recently identified nearly 13 million cubic yards of that material for beneficial reuse in transportation and construction projects that would have otherwise been simply placed in upland sites.

From this experience, which is also happening in port projects in other parts of the country, we should learn that contracting companies, land development companies, and major corporations want this material. This means we need to encourage the Army corps to be thinking about ways to beneficially reuse dredged material upfront so that communities will not be confronted with the same problems faced by the citizens of Southern New Jersey.

The program created by this legislation will give the Army Corps the authority and the funding they require to begin actively marketing dredged material from projects all across the United States. It recognizes the need to keep our nation's rivers and channels efficient and available to maritime traffic while ensuring that local communities are treated fairly.

I would again like to thank chairman SMITH, Ranking Member BAUCUS, and Senator VOINOVICH for their commitment and attention to this important issue.

Mr. SMITH of Oregon. Madam President, I rise to express my support for S. 2796, the Water Resources Development Act of 2000. This bill, which authorizes numerous Army Corps of Engineers' programs throughout the Nation, is of vital importance to my state of Oregon.

Oregon has both coastal and inland ports that rely heavily on the technical assistance provided by the Corps' programs for their continued operation. Dredging and flood control activities are also important to the economic vitality of Oregon. The Corps also operates a number of dams in the Columbia River basin and the Willamette River basin that generate clean hydroelectric power.

S. 2796 authorizes the study of several small aquatic ecosystem restoration projects in Oregon. It also designated the Willamette River basin, Oregon, as a priority watershed for a water resource needs assessment.

I would like to express my deep concerns about one provision in the bill, however. It has come to my attention that Section 207 of the bill, which is worded very innocuously, would allow for contracting out of operations and maintenance activities at Federal hydropower facilities. The dedicated men and women, many of whom are my constituents, who currently provide operations and maintenance at Corps' hydropower facilities in the Pacific Northwest are professionals of the highest order. Any problems related to the operations and maintenance at hydropower facilities on the Columbia River are the result of the Corps' failure to sign a direct funding agreement with the Bonneville Power Administration for almost 7 years after being authorized to do so.

As the Water Resources Development Act moves to conference, I urge that this provision be deleted from the bill, as it already has been in the House version.

Mr. ABRAHAM. Madam President, I rise today to offer my thanks to Senator SMITH, the chairman of the Environment Committee and commend him for his successful effort to pass the Water Resources Development Act of 2000.

Included in this legislation is language I crafted with Representatives EHLERS and CAMP to further clarify the extent of the Great Lakes Governors' authority over diversions of Great Lakes water to locations outside the basin. This amendment makes clear that both diversions of water for use within the U.S. and exports of water to locations outside the U.S. may occur only with the consent of all eight Great Lakes governors. Questions over the definition of ''diversion'' made this clarification necessary.

Almost as important, this amendment demonstrates that it is the intent of the Congress that the states work cooperatively with the Provinces of Ontario and Quebec to develop common standards for conservation of Great Lakes water and mechanisms for withdrawals. Such cooperation is crucial if we are to have equal and effective programs for conserving these waters and maintaining the health of the Great Lakes.

In closing, let me state that I regret that my colleague, the senior Senator from Michigan did not join me in this effort. We share differing opinions over

the need for clarification of the 1986 act. And while I disagreed with his interpretation of the definition of ''bulk fresh water,'' because diversions of water for use within the U.S. are already distinctly covered in the 1986 act, I nevertheless modified the amendment at his request, and I share his commitment to protecting the tremendous resources for future generations.

Mr. MACK. Madam President, I will only take a moment of the Senate's time today—prior to the vote on the Water Resources Development Act—to acknowledge the importance of this moment and the action the Senate will take today to restore and preserve America's Everglades.

My colleague, Senator GRAHAM, and I have worked for eight years to bring this bill to the floor and it gives me great satisfaction that today it will be approved by the Senate.

I want especially to thank Chairman SMITH for his dedication to this effort over the past few months. He has worked side-by-side with us to develop the consensus product we're voting on today. As we developed this legislation, he and his staff provided valuable input into the process and we appreciate the long hours they put in on our behalf.

Further, I want to—once again—acknowledge my colleague, Senator GRAHAM. He has worked on Everglades issues for years—even prior to his time in the Senate—and it has been a pleasure to work with him over the years as we worked on the legislation before us.

The Corps of Engineers, the Department of Interior, and the Council on Environmental Quality have worked long hours to turn this bill into reality. I appreciate the support of these agencies throughout the process and for the proof—once again—that saving the Everglades is not a partisan issue.

And finally, I want to acknowledge the hard work and steadfast support of Governor Bush. The State of Florida is a full partner with us in this restoration effort, and I believe the work we've put in together in writing this bill bodes well for a lasting partnership on behalf of the Everglades.

The Everglades is an American treasure. Today we in the Senate will take a major step forward in passing a restoration plan that is rooted in good science, common sense, and consensus. I thank everyone who participated in this process for their hard work and dedication to the effort.

Mr. DASCHLE. Madam President, I am pleased that the Senate is poised to pass the Water Resources Development Act of 2000 (WRDA). This legislation includes critical provisions to restore the Florida Everglades and the Missouri River in South Dakota and I am hopeful that it will be enacted this year.

Among the provisions of WRDA that will most benefit South Dakota is a section incorporating elements of S. 2291, the Missouri River Restoration Act. I introduced this legislation last May to address the siltation of the Missouri River in South Dakota and the threat to Indian cultural and historic sites that border the river. The WRDA bill under consideration today takes an important first step to address these problems, and I want to thank all of my colleagues for their help to secure the passage of this legislation. In particular, Senator JOHNSON, Senator BAUCUS, Senator SMITH of New Hampshire and Senator VOINOVICH deserve praise for their efforts to incorporate this legislation into the larger bill. It is my hope that Congress will adopt the remaining elements of my comprehensive proposal to restore the Missouri River, including the creation of a Missouri River Trust Fund, in the foreseeable future.

The need for this legislation stems from the construction of a series of federal dams along the Missouri River in the 1950s and 1960s that forever changed its flow. For decades, these dams have provided affordable electricity for millions of Americans and prevented billions of dollars of damage to downstream states by preventing flooding. They have also created an economically important recreation industry in South Dakota.

However, one of the consequences of the dams is that they have virtually eliminated the ability of the Missouri River to carry sediment downstream. Before the dams, the Missouri was known as the Big Muddy because of the heavy sediment load it carried. Today, that sediment is deposited on the river bottom in South Dakota, and significant build-ups have occurred where tributaries like the Bad River, White River and Niobrara River empty into the Missouri.

The Bad River, for example, deposits millions of tons of silt into the Missouri River each year. This sediment builds up near the cities of Pierre and Ft. Pierre, where it has raised the local water table and flooded area homes. Already, Congress has had to authorize a $35 million project to relocate hundreds of families. To prevent more serious flooding, the Corps has had to lower releases from the Oahe dam, causing a $12 million annual loss due to restricted power generation.

Farther south, near the city of Springfield, sediment from the Niobrara River clogs the Missouri's channel for miles. Boats that used to sail from Yankton to Springfield can no longer navigate the channel, eroding the area's economy. This problem will only grow worse. According to the Corps of Engineers, in less than 75 years Lewis and Clark lake will fill entirely with sediment, ending the ability of that reservoir to provide flood control and seriously threatening the economies of cities like Yankton and Vermillion.

In addition to the impact of sediment on flood control, over 3000 cultural and historic sites important to Indian tribes, including burial grounds, campsites, and ancient villages, are found along the Missouri River in the Dakotas. Many of these sites are threatened by erosion, and each year some of them are irretrievably lost as they tumble into the river. Critical points of the Lewis and Clark trail also follow the Missouri through South Dakota, and they are threatened by erosion as well.

The elements of the Missouri River Restoration Act included in WRDA today address these problems by establishing a Missouri River Task Force composed of federal officials, representatives of the State of South Dakota and area Indian tribes. It will be responsible for developing and implementing a Missouri River Restoration Program to reduce sedimentation and protect cultural and historic sites along the river.

I would like to take a few minutes to explain in detail how this process will work First, the bill establishes a 25-member Missouri River Trust. Appointments will be made to the Trust by the Secretary of the Army. These appointments must be in accordance with the recommendations of the Governor of South Dakota and area Indian tribes to ensure that there is a strong local voice on the Trust. Second, the bill establishes a Missouri River Task Force, chaired by the Secretary of the Army and including representatives of the Department of Interior, Department of Energy and Department of Agriculture. It also includes the Missouri River Trust.

Once funding for this legislation becomes available, the U.S. Army Corps of Engineers will prepare an assessment of the Missouri River watershed in South Dakota that reviews the impact of siltation on the river, including its impact on a variety of issues: the Federal, State and regional economies; recreation; hydropower; fish and wildlife; and flood control. Based upon this assessment and other pertinent information, the Task Force will develop a plan to improve conservation in the Missouri River watershed; control and remove sediment from the Missouri River; protect recreation on the Missouri from sedimentation; protect Indian and non-Indian cultural and historic sites from erosion; and improve erosion control along the river.

Once this plan is approved by the Task Force, the Task Force will review proposals from local, state, federal and other entities to meet the goals of the plan and recommend to the Secretary of the Army which of these proposals to carry out. It is the intention of this legislation that the Corps contract with, or provide grants to, other agencies and local entities to carry out these projects. To the extent possible, the Secretary should ensure that approximately 30 percent of the funds used to carry out these projects are spent on projects within Indian reservations or administered by Indian tribes. The bill authorizes a total of $4 million per year for the next 10 years to carry out these goals.

While the Task Force will have the flexibility it needs to take appropriate actions to restore the Missouri River,

it is my expectation that a significant effort will be made to improve conservation in the Missouri River watershed. Pilot projects have shown already that the amount of sediment flowing into the Missouri's tributaries can be reduced by as much as 50 percent with appropriate conservation practices. If requested, the Task Force will also have the authority to work with farmers across the river in Nebraska, for example, to reduce the amount of sediment flowing in from the Niobrara River.

The conceptual underpinnings of this legislation were developed through numerous public discussions that I have held in South Dakota over the last year. Last January, I held a Missouri River Summit in the town of Springfield with Governor Janklow, Lower Brule Sioux Tribe Chairman Mike Jandreau, and other experts to discuss how to address these critical problems. In April, Governor Janklow and I held a hearing in Pierre to gather public comment about proposals to restore the river.

I have been pleased by the outpouring of support I have seen for efforts to restore the river. Dozens of communities such as Yankton, Chamberlain, Springfield, Wagner, Pickstown, Mitchell and others have passed resolutions in support river restoration. American Rivers, a national leader in river protection, has recognized this need as well. The legislation passed today takes the first important step we need to take to get this job done. I'd like to thank all those in South Dakota who contributed to this process, and my colleagues in the Senate for all of their support. I look forward to our continued work together.

Finally, the WRDA bill includes an amendment to the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act. This amendment requires the Corps of Engineers to meet its legal responsibilities to identify and stabilize Indian cultural sites, clean up open dumps, and mitigate wildlife habitat along the river. It also makes important technical changes to that law that will help ensure its smooth implementation. It is my hope that the Corps of Engineers will respond by working closely with the tribes and the state to clean up those lands, stabilize Indian cultural sites, and transfer the lands along the river to the tribes and state in a timely manner.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, in a few minutes we will vote on final passage of the Water Resources Development Act of 2000. The bill is a product of months of hard work by the Committee on Environment and Public Works and the Subcommittee on Transportation and Infrastructure. I thank those Senators and staff members whose efforts have brought us where we are today.

First, I thank Ellen Stein, Rich Worthington, and Karen Bachman of my staff for their dedicated effort on this bill. The number of hours they put in on this is unbelievable.

I also thank my chairman, BOB SMITH, and his staff for all their efforts in making this bill a reality, particularly in the very difficult negotiations on the Comprehensive Everglades Restoration Plan.

My thanks to staff director Dave Conover, Tom Gibson, Stephanie Daigle, and Chelsea Henderson Maxwell for all the hard work they put in on this piece of legislation.

As most successful bills in the Senate—and I am learning this pretty quickly as a new Member of the Senate—ours has been a product of bipartisanship. Senator MAX BAUCUS and his staff, in putting this bill together, have put in long hours. I recognize the efforts of minority staff director Tom Sliter, Jo-Ellen Darcy, and Peter Washburn for the good work they did in putting this legislation together.

I also acknowledge the work of Senator BOB GRAHAM and Senator CONNIE MACK and their staff in helping to forge a consensus on the Comprehensive Everglades Restoration Plan. I suspect they looked at some of the things I was involved in as maybe getting in the way and holding things up, but I want them and their staff to know we were conscientiously trying to make this something we could all be proud of and get the support of the Senate. I particularly thank C.K. Lee of Senator MACK's staff and Catherine Cyr Ranson of Senator GRAHAM's staff for their work.

We know the essential role of the Senate Legislative Counsel's Office in helping to draft legislation. I thank Janine Johnson for her invaluable help. Again, I think so often we take for granted the terrific work these folks do in putting these bills together.

Further, any water resources development bill involves the evaluations of hundreds of projects and proposals. We depend on the Corps of Engineers in supplying information and expertise in this process. Larry Prather and his staff at the Legislative Management Branch at the Corps have provided invaluable assistance to the Committee on Environment and Public Works and to this Senator. I give them the recognition they deserve.

As I stated in my opening remarks, when we began debate on this legislation, I am proud of the work our committee and subcommittee have accomplished in putting together this bill. This is a disciplined bill that maintains the committee's commitment to the principles of high standards of engineering, economic, and environmental analysis, and adherence to cost-sharing principles and resistance to mission creep.

This has not been an easy process, and we have not always agreed on the content of the legislation. But this effort has been marked throughout by cooperation and compromise. To me, this was highlighted dramatically in the negotiation over the bill's discussion of the relationship between Homestead Air Force Base and Everglades restoration. I particularly thank the environmental groups—specifically, the National Resource Defense Council and the Sierra Club—for their critical roles in this effort.

All in all, I think this is a well-balanced bill that provides authorization to a number of needed water development projects across this Nation. I urge my colleagues to support this legislation.

I yield the floor.

AMENDMENT NO. 4188

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I ask unanimous consent that the amendment currently at the desk be agreed to. This amendment has been agreed to by the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4188) was agreed to, as follows:

AMENDMENT NO. 4188

(Purpose: To express the sense of the Congress with respect to U.S.-Canadian cooperation on development of conservation standards embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin, and for other purposes)

At the appropriate place, insert the following:

SEC. . EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING. Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

(2) to encourage the Grant Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER. Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by

(1) inserting or exported after diverted; and

(2) inserting or export after diversion.

(c) SENSE OF THE CONGRESS. It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

Mr. LEVIN. Madam President, we have before the Senate the Water Resources Development Act of 2000. I had great concern with the amendment offered last week by Senator ABRAHAM because the amendment sought to define terms which could have resulted in

increased domestic diversion of Great Lakes water. This amendment, which was accepted as part of the manager's package until I asked that it be removed, could have led to the opposite of what we need for the Great Lakes. Specially, the amendment as accepted by the managers last week defined bulk fresh water as ''fresh water extracted in amounts intended for transportation outside the United States by commercial vessel or similar form of mass transportation, without further processing.'' This definition could have been interpreted as allowing more diversion of Great Lakes water within the United States. This threat to the Great Lakes was unacceptable and I would have strongly opposed the amendment with that definition.

I still have reservations about the amendment because some might try to use it to argue that the current protections against diversions of Great Lakes water provided by existing law are not sufficient. We currently have an effective veto over bulk removals of Great Lakes water outside of the Great Lakes basin. When we passed WRDA in 1986, we acted to make sure that each Great Lakes governor would have a veto over such removals. This protection is legally sufficient and we should do nothing to imply otherwise.

If the states formally adopt a conservation strategy and standards, and the governors are currently working on those standards, such standards might provide an additional safeguard to strengthen our position that our current gubernatorial veto policy over bulk removals of Great Lakes water is consistent with the rules of international trade. This conservation strategy and standards might also provide additional protection against removals from the basin. But I favor seeking that additional strength for our position in a way which has no possible implication that it is necessary. While this amendment falls short in this regard, once offered, it would be worse if it were not adopted so I will not object to it.

Mr. SMITH of New Hampshire. I yield the remainder of time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the leader. First of all, there are no two people I respect more than the two Senators from Florida. They certainly have done a very good job on the Everglades portion of the bill.

However, I have to get on record. I will oppose the bill because of these elements that have been introduced. This is of great concern to me. Looking at the fiscal end, I see four reasons we should not have this on the bill. First of all, if we do this, and we have already done it—and on the Everglades portion I pleaded with everyone it should have been a stand-alone bill because it is too big to be incorporated into this resources bill—this will be the first time we have actually had projects without first having the Chief of the Corps of Engineers give a report. That has been something we have said is necessary.

Second, we are looking at questionable technology. Everyone has admitted this. Certainly, the chairman of the committee, the distinguished Senator from New Hampshire, was very honest about it and straightforward. He said he felt strongly enough about it that we will have to try some things that perhaps have not been proven. This is unprecedented.

Third, the amount of money we are talking about is open ended. We say this will be $7.8 billion in 38 years. But when we first started Medicare, approximately the same length of time ago, they said it would cost $3.4 billion, and this year it is $232 billion.

A major concern I have is changing a precedent that has been there for 16 years; that is, that the operation and maintenance costs should come from the States. Now we are absorbing those costs, or at least 50 percent of those costs, operation and maintenance, by the Federal Government.

I think we are opening up something here. Yes, it is popular. There is a big constituency. It is open ended. It could end up costing us a tremendous amount of money.

I wanted a chance, Madam President, to explain why I have to vote against this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

Mr. SMITH of New Hampshire. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH) the Senator from Washington (Mr. GORTON), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) the Senator from California (Mr. MILLER), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 85, nays 1, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—85

Abraham	Edwards	Mack
Allard	Feingold	Mikulski
Ashcroft	Fitzgerald	Moynihan
Baucus	Frist	Murkowski
Bayh	Graham	Murray
Bennett	Gramm	Nickles
Biden	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Chafee, L.	Inouye	Smith (NH)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerrey	Stevens
Conrad	Kerry	Thompson
Craig	Kohl	Thurmond
Crapo	Kyl	Torricelli
Daschle	Landrieu	Voinovich
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	
Durbin	Lugar	

NAYS—1

Inhofe

NOT VOTING—14

Akaka	Jeffords	Miller
Bingaman	Lautenberg	Schumer
Enzi	Lieberman	Smith (OR)
Feinstein	McCain	Thomas
Gorton	McConnell	

The bill (S. 2796), as amended, was passed, as follows:

S. 2796

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 ''Water Resources Development Act of 2000''.

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

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(2) NEW YORK-NEW JERSEY HARBOR.—The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,234,000, with an estimated Federal cost of $743,954,000 and an estimated non-Federal cost of $1,037,280,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, ARIZONA.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) TRES RIOS, ARIZONA.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with

an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of $90,865,000, with an estimated Federal cost of $25,555,000 and an estimated non-Federal cost of $65,310,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) SANTA BARBARA STREAMS, CALIFORNIA.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(12) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, DELAWARE.—The project for shore protection, Delaware Coast from Cape Henlopen to Fenwick Island, Delaware, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000, and at an estimated average annual cost of $920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $460,000 and an estimated annual non-Federal cost of $460,000.

(13) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $175,500,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(B) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of project costs for the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

(17) CHESTERFIELD, MISSOURI.—The project to implement structural and nonstructural measures to prevent flood damage to Chesterfield, Missouri, and the surrounding area, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(18) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(19) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(20) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(21) OHIO RIVER.—

(A) IN GENERAL.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under the program may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) CAPE CORAL SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

(2) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(3) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.

SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

(a) IN GENERAL.—The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

(11) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(12) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(13) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(14) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(15) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.

(16) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(17) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.

(18) MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(19) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

(b) SALMON RIVER, IDAHO.—

(1) CREDIT.—The non-Federal interests with respect to the proposed project for aquatic ecosystem restoration, Salmon River, Idaho, may receive credit toward the non-Federal share of project costs for work, consisting of surveys, studies, and development of technical data, that is carried out by the non-Federal interests in connection with the project, if the Secretary finds that the work is integral to the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1), together with other credit afforded, shall not exceed the non-Federal share of the cost of the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Perry Creek, Iowa.''.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

''(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).''.

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended in the second sentence—

(1) by striking ''State legislative''; and

(2) by inserting before the period at the end the following: ''of the State or a body politic of the State''.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

''SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

''(1) ecosystem protection and restoration;

''(2) flood damage reduction;

''(3) navigation and ports;

''(4) watershed protection;

''(5) water supply; and

''(6) drought preparedness.

''(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

''(1) the Secretary of the Interior;
''(2) the Secretary of Agriculture;
''(3) the Secretary of Commerce;
''(4) the Administrator of the Environmental Protection Agency; and
''(5) the heads of other appropriate agencies.
''(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.
''(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—
''(1) the Delaware River basin; and
''(2) the Willamette River basin, Oregon.
''(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.
''(f) COST-SHARING REQUIREMENTS.—
''(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.
''(2) CREDIT.—
''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.
''(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.
''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(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) PROGRAM.—
(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—
(A) will substantially benefit Indian tribes; and
(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.
(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—
(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and
(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.
(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—
(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).
(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—
(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and
(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).
(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 439(b).
(e) COST SHARING.—
(1) ABILITY TO PAY.—
(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.
(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.
(2) CREDIT.—
(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.
(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.
(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—
(1) by striking paragraphs (1) and (2) and inserting the following:
''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.
''(2) CRITERIA AND PROCEDURES.—
''(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—
''(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and
''(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).
''(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay.''; and
(2) in paragraph (3)—
(A) in subparagraph (A)(ii), by adding ''and'' at the end; and
(B) by striking subparagraphs (B) and (C) and inserting the following:
''(B) may consider additional criteria relating to—
''(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or
''(ii) additional assistance that may be available from other Federal or State sources.''.

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.
(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.
(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–515), the Secretary may—
(1) participate in the National Recreation Reservation Service on an interagency basis; and
(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: ''in cases in which the activities require specialized training relating to hydroelectric power generation''.

SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—
(1) in the first sentence, by striking ''$1,000,000'' and inserting ''$2,000,000''; and
(2) in the second sentence, by inserting ''out'' after ''carry''.

SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(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) REBURIAL.—
(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—
(A) have been discovered on project land; and
(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.
(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).
(c) CONVEYANCE AUTHORITY.—
(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).
(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-

of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''It shall'';

(2) by striking ''However, such structures'' and inserting the following:

''(b) WATERWAYS WITHIN A SINGLE STATE.—Notwithstanding subsection (a), structures described in subsection (a)'';

(3) by striking ''When plans'' and inserting the following:

''(c) MODIFICATION OF PLANS.—When plans'';

(4) by striking ''The approval'' and inserting the following:

''(d) APPLICABILITY.—

''(1) BRIDGES AND CAUSEWAYS.—The approval''; and

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

''(2) DAMS AND DIKES.—

''(A) IN GENERAL.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

''(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

''(i) shall be subject to section 10; and

''(ii) shall not be subject to the approval requirements of this section.''.

SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

''SEC. 1001. PROJECT DEAUTHORIZATIONS.

''(a) DEFINITIONS.—In this section:

''(1) CONSTRUCTION.—The term 'construction', with respect to a project or separable element, means—

''(A) in the case of—

''(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

''(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

''(B) in the case of an environmental protection and restoration project—

''(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

''(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

''(C) in the case of any other water resources project, the performance of physical work under a construction contract.

''(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term 'physical work under a construction contract' does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

''(b) PROJECTS NEVER UNDER CONSTRUCTION.—

''(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

''(A) are authorized for construction; and

''(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for preconstruction engineering and design or for construction of the project or separable element by the end of that period.

''(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—

''(1) LIST OF PROJECTS.—

''(A) IN GENERAL.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

''(i) that are authorized for construction;

''(ii) for which Federal funds have been obligated for construction of the project or separable element; and

''(iii) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

''(B) PROJECTS WITH INITIAL PLACEMENT OF FILL.—The Secretary shall not include on a list submitted under subparagraph (A) any shore protection project with respect to which there has been, before the date of submission of the list, any placement of fill unless the Secretary determines that the project no longer has a willing and financially capable non-Federal interest.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

''(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.

''(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

''(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 1 year after the date of enactment of this subsection.''.

SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking ''Within 6 months after the date of the enactment of this subsection, the'' and inserting ''The'';

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

(3) by striking ''Such guidelines shall address'' and inserting the following:

''(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

''(A) address''; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting ''that non-Federal interests shall adopt and enforce'' after ''policies'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking ''FLOOD PLAIN'' and inserting ''FLOODPLAIN''; and

(2) in the first sentence, by striking ''flood plain'' and inserting ''floodplain''.

SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYSTEMS DATA.

(a) IN GENERAL.—Beginning October 1, 2000, the Secretary, acting through the Chief of Engineers, shall publish, on the Army Corps of Engineers' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data.

(b) DATA.—Such RAMS data shall include—

(1) the date on which an individual or nationwide permit application under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is first received by the Corps;

(2) the date on which the application is considered complete;

(3) the date on which the Corps either grants (with or without conditions) or denies the permit; and

(4) if the application is not considered complete when first received by the Corps, a description of the reason the application was not considered complete.

SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 6501 of title 31, United States Code.

(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than a Department of Defense agency), State, or local government of the United States under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than a Department of Defense agency), State, or local government of the United States to the Corps to provide specialized or technical services.

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

SEC. 216. HYDROELECTRIC POWER PROJECT FUNDING.

Section 216 of the Water Resources Development Act of 1996 (33 U.S.C. 2321a) is amended—

(1) in subsection (a), by striking ''In carrying out'' and all that follows through ''(1) is'' and inserting the following: ''In carrying out the operation, maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may, to the extent funds are made available in appropriations Acts or in accordance with subsection (c), take such actions as are necessary to optimize the efficiency of energy production or increase the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that such actions—

''(1) are'';

(2) in the first sentence of subsection (b), by striking ''the proposed uprating'' and inserting ''any proposed uprating'';

(3) by redesignating subsection (c) as subsection (e); and

(4) by inserting after subsection (b) the following:

''(c) USE OF FUNDS PROVIDED BY PREFERENCE CUSTOMERS.—In carrying out this section, the Secretary may accept and expend funds provided by preference customers under Federal law relating to the marketing of power.

''(d) APPLICATION.—This section does not apply to any facility of the Department of the Army that is authorized to be funded under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).''.

SEC. 217. ASSISTANCE PROGRAMS.

(a) CONSERVATION AND RECREATION MANAGEMENT.—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) RURAL COMMUNITY ASSISTANCE.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

(c) COOPERATIVE AGREEMENTS.—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

SEC. 218. FUNDING TO PROCESS PERMITS.

(a) The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of such funds as authorized in subsection (a) will result in improved efficiencies in permit evaluation and will not impact impartial decision-making in the permitting process.

SEC. 219. PROGRAM TO MARKET DREDGED MATERIAL.

(a) SHORT TITLE.—This section may be cited as the ''Dredged Material Reuse Act''.

(b) FINDING.—Congress finds that the Secretary of the Army should establish a program to reuse dredged material—

(1) to ensure the long-term viability of disposal capacity for dredged material; and

(2) to encourage the reuse of dredged material for environmental and economic purposes.

(c) DEFINITION.—In this Act, the term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(d) PROGRAM FOR REUSE OF DREDGED MATERIAL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(2) LIMITATIONS.—The Secretary shall not establish the program under subsection (a) unless a determination is made that such program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(3) REGIONAL RESPONSIBILITY.—The program described in subsection (a) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

(4) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall submit to Congress a report on the program established under subsection (a).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $2,000,000 for each fiscal year.

SEC. 220. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) DEFINITIONS.—In this section:

(1) ACADEMY.—The term ''Academy'' means the National Academy of Sciences.

(2) METHOD.—The term ''method'' means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) FEASIBILITY REPORT.—The term ''feasibility report'' means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) WATER RESOURCES PROJECT.—The term ''water resources project'' means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) INDEPENDENT PEER REVIEW OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) STUDY ELEMENTS.—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for each type of water resources project.

(3) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000, to remain available until expended.

(c) INDEPENDENT PEER REVIEW OF METHODS FOR PROJECT ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000, to remain available until expended.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI.

(a) GENERAL.—The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of Public Law 99–662 (100 Stat. 4138) is modified to authorize the Secretary to—

(1) remove the wildlife mitigation purpose designation from up to 3,000 acres of land as necessary over the life of the project from lands originally acquired for water resource development projects included in the Mitigation Project in accordance with the Report of the Chief of Engineers dated August 31, 1985;

(2) sell or exchange such lands in accordance with subsection (c)(1) and under such conditions as the Secretary determines to be necessary to protect the interests of the United States, utilize such lands as the Secretary determines to be appropriate in connection with development, operation, maintenance, or modification of the water resource development projects, or grant such other interests as the Secretary may determine to be reasonable in the public interest; and

(3) acquire, in accordance with subsections (c) and (d), lands from willing sellers to offset the removal of any lands from the Mitigation Project for the purposes listed in subsection (a)(2) of this section.

(b) REMOVAL PROCESS.—From the date of enactment of this Act, the locations of these lands to be removed will be determined at appropriate time intervals at the discretion of the Secretary, in consultation with appropriate Federal and State fish and wildlife agencies, to facilitate the operation of the water resource development projects and to respond to regional needs related to the project. Removals under this subsection shall be restricted to Project Lands designated for mitigation and shall not include lands purchased exclusively for mitigation purposes (known as Separable Mitigation Lands). Parcel identification, removal, and sale may occur assuming acreage acquisitions pursuant to subsection (d) are at least equal to the total acreage of the lands removed.

(c) LANDS TO BE SOLD.—

(1) Lands to be sold or exchanged pursuant to subsection (a)(2) shall be made available for related uses consistent with other uses of the water resource development project lands (including port, industry, transportation, recreation, and other regional needs for the project).

(2) Any valuation of land sold or exchanged pursuant to this section shall be at fair market value as determined by the Secretary.

(3) The Secretary is authorized to accept monetary consideration and to use such funds without further appropriation to carry out subsection (a)(3). All monetary considerations made available to the Secretary under subsection (a)(2) from the sale of lands shall be used for and in support of acquisitions pursuant to subsection (d). The Secretary is further authorized for purposes of this section to purchase up to 1,000 acres from funds otherwise available.

(d) CRITERIA FOR LAND TO BE ACQUIRED.—The Secretary shall consult with the appropriate Federal and State fish and wildlife agencies in selecting the lands to be acquired pursuant to subsection (a)(3). In selecting the lands to be acquired, bottomland hardwood and associated habitats will receive primary consideration. The lands shall be adjacent to lands already in the Mitigation Project unless otherwise agreed to by the Secretary and the fish and wildlife agencies.

(e) DREDGED MATERIAL DISPOSAL SITES.—The Secretary shall utilize dredge material disposal areas in such a manner as to maximize their reuse by disposal and removal of dredged materials, in order to conserve undisturbed disposal areas for wildlife habitat to the maximum extent practicable. Where the habitat value loss due to reuse of disposal areas cannot be offset by the reduced need for other unused disposal sites, the Secretary shall determine, in consultation with Federal and State fish and wildlife agencies, and ensure full mitigation for any habitat value lost as a result of such reuse.

(f) OTHER MITIGATION LANDS.—The Secretary is also authorized to outgrant by lease, easement, license, or permit lands acquired for the Wildlife Mitigation Project pursuant to section 601(a) of Public Law 99–662, in consultation with Federal and State fish and wildlife agencies, when such outgrants are necessary to address transportation, utility, and related activities. The Secretary shall insure full mitigation for any wildlife habitat value lost as a result of such sale or outgrant. Habitat value replacement requirements shall be determined by the Secretary in consultation with the appropriate fish and wildlife agencies.

(g) REPEAL.—Section 102 of the Water Resources Development Act of 1992 (106 Stat. 4804) is amended by striking subsection (a).

SEC. 302. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

SEC. 303. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following recommended amounts of project storage:

(1) Beaver Lake, 1.5 feet.
(2) Table Rock, 2 feet.
(3) Bull Shoals Lake, 5 feet.
(4) Norfolk Lake, 3.5 feet.
(5) Greers Ferry Lake, 3 feet.

(b) REPORT.—

(1) IN GENERAL.—No funds may be obligated to carry out work on the modification under subsection (a) until the Chief of Engineers, through completion of a final report, determines that the work is technically sound, environmentally acceptable, and economically justified.

(2) TIMING.—Not later than January 1, 2002, the Secretary shall submit to Congress the final report referred to in paragraph (1).

(3) CONTENTS.—The report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

SEC. 304. PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Petaluma River, Petaluma, California, substantially in accordance with the Detailed Project Report approved March 1995, at a total cost of $32,226,000, with an estimated Federal cost of $20,647,000 and an estimated non-Federal cost of $11,579,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

SEC. 305. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 306. ILLINOIS RIVER BASIN RESTORATION, ILLINOIS.

(a) DEFINITION OF ILLINOIS RIVER BASIN.—In this section, the term ''Illinois River basin'' means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—As expeditiously as practicable, the Secretary shall develop a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the Illinois River basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies and the State of Illinois.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this

Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After submission of the report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection $20,000,000.

(3) FEDERAL SHARE.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including—

(A) providing advance notice of meetings;

(B) providing adequate opportunity for public input and comment;

(C) maintaining appropriate records; and

(D) making a record of the proceedings of meetings available for public inspection.

(e) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation reserve program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Department of Agriculture of the State of Illinois.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Environmental Protection Agency of the State of Illinois.

(f) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) IN-KIND SERVICES.—

(A) IN GENERAL.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity.

(B) ITEMS INCLUDED.—In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary, including the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) CREDIT.—

(A) VALUE OF LAND.—If the Secretary determines that land or an interest in land acquired by a non-Federal interest, regardless of the date of acquisition, is integral to a project or activity carried out under this section, the Secretary may credit the value of the land or interest in land toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

(B) WORK.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

SEC. 307. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

SEC. 308. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Notwithstanding the Report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

(1) shall, in collaboration with the State of Louisiana, initiate construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

(2) shall construct other recreational features, authorized as part of the project, within, and in the vicinity of, the Lower Atchafalaya Basin protection levees.

(b) AUTHORITIES.—The Secretary shall carry out subsection (a) in accordance with—

(1) the feasibility study for the Atchafalaya Basin Floodway System, Louisiana, dated January 1982; and

(2) the recreation cost-sharing requirements under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

SEC. 309. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 310. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) REDESIGNATION.—The project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is modified to redesignate as anchorage the portion of the 11-foot channel described as follows: beginning at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

(b) REAUTHORIZATION.—The Secretary shall maintain as anchorage the portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), that lie adjacent to and outside the limits of the 11-foot and 9-foot channels and that are described as follows:

(1) The area located east of the 11-foot channel beginning at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(2) The area located west of the 9-foot channel beginning at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes

33.8 seconds east 105.561 feet to the point of origin.

SEC. 311. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

SEC. 312. BRECKENRIDGE, MINNESOTA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Breckenridge, Minnesota, substantially in accordance with the Detailed Project Report dated September 2000, at a total cost of $21,000,000, with an estimated Federal cost of $13,650,000 and an estimated non-Federal cost of $7,350,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

SEC. 313. MISSOURI RIVER VALLEY, MISSOURI.

(a) SHORT TITLE.—This section may be cited as the ''Missouri River Valley Improvement Act''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) Lewis and Clark were pioneering naturalists that recorded dozens of species previously unknown to science while ascending the Missouri River in 1804;

(B) the Missouri River, which is 2,321 miles long, drains ⅙ of the United States, is home to approximately 10,000,000 people in 10 States and 28 Native American tribes, and is a resource of incalculable value to the United States;

(C) the construction of dams, levees, and river training structures in the past 150 years has aided navigation, flood control, and water supply along the Missouri River, but has reduced habitat for native river fish and wildlife;

(D) river organizations, including the Missouri River Basin Association, support habitat restoration, riverfront revitalization, and improved operational flexibility so long as those efforts do not significantly interfere with uses of the Missouri River; and

(E) restoring a string of natural places by the year 2004 would aid native river fish and wildlife, reduce flood losses, enhance recreation and tourism, and celebrate the bicentennial of Lewis and Clark's voyage.

(2) PURPOSES.—The purposes of this section are—

(A) to protect, restore, and enhance the fish, wildlife, and plants, and the associated habitats on which they depend, of the Missouri River;

(B) to restore a string of natural places that aid native river fish and wildlife, reduce flood losses, and enhance recreation and tourism;

(C) to revitalize historic riverfronts to improve quality of life in riverside communities and attract recreation and tourism;

(D) to monitor the health of the Missouri River and measure biological, chemical, geological, and hydrological responses to changes in Missouri River management;

(E) to allow the Corps of Engineers increased authority to restore and protect fish and wildlife habitat on the Missouri River;

(F) to protect and replenish cottonwoods, and their associated riparian woodland communities, along the upper Missouri River; and

(G) to educate the public about the economic, environmental, and cultural importance of the Missouri River and the scientific and cultural discoveries of Lewis and Clark.

(c) DEFINITION OF MISSOURI RIVER.—In this section, the term ''Missouri River'' means the Missouri River and the adjacent floodplain that extends from the mouth of the Missouri River (RM 0) to the confluence of the Jefferson, Madison, and Gallatin Rivers (RM 2341) in the State of Montana.

(d) AUTHORITY TO PROTECT, ENHANCE, AND RESTORE FISH AND WILDLIFE HABITAT.—Section 9(b) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), is amended—

(1) by striking ''(b) The general'' and inserting the following:

''(b) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The general'';

(2) by striking ''paragraph'' and inserting ''subsection''; and

(3) by adding at the end the following:

''(2) FISH AND WILDLIFE HABITAT.—In addition to carrying out the duties under the comprehensive plan described in paragraph (1), the Chief of Engineers shall protect, enhance, and restore fish and wildlife habitat on the Missouri River to the extent consistent with other authorized project purposes.''.

(e) INTEGRATION OF ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section and in accordance with paragraph (2), the Secretary shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(A) the water-related needs of the Missouri River basin, including flood control, navigation, hydropower, water supply, and recreation; and

(B) private property rights.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity under this section.

(f) MISSOURI RIVER MITIGATION PROJECT.—The matter under the heading ''MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA'' of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is amended by adding at the end the following: ''There is authorized to be appropriated to carry out this paragraph $20,000,000 for each of fiscal years 2001 through 2010, contingent on the completion by December 31, 2000, of the study under this heading.''.

(g) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

(1) IN GENERAL.—

(A) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, through an interagency agreement with the Director of the United States Fish and Wildlife Service and in accordance with the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), shall complete a study that—

(i) analyzes any adverse effects on aquatic and riparian-dependent fish and wildlife resulting from the operation of the Missouri River Mainstem Reservoir Project in the States of Nebraska, South Dakota, North Dakota, and Montana;

(ii) recommends measures appropriate to mitigate the adverse effects described in clause (i); and

(iii) develops baseline geologic and hydrologic data relating to aquatic and riparian habitat.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to and the effectiveness of the preservation of native fish and wildlife habitat of the releases described in subparagraph (A); and

(C) shall not adversely impact a use of the reservoir existing on the date on which the pilot program is implemented.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(A) to complete the study required under paragraph (3), $200,000; and

(B) to carry out the other provisions of this subsection, $1,000,000 for each of fiscal years 2001 through 2010.

(h) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended by striking subsection (g) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2004.''.

SEC. 314. NEW MADRID COUNTY, MISSOURI.

(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

SEC. 315. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that

the construction work is integral to the project.

(b) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

SEC. 316. PIKE COUNTY, MISSOURI.

(a) IN GENERAL.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are the following:

(1) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as ''Government Tract Numbers FM–46 and FM–47'', administered by the Corps of Engineers.

(c) CONDITIONS.—The land exchange under subsection (a) shall be subject to the following conditions:

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

SEC. 317. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) DEFINITIONS.—In this section:

(1) FORT PECK LAKE.—The term ''Fort Peck Lake'' means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) HATCHERY PROJECT.—The term ''hatchery project'' means the project authorized by subsection (d).

(d) AUTHORIZATION.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

(A) FEDERAL SHARE.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) FORM OF NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) REQUIRED CREDITING.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) POWER.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available under paragraph (1) shall remain available until expended.

SEC. 318. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 319. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the ''Passaic River Flood Management Task Force'', to provide advice to the Secretary

concerning all aspects of the Passaic River flood management project.

(2) MEMBERSHIP.—The task force shall be composed of 20 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

''(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.''.

(h) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) CONFORMING AMENDMENT.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking ''MAIN STEM,'' and inserting ''FLOOD MANAGEMENT PROJECT,''.

SEC. 320. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) IN GENERAL.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled ''Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention'', at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) COST SHARING.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

SEC. 321. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 322. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.''.

SEC. 323. CHARLESTON HARBOR, SOUTH CAROLINA.

(a) ESTUARY RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina.

(B) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the State of South Carolina; and

(ii) other affected Federal and non-Federal interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the ecosystem of the Charleston Harbor estuary.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the appropriate Federal, State, and local agencies.

(b) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (a)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraphs (2) and (3) of subsection (a) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (a)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated to carry out subsection (a)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (a) $5,000,000 for each of fiscal years 2001 through 2004.

SEC. 324. SAVANNAH RIVER, SOUTH CAROLINA.

(a) DEFINITION OF NEW SAVANNAH BLUFF LOCK AND DAM.—In this section, the term ''New Savannah Bluff Lock and Dam'' means—

(1) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(2) the appurtenant features to the lock and dam, including—

(A) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924, chapter 847) and the first section of the Act of August 30, 1935 (49 Stat. 1032, chapter 831); and

(B) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(b) REPAIR AND CONVEYANCE.—After execution of an agreement between the Secretary and the city of North Augusta and Aiken County, South Carolina, the Secretary—

(1) shall repair and rehabilitate the New Savannah Bluff Lock and Dam, at full Federal expense estimated at $5,300,000; and

(2) after repair and rehabilitation, may convey the New Savannah Bluff Lock and Dam, without consideration, to the city of North Augusta and Aiken County, South Carolina.

(c) TREATMENT OF NEW SAVANNAH BLUFF LOCK AND DAM.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under subsection (b).

(d) OPERATION AND MAINTENANCE.—

(1) BEFORE CONVEYANCE.—Before the conveyance under subsection (b), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(2) AFTER CONVEYANCE.—After the conveyance under subsection (b), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in subsection (a)(2)(A), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

SEC. 325. HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.

(a) IN GENERAL.—Subject to the completion, not later than December 31, 2000, of a favorable report by the Chief of Engineers, the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to design and construct barge lanes adjacent to both sides of the Houston Ship Channel from Redfish Reef to Morgan Point, a distance of approximately 15 miles, to a depth of 12 feet, at a total cost of $34,000,000, with an estimated Federal cost of $30,600,000 and an estimated non-Federal cost of $3,400,000.

(b) COST SHARING.—The non-Federal interest shall pay a portion of the costs of construction of the barge lanes under subsection (a) in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) FEDERAL INTEREST.—If the modification under subsection (a) is in compliance with all applicable environmental requirements, the modification shall be considered to be in the Federal interest.

(d) NO AUTHORIZATION OF MAINTENANCE.—No maintenance is authorized to be carried out for the modification under subsection (a).

SEC. 326. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) RESPONSIBILITIES OF TRINITY RIVER AUTHORITY.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) PAYMENTS BY CITY.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—

(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.

(d) OPERATION AND MAINTENANCE COSTS.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

SEC. 327. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term ''Lake Champlain watershed'' means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the Lake Champlain Basin Program and the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal

share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 328. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading ''TRANSFER OF FEDERAL TOWNSITES'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled ''Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)'', published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

SEC. 329. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) CRITICAL RESTORATION PROJECTS.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the Strait of Juan de Fuca to Cape Flattery.

(c) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may identify critical restoration projects in the area described in subsection (b) based on—

(A) studies to determine the feasibility of carrying out the critical restoration projects; and

(B) analyses conducted before the date of enactment of this Act by non-Federal interests.

(2) CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.—

(A) IN GENERAL.—In consultation with the Secretary of Commerce, the Secretary of the Interior, the Governor of the State of Washington, tribal governments, and the heads of other appropriate Federal, State, and local agencies, the Secretary may develop criteria and procedures for prioritizing critical restoration projects identified under paragraph (1).

(B) CONSISTENCY WITH FISH RESTORATION GOALS.—The criteria and procedures developed under subparagraph (A) shall be consistent with fish restoration goals of the National Marine Fisheries Service and the State of Washington.

(C) USE OF EXISTING STUDIES AND PLANS.—In carrying out subparagraph (A), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify project needs and priorities.

(3) LOCAL PARTICIPATION.—In prioritizing critical restoration projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(A) the Salmon Recovery Funding Board;

(B) the Northwest Straits Commission;

(C) the Hood Canal Coordinating Council;

(D) county watershed planning councils; and

(E) salmon enhancement groups.

(d) IMPLEMENTATION.—The Secretary may carry out critical restoration projects identified under subsection (c) after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 330. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) PAYMENTS TO STATE.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.''.

SEC. 331. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking ''$7,000,000'' and inserting ''$20,000,000''; and

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

''(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

''(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

''(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.''.

SEC. 332. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 333. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) DEFINITIONS.—In this section:

(1) GREAT LAKE.—

(A) IN GENERAL.—The term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) INCLUSIONS.—The term ''Great Lake'' includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) GREAT LAKES COMMISSION.—The term ''Great Lakes Commission'' means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) GREAT LAKES FISHERY COMMISSION.—The term ''Great Lakes Fishery Commission'' has the meaning given the term ''Commission'' in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) GREAT LAKES STATE.—The term ''Great Lakes State'' means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) USE OF EXISTING DOCUMENTS.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.

SEC. 334. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A), by striking ''50 percent'' and inserting ''35 percent'';

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking ''50 percent'' and inserting ''35 percent''; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking ''$5,000,000 for each of fiscal years 1998 through 2000.'' and inserting ''$10,000,000 for each of fiscal years 2001 through 2010.''.

SEC. 335. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

''(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent.''; and

(2) in subsection (g)—

(A) by striking ''There is authorized'' and inserting the following:

''(1) IN GENERAL.—There is authorized''; and

(B) by adding at the end the following:

''(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.''.

SEC. 336. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) IN GENERAL.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) PROJECT CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 337. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term ''New England'' means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October l, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

SEC. 338. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(3) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(4) WARWICK COVE, RHODE ISLAND.—The portion of the project for navigation, Warwick Cove, Rhode Island, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), which is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

SEC. 339. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

(a) DEFINITION OF BEACHES.—In this section, the term ''beaches'' means the following beaches located in Carteret County, North Carolina:

(1) Atlantic Beach.

(2) Pine Knoll Shores Beach.

(3) Salter Path Beach.

(4) Indian Beach.

(5) Emerald Isle Beach.

(b) RENOURISHMENT STUDY.—The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina.

TITLE IV—STUDIES

SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 402. BONO, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, Calfornia.

SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 409. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 410. FERNANDINA HARBOR, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of realigning the access channel in the vicinity of the Fernandina Beach Municipal Marina as part of project for navigation, Fernandina, Florida, authorized by the first section of the Act of June 14, 1880 (21 Stat. 186, chapter 211).

SEC. 411. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and

other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 412. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

SEC. 413. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

SEC. 414. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary shall study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 415. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 416. PORT OF IBERIA, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

SEC. 417. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 418. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 419. PORTLAND HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Portland Harbor, Maine.

SEC. 420. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1,000 feet.

SEC. 421. SEARSPORT HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Searsport Harbor, Maine.

SEC. 422. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 423. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

SEC. 424. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 425. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.''.

SEC. 426. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

''SEC. 438. CUYAHOGA RIVER, OHIO.

''(a) IN GENERAL.—The Secretary shall—

''(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

''(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

''(b) COST SHARING.—The non-Federal share of the cost of the study shall be 35 percent.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.''.

SEC. 427. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

SEC. 428. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

SEC. 429. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 430. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 431. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

SEC. 432. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a) shall not exceed 25 percent.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

SEC. 433. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) REQUIRED ELEMENT.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

SEC. 434. CEDAR BAYOU, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

SEC. 435. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

SEC. 436. SAN ANTONIO CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

SEC. 437. VERMONT DAMS REMEDIATION.

(a) IN GENERAL.—The Secretary shall—

(1) conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b); and

(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b).

(b) DAMS TO BE EVALUATED.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.

(2) Wrightsville Dam, Middlesex-Montpelier.

(3) Lake Sadawga Dam, Whitingham.

(4) Dufresne Pond Dam, Manchester.

(5) Knapp Brook Site 1 Dam, Cavendish.

(6) Lake Bomoseen Dam, Castleton.

(7) Little Hosmer Dam, Craftsbury.

(8) Colby Pond Dam, Plymouth.

(9) Silver Lake Dam, Barnard.

(10) Gale Meadows Dam, Londonderry.

(c) COST SHARING.—The non-Federal share of the cost of the study under subsection (a) shall be 35 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 438. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) REVIEW.—The Secretary shall review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) ISSUES.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

SEC. 439. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

SEC. 440. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—The Secretary, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) STUDY COMPONENTS.—

(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) USE OF INFORMATION.—On request of a relevant Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.

SEC. 441. CLIFF WALK IN NEWPORT, RHODE ISLAND.

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island to meet its authorized purpose.

SEC. 442. QUONSET POINT CHANNEL RECONNAISSANCE STUDY.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking ''Arkansas River, Arkansas.'' and inserting ''at Fort Smith, Arkansas, on land provided by the city of Fort Smith.''.

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking ''in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi.'' and inserting ''between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.''.

SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the ''Bay-Delta Estuary''), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

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

carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

SEC. 503. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) EASEMENT PROHIBITION.—The term ''easement prohibition'' means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) ELIGIBLE PROPERTY OWNER.—The term ''eligible property owner'' means a person that owns a structure for human habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) FEE LAND.—The term ''fee land'' means the land acquired in fee title by the United States for the Lake.

(4) FLOWAGE EASEMENT.—The term ''flowage easement'' means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) LAKE.—The term ''Lake'' means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) REGULATIONS.—To carry out subsection (b), the Secretary shall promulgate regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed prior to January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i)(I) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(II) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(ii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be fully binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) OPTION TO PURCHASE INSURANCE.—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) PRIOR ENCROACHMENT RESOLUTIONS.—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) PRIOR REAL PROPERTY RIGHTS.—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

SEC. 504. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) MAP.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) CONDITIONS.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance;

as the Secretary determines to be necessary to protect the public interest.

(d) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

SEC. 505. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.

Section 563(c) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended—

(1) in paragraph (1)(B), by striking ''a deceased'' and inserting ''an''; and

(2) by adding at the end the following:

''(4) COSTS OF NEPA COMPLIANCE.—The Federal Government shall assume the costs of any Federal action under this subsection that is carried out for the purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 506. LAND CONVEYANCE, RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.

Section 563 of the Water Resources Development Act of 1999 (113 Stat. 355) is amended by striking subsection (i) and inserting the following:

''(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

''(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

''(2) LAND DESCRIPTION.—

''(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements.

''(B) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

''(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

''(4) PERPETUAL STATUS.—

''(A) IN GENERAL.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

''(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

''(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

''(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

''(A) IN GENERAL.—The Secretary shall pay the State of South Carolina $4,850,000, subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

''(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.''.

SEC. 507. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended—

(1) in subsection (a)(4)(C)(i), by striking subclause (I) and inserting the following:

''(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

''(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

''(bb) the carrying out of plans developed under this section; and''; and

(2) in subsection (b)(4)(B), by striking ''section 604(d)(3)(A)(iii)'' and inserting ''section 604(d)(3)(A)''.

(b) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) in subsection (c)(2), by striking ''The'' and inserting ''In consultation with the State of South Dakota, the''; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting ''Department of Game, Fish and Parks of the'' before ''State of''; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking ''transferred'' and inserting ''transferred, or to be transferred,''; and

(ii) by striking subclause (II) and inserting the following:

''(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the State of South Dakota by the Secretary;''.

(c) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) in subsection (c)(2), by striking ''The'' and inserting ''In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the''; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting ''as tribal funds'' after ''for use''; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking ''transferred'' and inserting ''transferred, or to be transferred,''; and

(ii) by striking subclause (II) and inserting the following:

''(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the respective affected Indian Tribe by the Secretary;''.

(d) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking ''in perpetuity'' and inserting ''for the life of the Mni Wiconi project'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) DEADLINE FOR TRANSFER OF RECREATION AREAS.—Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.'';

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C), (as redesignated by subparagraph (B)), by inserting ''and'' after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ''and'' and inserting ''or''; and

(D) by redesignating paragraph (5) as paragraph (2);

(3) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) STRUCTURES.—

''(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

''(B) LEASE OF RECREATION AREAS.—

''(i) IN GENERAL.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

''(I) OAHE DAM AND LAKE.—

''(aa) Downstream Recreation Area.

''(bb) West Shore Recreation Area.

''(cc) East Shore Recreation Area.

''(dd) Tailrace Recreation Area.

''(II) FORT RANDALL DAM AND LAKE FRANCIS CASE.—

''(aa) Randall Creek Recreation Area.

''(bb) South Shore Recreation Area.

''(cc) Spillway Recreation Area.

''(III) GAVINS POINT DAM AND LEWIS AND CLARK LAKE.—Pierson Ranch Recreation Area.

''(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.'';

(4) in subsection (f)(1), by striking ''Federal law'' and inserting ''a Federal law specified in section 607(a)(6) or any other Federal law'';

(5) in subsection (g), by striking paragraph (3) and inserting the following:

''(3) EASEMENTS AND ACCESS.—

''(A) IN GENERAL.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

''(B) NO EFFECT ON MISSION.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).'';

(6) in subsection (h), by striking ''of this Act'' and inserting ''of law''; and

(7) by adding at the end the following:

''(j) CLEANUP OF LAND AND RECREATION AREAS.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(k) CULTURAL RESOURCES ADVISORY COMMISSION.—

''(1) IN GENERAL.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe may establish an advisory commission to be known as the 'Cultural Resources Advisory Commission' (referred to in this subsection as the 'Commission').

''(2) MEMBERSHIP.—The Commission shall be composed of—

''(A) 1 member representing the State of South Dakota;

''(B) 1 member representing the Cheyenne River Sioux Tribe;

''(C) 1 member representing the Lower Brule Sioux Tribe; and

''(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River Basin in South Dakota.

''(3) DUTY.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

''(4) RESPONSIBILITIES, POWERS, AND ADMINISTRATION.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

''(l) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.''.

(e) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of

the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(1) in subsection (a)(1), by striking ''The Secretary'' and inserting ''Not later than January 1, 2002, the Secretary'';

(2) in subsection (b)(1), by striking ''Big Bend and Oahe'' and inserting ''Oahe, Big Bend, and Fort Randall'';

(3) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) STRUCTURES.—

''(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

''(B) LEASE OF RECREATION AREAS.—

''(i) IN GENERAL.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

''(I) Left Tailrace Recreation Area.

''(II) Right Tailrace Recreation Area.

''(III) Good Soldier Creek Recreation Area.

''(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''Federal law'' and inserting ''a Federal law specified in section 607(a)(6) or any other Federal law'';

(B) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) EASEMENTS AND ACCESS.—

''(i) IN GENERAL.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

''(ii) NO EFFECT ON MISSION.—The easements and access referred to in clause (i) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).''; and

(C) in paragraph (3)(B), by inserting before the period at the end the following: ''that were administered by the Corps of Engineers as of the date of the land transfer.''; and

(5) by adding at the end the following:

''(h) CLEANUP OF LAND AND RECREATION AREAS.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(i) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(j) SEDIMENT CONTAMINATION.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall—

''(A) complete a study of sediment contamination in the Cheyenne River; and

''(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).''.

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by adding at the end the following:

''(d) BUDGET CONSIDERATIONS.—

''(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

''(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

''(A) be detailed;

''(B) include all necessary tasks and associated costs; and

''(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396) is amended by striking subsection (a) and inserting the following:

''(a) SECRETARY.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

''(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

''(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

''(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred, or to be transferred, to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

''(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred, or to be transferred, under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

''(2) ALLOCATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

''(i) $1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

''(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

''(I) 65 percent to the State of South Dakota.

''(II) 26 percent to the Cheyenne River Sioux Tribe.

''(III) 9 percent to the Lower Brule Sioux Tribe.

''(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).''.

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

''(1) AFFECTED INDIAN TRIBE.—The term 'affected Indian Tribe' means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.''.

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking ''the Tribe'' and inserting ''the affected Indian Tribe''.

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking ''the respective Tribe'' each place it appears and inserting ''the respective affected Indian Tribe''.

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(A) in subsection (b)(3), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B)), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''.

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(A) in the section heading, by striking ''**INDIAN TRIBES**'' and inserting ''**AFFECTED INDIAN TRIBES**'';

(B) in paragraphs (1) and (4) of subsection (a), by striking ''the Indian Tribes'' each place it appears and inserting ''the affected Indian Tribes'';

(C) in subsection (c)(2), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe'';

(D) in subsection (f)(2)(B)(i)—

(i) by striking ''the respective tribes'' and inserting ''the respective affected Indian Tribes''; and

(ii) by striking ''the respective Tribe's'' and inserting ''the respective affected Indian Tribe's''; and

(E) in subsection (g), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''.

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking ''an Indian Tribe'' each place it appears and inserting ''any Indian Tribe''.

SEC. 508. EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

''(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;''.

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by—

(1) inserting ''or exported'' after ''diverted''; and

(2) inserting ''or export'' after ''diversion''.

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term ''Central and Southern Florida Project'' includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term ''natural system'' means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term ''natural system'' includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term ''Plan'' means the Comprehensive Everglades Restoration Plan contained in the ''Final Integrated Feasibility Report and Programmatic Environmental Impact Statement'', dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term ''South Florida ecosystem'' means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term ''South Florida ecosystem'' includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term ''State'' means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each

project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant

to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian Trust Doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—Programmatic regulations promulgated under this paragraph shall establish a process—

(i) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(iii) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF THE SENATE CONCERNING HOMESTEAD AIR FORCE BASE.

(a) IN GENERAL.—(1) The Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, the Senate believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) the Senate seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) the Senate is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

SEC. 701. SHORT TITLE.

This title shall be known as the ''Missouri River Protection and Improvement Act of 2000''.

SEC. 702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 703. DEFINITIONS.

In this title:

(1) PICK-SLOAN PROGRAM.—The term ''Pick-Sloan program'' means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(2) PLAN.—The term ''plan'' means the plan for the use of funds made available by this

title that is required to be prepared under section 705(e).

(3) STATE.—The term ''State'' means the State of North Dakota.

(4) TASK FORCE.—The term ''Task Force'' means the North Dakota Missouri River Task Force established by section 705(a).

(5) TRUST.—The term ''Trust'' means the North Dakota Missouri River Trust established by section 704(a).

SEC. 704. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the North Dakota Department of Health;

(ii) the North Dakota Department of Parks and Recreation;

(iii) the North Dakota Department of Game and Fish;

(iv) the North Dakota State Water Commission;

(v) the North Dakota Indian Affairs Commission;

(vi) agriculture groups;

(vii) environmental or conservation organizations;

(viii) the hydroelectric power industry;

(ix) recreation user groups;

(x) local governments; and

(xi) other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

SEC. 705. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 706. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of

meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) INITIAL FUNDING.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2004, to remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Charles M. Russell National Wildlife Refuge Enhancement Act of 2000''.

SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary, in consultation with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife and other public value for the Charles M. Russell National Wildlife Refuge, to—

(1) better achieve the wildlife conservation purposes for which the Refuge was established;

(2) protect additional fish and wildlife habitat in and adjacent to the Refuge;

(3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;

(4) improve management of the Refuge; and

(5) reduce Federal expenditures associated with the administration of cabin site leases.

SEC. 803. DEFINITIONS.

In this title:

(1) ASSOCIATION.—The term ''Association'' means the Fort Peck Lake Association.

(2) CABIN SITE.—

(A) IN GENERAL.—The term ''cabin site'' means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin areas that is—

(i) managed by the Army Corps of Engineers;

(ii) located in or near the eastern portion of Fort Peck Lake, Montana; and

(iii) leased for individual use or occupancy.

(B) INCLUSIONS.—The term ''cabin site'' includes all right, title and interest of the United States in and to the property, including—

(i) any permanent easement that is necessary to provide vehicular access to the cabin site; and

(ii) the right to reconstruct, operate, and maintain an easement described in clause (i).

(3) CABIN SITE AREA.—

(A) IN GENERAL.—The term ''cabin site area'' means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) INCLUSION.—The term ''cabin site area'' includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land, as determined by the Secretary with the concurrence of the Secretary of the Interior.

(4) LESSEE.—The term ''lessee'' means a person that is leasing a cabin site.

(5) REFUGE.—The term ''Refuge'' means the Charles M. Russell National Wildlife Refuge in Montana.

SEC. 804. CONVEYANCE OF CABIN SITES.

(a) IN GENERAL.—

(1) PROHIBITION.—As soon as practicable after the date of enactment of this Act, the Secretary shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with, or substitute for, an existing cabin lease site under paragraph (2).

(2) DETERMINATION; NOTICE.—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

(A) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee—

(i) because the sites are isolated so that conveyance of 1 or more of the sites would create an inholding that would impair management of the Refuge; or

(ii) for any other reason that adversely impacts the future habitability of the sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1)(A) and the portion of administrative costs that would be paid to the Secretary under section 808(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) OFFER OF COMPARABLE CABIN SITE.—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within another cabin site area.

(b) RESPONSE.—

(1) NOTICE OF INTEREST.—

(A) IN GENERAL.—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

(B) FORM.—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) UNPURCHASED CABIN SITES.—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 805 and 806.

(c) PROCESS.—After providing notice to a lessee under subsection (a)(2)(B), the Secretary shall—

(1) determine whether any small parcel of land contiguous to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary determines that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) with the concurrence of the Secretary of the Interior, determine which covenants or deed restrictions, if any, should be placed on a cabin site before conveyance out of Federal ownership, including any covenant or deed restriction that is required to comply with—

(A) the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) laws (including regulations) applicable to management of the Refuge; and

(C) any other laws (including regulations) for which compliance is necessary to—

(i) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake; and

(ii) limit future uses of a cabin site to—

(I) noncommercial, single-family use; and

(II) the type and intensity of use of the cabin site made on the date of enactment of this Act, as limited by terms of any lease applicable to the cabin site in effect on that date; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin sites; and

(C) takes into consideration any covenant or other restriction determined to be necessary under paragraph (5) and subsection (h).

(d) CONSULTATION AND PUBLIC INVOLVEMENT.—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) the Secretary of the Interior;

(B) affected lessees;

(C) affected counties in the State of Montana; and

(D) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) CONVEYANCE.—Subject to subsections (h) and (i) and section 808(b), the Secretary shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if each cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment for the cabin site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6).

(f) VEHICULAR ACCESS.—

(1) IN GENERAL.—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) CONSTRUCTION.—The Secretary—

(A) shall not construct any road for the sole purpose of providing access to land sold under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) OFFER TO CONVEY.—The Secretary may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land sold under this section.

(g) UTILITIES AND INFRASTRUCTURE.—

(1) IN GENERAL.—The purchaser of a cabin site shall be responsible for the acquisition of all utilities and infrastructure necessary to support the cabin site.

(2) NO FEDERAL ASSISTANCE.—The Secretary shall not provide any utilities or infrastructure to the cabin site.

(h) COVENANTS AND DEED RESTRICTIONS.—

(1) IN GENERAL.—Before conveying any cabin site under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and

deed restrictions as are determined, under subsection (c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(2) RESERVATION OF RIGHTS.—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2) shall not be conveyed by the Secretary under this section.

(j) IDENTIFICATION OF LAND FOR EXCHANGE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of paragraphs (1) through (4) of section 802 and for which a willing seller exists.

(2) APPRAISAL.—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) ACQUISITION.—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of paragraphs (1) through (4) of section 802, the Secretary of the Interior shall cooperate with the willing seller to facilitate the acquisition of the property in accordance with section 807.

(4) PUBLIC PARTICIPATION.—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.

(a) CONTINUATION OF LEASE.—

(1) IN GENERAL.—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 804 (including a lessee who declines an offer of a comparable cabin site under section 804(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) EXPIRATION BEFORE 2010.—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) IMPROVEMENTS.—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) OPTION TO PURCHASE.—Subject to subsections (d) and (e) and section 808(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the site in accordance with section 804(c)(6);

the Secretary shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment for the site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined by the updated appraisal.

(d) COVENANTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(e) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection 804(a)(2) shall not be conveyed by the Secretary under this section.

(f) REPORT.—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this Act; and

(2) identifies cabin owners that have filed a notice of interest under section 804(b) and have declined an opportunity to acquire a comparable cabin site under section 804(a)(3).

SEC. 806. CONVEYANCE TO THIRD PARTIES.

(a) CONVEYANCES TO THIRD PARTIES.—As soon as practicable after the expiration or surrender of a lease, the Secretary, in consultation with the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 804(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 804(a)(2).

(b) COVENANTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (a), the Secretary shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions contained in the title to the cabin site.

(c) CONVEYANCE TO ASSOCIATION.—On the completion of all individual conveyances of cabin sites under this title (or at such prior time as the Secretary determines would be practicable based on the location of property to be conveyed), the Secretary shall convey to the Association all land within the outer boundaries of cabin site areas that are not conveyed to lessees under this title at fair market value based on an appraisal carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition.

SEC. 807. USE OF PROCEEDS.

(a) PROCEEDS.—All payments for the conveyance of cabin sites under this title, except costs collected by the Secretary under section 808(b), shall be deposited in a special fund in the Treasury for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(1) is within or adjacent to the Refuge;

(2) would be suitable to carry out the purposes of this Act described in paragraphs (1) through (4) of section 802; and

(3) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) LIMITATION.—To the maximum extent practicable, acquisitions under this title shall be of land within the Refuge boundary.

SEC. 808. ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) REIMBURSEMENT.—As a condition of the conveyance of any cabin site area under this title, the Secretary—

(1) may require the party to whom the property is conveyed to reimburse the Secretary for a reasonable portion, as determined by the Secretary, of the administrative costs (including survey costs), incurred in carrying out this title, with such portion to be described in the notice provided to the Association and lessees under section 804(a)(2); and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this Act.

SEC. 809. TERMINATION OF WILDLIFE DESIGNATION.

None of the land conveyed under this title shall be designated, or shall remain designated as, part of the National Wildlife Refuge System.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IX—MISSOURI RIVER RESTORATION

SEC. 901. SHORT TITLE.

This title shall be known as the ''Missouri River Restoration Act of 2000''.

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of South Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 903. DEFINITIONS.

In this title:

(1) COMMITTEE.—The term ''Committee'' means the Executive Committee appointed under section 904(d).

(2) PICK-SLOAN PROGRAM.—The term ''Pick-Sloan program'' means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(3) PLAN.—The term ''plan'' means the plan for the use of funds made available by this title that is required to be prepared under section 905(e).

(4) STATE.—The term ''State'' means the State of South Dakota.

(5) TASK FORCE.—The term ''Task Force'' means the Missouri River Task Force established by section 905(a).

(6) TRUST.—The term ''Trust'' means the Missouri River Trust established by section 904(a).

SEC. 904. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the ''Three Affiliated Tribes of North Dakota'' (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 905. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 906. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any

other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

(a) INITIAL FUNDING.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2010, to remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

Mr. ROBERTS. Mr. President, I ask to reconsider the vote, and on behalf of the Senator from New Hampshire, Mr. SMITH, I move to table my own motion.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

● Mr. GORTON. Madam President, I regret I was unable to vote on the final passage of the Water Resources Development Act, S. 2796. Had I been present, I would have voted in favor of this legislation.

The bill contains authorizations for several important projects for Washington State. I would like to thank the chairman of the Senate Environment and Public Works Committee. Senator BOB SMITH, and the chairman of the Subcommittee on Transportation and Infrastructure, Senator GEORGE VOINOVICH, for their assistance in addressing the water resource needs of the Pacific Northwest. I'd like to highlight four projects critical to my constituents.

The bill provides authorization for the Puget Sound Ecosystem Restoration Project, an environmental restoration program designed to improve habitat for four threatened anadromous fish species in the Puget Sound basin. The Corps of Engineers, contingent on available appropriations, will be authorized to spend $20 million in cooperation with local governments, tribes, and restoration groups to make existing Corps projects more salmon-friendly and enhance critical stream habitat.

WRDA 2000 also includes an authorization for the Corps of Engineers to study and construct an erosion control project for the Shoalwater Bay Indian Tribe. The Shoalwater Bay Indian Tribe, located on a 335-acre reservation in southwest Washington, has experienced dramatic erosion events for the past several winters. During the 1998–1999 winter storms alone, the tribe lost several hundred feet of shoreline. These events have been particularly damaging to this small tribe of 245 people, most of whom depend on the tribe's shellfish resource along the 700 acres of tidelands.

Another provision will assist the communities along the Columbia, Cowlitz, and Toutle rivers. During the early 1980s after the eruption on Mount St. Helens on May 18, 1980, the Corps of Engineers engaged in a series of emergency and congressionally authorized projects to stop or control the flow of sediment from Mount St. Helens into the Toutle, Cowlitz, and Columbia rivers. Since the major Northwest Washington flood of 1996, which severely impacted the communities surrounding these three rivers, the Corps of Engineers and county governments in Southwest Washington have engaged in discussions over the level of flood protection to be maintained for the Mount St. Helens Sediment Control Project. The WRDA bill clarifies the Corps' responsibility to maintain this project and provides certainty for the communities in the future.

Finally, the bill includes authorization for the Corps to accept funding from non-federal public entities to improve and enhance the regulatory activities of the Corps of Engineers. Since the listing of the four Puget Sound salmon species last year, the Seattle office of the Corps of Engineers has been inundated with permits that requires additional consultation order the Endangered Species Act. Unfortunately, this additional responsibility requires additional staff and resources to occur in a timely manner. At the beginning of this year, the Seattle regulatory office had a backlog of 300 permit applications. Today that backlog has grown to nearly 1,000. This provision will provide the Corps the additional resources it needs to comply with the Endangered Species Act.

Once again, I would like to thank the members of the Environment and Public Works Committee for their assistance in providing authorization for projects important to the residents of Washington state. I am pleased the Senate passed this legislation today.●

MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. ROBERTS. I ask unanimous consent I might be recognized for 20 minutes as in morning business.

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

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GENERAL CHARLES E. WILHELM

Mr. ROBERTS. Mr. President, late in the afternoon of this coming Thursday, the U.S. Marine Corps will conduct a retirement ceremony at the Marine Corps War Memorial in Arlington, VA.

It would not be too surprising for all who know the honoree, if those legendary marines raising the flag atop Mt. Suribachi at the Iwo Jima Memorial and ensconced in statuary history might actually plant the flag, come to attention and give a proud salute to Gen. Charles E. Wilhelm. Now retired after 35 years of service and the former commander of the U.S. Southern Command, Charles Wilhelm has been the epitome of dedication, professionalism, and pride. Simply put, he has been a marine's marine. In paying tribute to General Wilhelm, my remarks are in keeping with the appreciation, admiration, and thanks of my colleagues in the Senate, more especially the chairman and members of the Armed Services Committee, all those privileged to serve on committees of jurisdiction dealing with our national defense and foreign policy and former marines who serve in the Congress. I think Charles Wilhelm was destined to serve in our Nation's sea service and become an outstanding marine in that he was born of the shores of Albemarle Sound in historic Edenton, NC. He graduated from Florida State University and later earned a master of science degree from Salve Regina College in Newport, RI. He was commissioned a second lieutenant in 1964 and saw two tours of service in Vietnam where in the full component of command positions, he served with distinction: as a rifle platoon commander; company commander; and senior advisor to a Vietnamese Army battalion.

For his heroism under fire, he was awarded the Silver Star Medal, Bronze Star Medal with Combat V, Navy Commendation Medal with Combat V, and the Army Commendation Medal with Combat V. General Wilhelm's other personal decorations include the Defense Service Medal with Oak Leaf Cluster, the Distinguished Service Medal, Defense Meritorious Service Medal, the Navy Commendation Medal, and Combat Action Ribbon. The last thing that Charley Wilhelm would want or stand for would be for some Senator like myself to stand on the Senate floor and list the rest of all of

the assignments and tours and accomplishments that make up his outstanding career. But, since I am on the Senate floor and relatively safe, I hope, from the well known and respected iron will of the general, a marine, who with respect and admiration and a great deal of circumspect care—certainly not in his presence—was called ''Kaiser Wilhelm,'' I'm going to give it a try. I do so because of the immense respect this man has within the ranks of all the services, U.S. and international, whohave served under his command.

General Wilhelm's service was universal in scope and outstanding in performance: inspector-instructor to the 4th Reconnaissance Battalion, a Reserve unit in Gulfport, Mississippi; Deputy Provost Marshal, U.S. Naval Forces Philippines; operations officer and executive officer, 1st Battalion, 1st Marines, Camp Pendleton, California; staff officer for Logistics, Plans and Policy Branch, Installations and Logistics Department, Headquarters Marine Corps; J–3, Headquarters, U.S. European Command. Then in August of 1998, while assigned as the Assistant Chief of Staff for Operations of the Second Marine Expeditionary Force, Charles Wilhelm was promoted to brigadier general and assigned as the Director of Operations, Headquarters Marine Corps. Two years later, he was chosen to serve as Deputy Assistant to the Secretary of Defense for Policy and Missions within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

This experience served him well, when, as commanding general of the 1st Marine Division, General Wilhelm served as Commander, Marine Forces Somalia as part of Operation Restore Hope. I might add a personal observation at this point in stating with Charles Wilhelm, the United States has a respected resource with regard to the difficult but necessary challenge our military has in meeting vital national security interests and balancing those interests with the many, if not overwhelming, peacekeeping and humanitarian missions we find ourselves involved in today.

It goes without saying that in the past members of our military have been sent into peacekeeping missions where there was no peace to be kept. When that happens, why peacekeepers become targets and tragedy results. Gen. Charles Wilhelm knows the difference and we should take heed. He went on to serve in a series of command positions to include: Commanding General, Marine Corps Combat Development Command; Commander, U.S. Marine Corps Forces, Atlantic; Commander, U.S. Marine Corps Forces, South; Commanding General, Second Marine Expeditionary Force; Commanding General, Marine Strike Force Atlantic.

General Wilhelm assumed duties at U.S. Southern Command in September, in 1997 where he served until his retirement just a few weeks ago. As commander of the U.S. Southern Command, General Wilhelm devoted his enormous personal energy—and boy does he have that—his visionary leadership and his remarkable diplomatic skills to achieving vital national security objectives and strengthening democratic institutions and governance—and thereby individual freedom and economic opportunity—throughout the Southern Hemisphere.

General Wilhelm's personal decorations are testimony to his valor and bravery. He is indeed recognized within the U.S. Marine Corps as a warrior among warriors. But, he is also part military and political theorist, diplomat, and humanitarian. He enhanced civilian control of military institutions throughout Latin America; he improved multilateral relations among the 32 nations—that is 32 nations and 12.5 million square miles stretching from Antarctica to the Florida Keys.

Concurrently, General Wilhelm oversaw the integration of the Caribbean into the command's theater, supervised the implementation of the 1977 Panama Canal treaties—no small feat—he energized United States Interagency efforts to counter the flow of illegal narcotics into the United States and finally, sought and obtained congressional support for the U.S. assistance plan for Colombia's counter drug program. While doing all of this in his 3 year stint, he restructured his command's architecture and theater engagement strategy to position the command to meet the challenges of the 21st century. I am tempted to say that in the midst of all this he rested on the 7th day but in fact he did not.

As chairman of the Emerging Threats Subcommittee of the Senate Armed Services Committee—that is the subcommittee of jurisdiction over virtually all of the missions within the Southern Command—I want the record to show that the general accomplished his goals at precisely the same time the Southern Command suffered tremendous budget and infrastructure challenges. That is the nicest way I can put it. He always said he did not have problems; he had challenges. That was due to U.S. involvement in the Balkans and the drawdown of the tremendous budget and essential infrastructure support to the general's mission and the mission of the Southern Command.

I do not know how, quite frankly, he accomplished his tasks. I might add, from my personal standpoint, in terms of our immediate and pressing challenges with regard to refugees, more than in the Balkans, the problems and challenges of immigration, drugs, terrorism, trade, the commonality of interests within our own hemisphere, and our domestic energy supply—we now get roughly 17 to 18 percent of our energy supply from Venezuela; there are real problems in Venezuela—our vital national interests, General Wilhelm has tried his very best to alert the Pentagon, the administration, and the Congress to these concerns and suggest rational and reasonable policy options. His advice is sound, based upon years of experience and hard, hard work. The value and worth of his policy recommendations, I will predict, and his cornerstone efforts to build on that success will be proven correct.

Carol Rosenberg of the Miami Herald newspaper recently captured what I am trying to say in an article that accurately describes the successes General Wilhelm has achieved and the character of the man as well.

Ms. Rosenberg simply put it this way:

A Black Hawk helicopter landed in the center of a crude baseball diamond on a recent morning, delivering a four-star U.S. Marine general bearing baseballs and money.

Chopper blades were still kicking dust when hundreds of residents crowded around, some sporting American League style uniforms donated by a California bike shop owner—

At the request of the general.

Then a nine-man Nicaraguan band pulled out sheet music and played The Star Spangled Banner for the general.

According to the article, he said:

This is why I love this job. I've never heard it played any better.

His career stretches back to Vietnam, as noted by Ms. Rosenberg. She went on to point out in her article the general has been part military strategist and diplomat. She outlined his leadership, as I said before, in the tremendous U.S. humanitarian efforts after Hurricane Mitch and other medical and disaster recovery missions demonstrating the United States bid to be a good neighbor and an ally in the Americas and the example of a civilian-controlled military to the emerging democracies.

In the article, Ms. Rosenberg also pointed out that last month General Wilhelm paid a last visit to Managua, Nicaragua, and stood proudly as the Nicaragua Army chief, General Javier Carrion, draped him with a blue and white sash, the army's highest honor in Nicaragua, for ''building respectful relations'' between the two countries.

For a decade, our Nation was allied with the Nicaraguan Army's adversary, i.e. the Contras, in a 10-year-old civil war. According to veteran observers, only 2 years ago, the tension and suspicion was still so thick between the two countries that you could cut it. Last month, through the efforts of one man, General Wilhelm received a medal for building respect between the two nations.

I ask unanimous consent that the article by Carol Rosenberg in the Miami Herald be printed in the RECORD.

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

[From the Miami Herald, Sept. 3, 2000]

SOUTHCOM GENERAL BOWS OUT AFTER 37 YEARS

POLITICS, STRATEGY—AND A DASH OF BASEBALL DIPLOMACY

(By Carol Rosenberg)

BOACO, NICARAGUA—A Black Hawk helicopter landed in the center of a crude baseball diamond on a recent morning, delivering

a four-star U.S. Marine general bearing baseballs and money.

Chopper blades were still kicking up dust when hundreds of curious residents crowded around, some sporting American League-style uniforms donated by a California bike shop owner. Then, a nine-man Nicaraguan band pulled out sheet music and played The Star Spangled Banner for the general and his entourage—colonels and bodyguards, fixers and escort officers.

''This is why I love this job. I've never heard it played better,'' confided Gen. Charles Wilhelm, whose 37-year Marine career stretches back to Vietnam.

Part military strategist, part diplomat, Wilhelm, 59 retires this week from a three-year tour of duty as chief of the Southern Command, the Pentagon's Miami-based nerve center for Latin America and the Caribbean, staffed by about 1,000 service members and civilians.

Southcom, as it is called, is in charge of U.S. military activities across 12.5 million square miles stretching from Antarctica to the Florida Keys. Based in Panama for decades, it evolved out of U.S. construction of the Panama Canal and moved to Miami in 1997, as Wilhelm took charge. The move was part of a phased withdrawal to prepare for this past New Year's retreat from the Canal Zone.

Among its most high-profile missions: the 1989 seizure of Panamanian strongman Manuel Noriega. Southcom also directed U.S. support for the Nicaraguan contras in the 1980s and has for years sent doctors and other military experts for joint-training missions in Latin America.

Now is a pivotal time: Congress has just approved $1.3 billion in U.S. aid for Plan Colombia—an ambitious campaign to fight the drug trade in the nation that supplies the bulk of the cocaine distributed in the United States. The effort—the United States' most ambitious military activity in the Americas in years—provides for 60 helicopters, 500 U.S. troops, and 300 civilian contractors.

And Wilhelm, an architect by virtue of his position at Southcom, is one of its greatest champions.

Yet, as the recent dabble in baseball diplomacy shows, the job of Southcom's commander in chief is a curious blend of politics and strategy. A California congressman had asked Southcom to rebuild the baseball diamond, damaged by flooding, at the request of a constituent who had once played baseball in the area.

But after crunching numbers back in Doral, Wilhelm concluded the cost of Operation Field of Dreams would be too high: $250,000 to move in heavy equipment, as unreasonable 1.25 percent of his discretionary budget. So, instead, he brought three-dozen baseballs, a $300 donation, and gave townspeople a first-hand look at U.S. helicopter technology, carefully monitored by U.S. Army flight crews watching to make sure nobody made off with a removable part.

And he added the baseball diamond to a Southcom ''to-do'' list, just in case future relief efforts bring the necessary equipment and U.S. forces back to Boaco.

The last August visit illustrated how much Southcom has changed since Wilhelm inherited the command. Now entrenched in Miami, Southcom today is leaner than its huge outpost in Panama of the 1990s, and with a curious mosaic of military relations.

Thanks to U.S. humanitarian efforts after Hurricane Mitch, it has the best relationship in years with Nicaragua and a patchwork of mini bases for drug hunting and humanitarian relief missions in the Caribbean and Central America. U.S. troops that before Wilhelm's arrival swelled to 11,000-plus in Southcom's 12.5 million square miles of territory—most at sprawling bases in Panama—have been largely reassigned to the continental United States.

Now Southcom has a permanent presence of 2,479 soldiers, sailors and air force personnel, most in Puerto Rico, and relies on periodic training exercises of reservists and National Guard members to carry out a key part of the command's activities—medical and disaster recovery missions offered to host countries by embassies. They demonstrate Washington's bid to be a good neighbor in the Americas and illustrate the grandeur of a civilian-controlled military, a good example for emerging democracies.

On the down side, Washington has been unable so far to persuade Venezuela to permit flights over the country for U.S. drug-hunting operations—a significant blind spot in the hemispheric war on narcotrafficking. U.S. aircraft patrolling the skies over Latin America now have to fly around Venezuela, adding as much as 90 minutes to their missions in their pursuit of drug runners, mostly from Colombia.

Nor has U.S. diplomacy convinced Panama to accept a permanent military presence, for drug operations or any other U.S. activities. The last U.S. forces departed on New Year's Eve and sentiments are not yet ripe for a return of U.S. military personnel.

In Haiti, successive exercises and training programs by Southcom have not been able to meaningfully enhance the rule of law, and U.S. drug interdiction monitors, who see it as a trans-shipment spot, have not been able to enlist local authorities there as allies in their anti-drug campaign. Cooperation by foreign police and militaries is key to the U.S. war on drug trafficking. But drug monitors say they have not found partners in Port-au-Prince, whose security forces are still in chaos, to make seizures and arrests when they detect drug smugglers.

NO FUNDING YET

And Wilhelm has yet to win congressional funding to permanently base Southcom in Miami, now in an industrial park not far from the airport, a $40 million measure. Wilhelm's tenure ends Friday with a change-of-command ceremony presided over by Defense Secretary William Cohen. If Congress confirms President Clinton's choice of Marine Lt. Gen. Peter Pace in time, it will be only the second time in history that a Marine will head Southcom, a job traditionally held by the Army. Wilhelm will wind up his Marine career by moving back to suburban Washington, D.C. under mandatory retirement, which only could have been averted by promotion to the Joint Chiefs of Staff—or a transfer to another four-star post—for example, overseeing military operations in Europe or the Persian Gulf.

But, Wilhelm said, he aspires to re-emerge in civilian life as a player in Latin America—perhaps as a troubleshooter, capitalizing on his civilian and military contacts throughout the Americas. He espouses a fascination with the region.

''It interests me for a lot of very good reasons—and they're not all altruistic,'' he said in a recent interview.

''I see our future prosperity in the Americas, not in the Far East . . . Forty-six percent of our exports flow within the Americas, 28 percent to the FAR East and 26 percent to Europe and I see that balance shifting even more to the Americas at least over the first 25 years of this century. So I think the future prosperity of the United States is inextricably linked to the Americas.''

Last month's two-day trip to Nicaragua and Honduras—Wilhelm's last on the road aside from Wednesday's trip to Colombia with President Clinton—gave a glimpse into the hemisphere-hopping style of work he seems to relish.

In Tegucigalpa, he met President Carlos Flores and then choppered to Honduras' Soto Cano Air Base, where the U.S. has its only permanent military outpost in the region. With a single landing strip stocked with Chinook and Black Hawk helicopters, it is home to about 600 Air Force and Army personnel who mostly support disaster relief and drug operations. There he took part in a promotion ceremony, and gave U.S. soldiers and airmen a pep talk.

''When I call, you haul—no whimpering or whining. That's what service is all about,'' said Wilhelm.

''RESPECTFUL''

In Managua, he stood surrounded by dozens of local reporters and camera crews as Nicaraguan Army Chief Gen. Javier Carrion draped him in a blue and white sash—the army's highest honor—''for building respectful relations'' between the armies.

Army Col. Charles Jacoby, Wilhelm's executive officer, was in awe.

In early 1998, Jacoby came to Managua as head of a mission to negotiate the return of an old B–26 aircraft that crashed in the jungle after flying missions from a clandestine CIA airfield for the ill-fated Bay of Pigs invasion. The tension and suspicion was so thick, you could cut it.

Months later, Hurricane Mitch cut a swath of destruction through Central America. Wilhelm sent thousands of U.S. forces to rebuild bridges and schools, clinics and roads—a goodwill gesture that broke the ice in chilly relations with the Nicaraguan Army. For a decade, Washington had allied with the army's adversary, the contras, in a decade-long civil war that ended in 1990.

''To see him standing here today getting an award is just unbelievable,'' Jacoby said moments before a Nicaraguan officer served champagne.

Mr. ROBERTS. Mr. President, I am not really surprised at this man's many accomplishments. Several years ago, our distinguished majority leader, Senator LOTT, took an overdue codel to Latin and Central America. I was privileged to go. On one of our first stops, we were briefed on the overall situation, again within the 32-nation sprawling Southern Command. Pressed for time, General Charles Wilhelm gave one of the most complete, pertinent, and helpful briefings I have ever heard. I have been a Wilhelm fan ever since, and I certainly value his advice and his suggestions.

General Wilhelm stated our vital national security interests very well when he said the following:

I see our future prosperity in the Americas, not in the Far East. . . . Forty-six percent of our exports flow within the Americas, 28 percent to the Far East and 26 percent to Europe. I see the balance shifting even more to the Americas over the first 25 years of this century. The future prosperity of the United States is linked to the Americas.

Throughout his career as a United States Marine, General Charles Wilhelm demonstrated uncompromising character, discerning wisdom, and a sincere, selfless sense of duty to his Marines and members of other services assigned to his numerous joint commands.

His powerful leadership inspired his Marines to success, no matter what the task. All Marines everywhere join me in saying to the general: Thank you

and well done. The results have guaranteed United States security in this hemisphere and throughout the world.

In behalf of my colleagues on both sides of the aisle, our congratulations to him and to his wife Valerie and his son Elliot on the completion of a long and distinguished career, and I trust more to come. God bless this great American and Marine. Semper Fi, General, Semper Fi.

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APPROVAL OF CONVENTION 176

Mr. BYRD. Mr. President, last week the Senate unanimously approved for ratification the International Labor Organization Convention 176 on mine safety and health. I thank the Chairman of the Foreign Relations Committee, the distinguished Senator from North Carolina, for his committee's efforts in expeditiously approving this convention. I also thank the mining state senators from New Mexico, Pennsylvania, Montana, Kentucky, Nevada, Idaho, and my own West Virginia, who joined me in championing this convention.

Coal mining has long been recognized as one of the most dangerous occupations in the world. In the United States, the frequency and magnitude of coal mining disasters and intolerable working conditions in the 19th century created a public furor for mine health and safety laws. The Pennsylvania legislature was the first to pass significant mine safety legislation in 1870, which was later followed by the first federal mine safety law that was passed by Congress in 1891. Over the years, these state and federal laws were combined into what are today the most comprehensive mine safety and health standards in the world. Since the beginning of the 20th century, mine-related deaths have decreased from 3,242 deaths in 1907, the highest mining fatality rate ever recorded in the United States, to 80 deaths in 1998, the lowest mining fatality rate ever recorded in the United States.

These numbers stand in stark contrast to the recorded fatalities in other parts of the world. In China, for example, the government recently reported 2,730 mining fatalities in the first six months of this year. That is more than thirty times the number of fatalities recorded in the United States for all of 1999. And, this number does not even include metal and nonmetal mining fatalities in China.

Many countries in the world have national laws specific to mine safety and health. Yet, in most of these countries, the laws are often times inadequate. In many South American and Asian countries, national laws have not kept pace with the introduction of new mining equipment, such as long-wall mining machines and large surface mining equipment, which create new hazards for miners. Similarly, many of these countries do not require employers to inform miners of workplace hazards or allow for workers to refuse work because of dangerous conditions without fear of penalties. What is worse is that even if these countries do have adequate laws, in most cases, the inexperience and limited resources of their mine inspectors often means that egregious violations by foreign coal companies are never penalized, encouraging repeat violations.

As a result, miners in developing countries are exposed to risks and hazards that claim up to 15,000 lives each year. Severe mine disasters involving large loss of life continue to occur throughout Europe, Africa and Asia. The most recent accident to gain worldwide attention occurred in Ukraine in March of this year, when 80 miners were killed after a methane gas explosion because of an improperly ventilated air shaft.

The United States competes against these countries with notoriously low mine safety standards in the global energy market. However, the disparity in mine safety and health standards with which foreign and domestic coal companies must comply, places U.S. coal companies at a disadvantage by allowing foreign coal companies to export coal at a cheaper cost. This has contributed to a decrease in U.S. coal exports in the global energy market. According to the Department of Energy, U.S. coal exports to Europe and Asia have decreased from 78 million tons to 63 million tons between 1998 and 1999. The Administration projects that U.S. coal exports will continue to decrease to approximately 58 million tons by 2020. This reduction in coal exports falls on an industry that is already experiencing a steady decrease in the number of active coal mining operations and employment in the United States. Faced with strong competition from other coal exporting countries and limited growth in import demand from Europe and Asia, the United States needs to level the playing field as much as possible with its foreign competitors, and should encourage foreign governments to adopt safety and health standards similar to those in the United States.

Accordingly, representatives from the National Mining Association, the United Mine Workers of America, and the Mine Safety and Health Administration helped to draft a treaty in 1995 that would establish minimum mine safety and health standards for the international community. This treaty was based on the federal mine safety and health laws in the United States. Convention 176 was adopted by the General Conference of the International Labor Organization in 1995, and would designate that a competent authority monitor and regulate safety and health in mines and require foreign coal companies to comply with national safety and health laws. It would also encourage cooperation between employers and employees to promote safety and health in mines.

By encouraging other countries to ratify Convention 176, the United States can increase the competitiveness of U.S. coal prices in the global market place, while, at the same time, increasing protections for miners in all parts of the world. In addition, the United States can build a new market for itself where it can provide training and superior mine safety equipment to nations struggling to increase their mine safety standards.

The United States prides itself on having the safest mines in the world, while, at the same time, remaining a competitive force in the global energy market. This convention embraces the belief that other countries would do well to follow the U.S. example. I support this convention, and applaud the Senate for its approval.

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RICHARD GARDNER URGES HIGHER BUDGET PRIORITY FOR U.S. FOREIGN POLICY

Mr. KENNEDY. Mr. President, in an article published in the July/August issue of Foreign Affairs, Richard Gardner argues persuasively that at this time of record prosperity, America must commit itself to an increased budget for foreign policy in order to protect our vital interests and carry out our commitments around the world. He argues that America's security interests must be protected not only by maintaining a superior military force, but also by focusing on other international issues that are essential to our national security, such as global warming, AIDS, drug-trafficking, and terrorism. He asserts that to achieve these goals, foreign aid must be given higher spending priority, and the current trend of decreased funding for our international commitments must be reversed.

Mr. Gardner is well known to many of us in Congress. For many years, and under many Administrations, he has served our nation well as a distinguished diplomat. He skillfully represented U.S. interests abroad, and has made valuable contributions to advancing America's foreign policy objectives. He continues this important work today, serving as a Professor of Law and International Organization at Columbia University and a member of the President's Advisory Committee on Trade Policy and Negotiations.

I believe that Ambassador Gardner's article will be of interest to all of us in Congress, and I ask unanimous consent that it may be printed in the RECORD.

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

[From Foreign Affairs, July/August 2000]

THE ONE PERCENT SOLUTION—SHIRKING THE COST OF WORLD LEADERSHIP

(By Richard N. Gardner)

A dangerous game is being played in Washington with America's national security. Call it the ''one percent solution''—the fallacy that a successful U.S. foreign policy can be carried out with barely one percent of the federal budget. Unless the next president moves urgently to end this charade, he will

find himself in a financial straitjacket that frustrates his ability to promote American interests and values in an increasingly uncertain world.

Ultimately, the only way to end the dangerous one percent solution game is to develop a new national consensus that sees the international affairs budget as part of the national security budget—because the failure to build solid international partnerships to treat the causes of conflict today will mean costly military responses tomorrow. Those who play the one percent solution game do not understand a post-Cold War world in which a host of international problems now affects Americans' domestic welfare, from financial crises and the closing of markets to global warming, AIDS, terrorism, drug trafficking, and the spread of weapons of mass destruction. Solving these problems will require leadership, and that will cost.

MONEY CHANGES EVERYTHING

If this all sounds exaggerated, consider the way the one percent solution game is being played this year, when America has a GDP of nearly $10 trillion and a federal budget of over $1.8 trillion. Secretary of State Madeleine Albright asked the Office of Management and Budget (OMB) for $25 billion in the budget for fiscal year (FY) 2001, which begins October 1, for the so-called 150 Account, which covers the nonmilitary costs of protecting U.S. national security. OMB cut that figure to $22.8 billion to fit President Clinton's commitment to continued fiscal responsibility and limited budgetary growth.

The congressional budget committees cut it further to $20 billion, or $2.3 billion less than the $22.3 billion approved for FY 2000. At the same time, the budget committees raised defense spending authority for FY 2001 to $310.8 billion—$4.5 billion more than the administration requested.

Clinton and Albright strongly protested the congressional cuts. They will undoubtedly protest even more when the appropriations committees of the Senate and the House divide up the meager 150 Account pie into inadequate slices for essential foreign affairs functions. At the end of this congressional session, $1 billion or so of the foreign affairs cuts may be restored if Clinton threatens to veto the appropriation bills—not easy to do in an election year. Of course, the next president could make another familiar move in the one percent solution game—ask for a small supplemental appropriation to restore the previous cuts. But if the past is any guide, Congress will do its best to force the next administration to accommodate most of its supplemental spending within the existing budget. (This year, for instance, Congress resisted additional spending to pay for the U.S. share of multilateral projects such as more U.N. peacekeeping and debt reduction for the poorest countries.)

Even more discouraging for the next president are the projections for the 150 Account that the Clinton administration and the budget committees have presented as spending guidelines until 2005. The president's projected foreign affairs spending request of $24.5 billion for 2005 hardly keeps up with inflation, and the budget committees' target of $20 billion means a decrease of nearly 20 percent from FY 2000, adjusted for inflation. By contrast, the administration's projected defense spending authority goes up to $331 billion in FY 2005; the budget committees' defense projection is comparable. Thus the ratio of military spending to foreign affairs spending would continue to increase in the next few years, rising to more than 16 to 1.

The percentage of the U.S. budget devoted to international affairs has been declining for four decades. In the 1960s, the 150 Account made up 4 percent of the federal budget; in the 1970s, it averaged about 2 percent; during the first half of the 1990s, it went down to 1 percent, with only a slight recovery in FYs 1999 and 2000. The international affairs budget is now about 20 percent less in today's dollars than it was on average during the late 1970s and the 1980s.

A nation's budget, like that of a corporation or an individual, reflects its priorities. Both main political parties share a broad consensus that assuring U.S. national security in the post-Cold War era requires a strong military and the willingness to use it to defend important U.S. interests and values. The Clinton administration and Congress have therefore supported recent increases in the defense budget to pay for more generous salaries and a better quality of life in order to attract and retain quality personnel; fund necessary research, training, and weapons maintenance; and procure new and improved weapons systems. Politicians and military experts may differ on the utility and cost-effectiveness of particular weapons, but after the catch-up defense increases of the last several years, Washington appears to be on an agreed course to keep the defense budget growing modestly to keep up with the rate of inflation.

Why then, at a time of unprecedented prosperity and budget surpluses, can Washington not generate a similar consensus on the need to adequately fund the nonmilitary component of national security? Apparently spending on foreign affairs is not regarded as spending for national security. Compounding the problem is Washington's commendable new commitment to fiscal responsibility after years of huge budget deficits—a commitment reflected in the tight cap that Congress placed on discretionary spending in 1997. Even though that cap is already being violated and will undoubtedly be revised upward this year, the new bipartisan agreement to lock up the Social Security surplus to meet the retirement costs of the baby boomers will continue to make for difficult budget choices and leave limited room for increased spending elsewhere, foreign affairs included.

The non-Social Security surplus—estimated at something more than $700 billion during the decade 2000–2010—will barely cover some modest tax cuts while keeping Medicare solvent and paying for some new spending on health care and education. Fortunately, higher-than-expected GDP growth may add $20–30 billion per year to the non-Social Security surplus, affording some additional budgetary wiggle room. Even so, that windfall could be entirely eaten up by larger tax cuts, more domestic spending, or unanticipated defense budget increases—unless foreign affairs spending becomes a higher priority now.

More money is not a substitute for an effective foreign policy, but an effective foreign policy will simply be impossible without more money. Foreign policy experts therefore disdain ''boring budget arithmetic'' at their peril.

The State Department recently set forth seven fundamental national interests in its foreign affairs strategic plan: national security; economic prosperity and freer trade; protection of U.S. citizens abroad and safeguarding of U.S. borders; the fight against international terrorism, crime, and drug trafficking; the establishment and consolidation of democracies and the upholding of human rights; the provision of humanitarian assistance to victims of crisis and disaster; and finally, the improvement of the global environment, stabilization of world population growth, and protection of human health. This is a sensible list, but in the political climate of today's Washington, few in the executive branch or Congress dare ask how much money will really be required to support it. Rather, the question usually asked is how much the political traffic will bear.

Going on this way will force unacceptable foreign policy choices—either adequate funding for secure embassies and modern communications systems for diplomats or adequate funding for U.N. peacekeeping in Kosovo, East Timor, and Africa; either adequate funding for the Middle East peace process or adequate funding to safeguard nuclear weapons and materials in Russia; either adequate funding for family planning to control world population growth or adequate funding to save refugees and displaced persons. The world's greatest power need not and should not accept a situation in which it has to make these kinds of choices.

THE STATE OF STATE

Ideally, a bipartisan, expert study would tell us what a properly funded foreign affairs budget would look like. In the absence of such a study, consider the following a rough estimate of the increases now required in the two main parts of the 150 Account. The first part is the State Department budget, which includes not only the cost of U.S. diplomacy but also U.S. assessed contributions to international organizations and peacekeeping. The second part is the foreign operations budget, which includes bilateral development aid, the bilateral economic support fund for special foreign policy priorities, bilateral military aid, and contributions to voluntary U.N. programs and multilateral development banks.

Take State's budget first. The United States maintains 250 embassies and other posts in 160 countries. Far from being rendered less important by the end of the Cold War or today's instant communications, these diplomatic posts and the State Department that directs them are more essential then ever in promoting the seven fundamental U.S. foreign policy interests identified above.

Ambassadors and their staffs have to play multiple roles today—as the ''eyes and ears'' of the president and secretary of state, advocates for U.S. policies in the upper reaches of the host government, resourceful negotiators, and intellectual, educational, and cultural emissaries in public diplomacy with key interest groups, opinion leaders, and the public at large. As Albright put it in recent congressional testimony, the Foreign Service, the Civil Service, and the Foreign nationals serving in U.S. overseas posts contribute daily to the welfare of the American people ''through the dangers they help contain; the crimes they help prevent; the deals they help close; the rights they help protect, and the travelers they just plain help.''

Following the tragic August 1998 bombings of American embassies in Nairobi and Dar es Salaam, the secretary of state, with the support of the president and Congress, established the Overseas Presence Advisory Panel (OPAP), composed of current and former diplomats and private-sector representatives, to recommend improvements in America's overseas diplomatic establishment. ''The United States overseas presence, which has provided the essential underpinnings of U.S. foreign policy for many decades, is near a state of crisis,'' the panel warned. ''Insecure and often decrepit facilities, obsolete information technology, outmoded administrative and human resources practices, poor allocation of resources, and competition from the private sector for talented staff threaten to cripple America's overseas capability, with far-reaching consequences for national security and prosperity.''

The OPAP report focused more on reforms than on money, but many of its recommendations have price tags. The report

called for $1.3 billion per year for embassy construction and security upgrades—probably $100 million too little, since an earlier and more authoritative study by the Accountability Review Boards under former Joint Chiefs of Staff Chair William Crowe proposed $1.4 billion annually for that purpose. OPAP also called for another $330 million over several years to provide unclassified and secure Internet and e-mail information networks linking all U.S. agencies and overseas posts.

Moreover, OPAP proposed establishing an interagency panel chaired by the secretary of state to evaluate the size, location, and composition of America's overseas presence. Visitors who see many people in U.S. embassies often do not realize that the State Department accounts for only 42 percent of America's total overseas personnel; the Defense Department accounts for 37 percent, and more than two dozen other agencies such as the Agency for International Development and the Departments of Commerce, Treasury, and Justice make up the rest. If one includes the foreign nationals hired as support staff, State Department personnel in some large U.S. embassies are less than 15 percent of the employees, and many of them are administrators.

The State Department's FY 2001 budget of $6.8 billion provide $3.2 billion for administering foreign affairs. Of that, even after the East Africa bombings, only $1.1 billion will go toward embassy construction and security upgrades, even though $1.4 billion is needed. Moreover, only $17 million is provided for new communications infrastructure, although $330 million is needed. Almost nothing is included to fill a 700-position shortfall of qualified personnel. The State Department therefore requires another $500 million just to meet its minimal needs.

The FY 2001 State Department budget contains a small but inadequate increase—from $204 million in FY 2000 to $225 million—for the educational and cultural exchanges formerly administered by the U.S. Information Agency. Most of this money will go to the Fulbright academic program and the International Visitors Program, which brings future foreign leaders in politics, the media, trade unions, and other nongovernmental organizations (NGOS) to meet with their American counterparts. These valuable and cost-effective exchanges have been slashed from their 1960s and 1970s heights. A near-doubling of these programs' size—with disproportionate increases for exchanges with especially important countries such as Russia and China—would clearly serve U.S. national security interests. A sensible annual budget increase for educational and cultural exchanges would be $200 million.

The budget includes $946 million for assessed contributions to international organizations, of which $300 million is for the U.N. itself and $380 million more is for U.N.-affiliated agencies such as the International Labor Organization, the World Health Organization, the World Health Organization, the International Atomic Energy Agency, and the war crimes tribunals for Rwanda and the Balkans. Other bodies such as NATO, the Organization for Economic Cooperation and Development (OECD), and the World Trade Organization (WTO) account for the rest.

Richard Holbrooke, the able American ambassador to the U.N., is currently deep in difficult negotiations to reduce the assessed U.S. share of the regular U.N. budget and the budgets of major specialized U.N. agencies from 25 percent to 22 percent—a precondition required by the Helms-Biden legislation for paying America's U.N. arrears. If Holbrooke succeeds, U.S. contributions to international organizations will drop slightly.

But this reduction will be more than offset by the need to pay for modest U.N. budget increases. The zero nominal growth requirement that Congress slapped on U.N. budgets is now becoming counterproductive. To take just one example, the U.N. Department of Peacekeeping Operations is now short at least 100 staffers, which leaves it ill-prepared to handle the increased number and scale of peacekeeping operations. If Washington could agree to let U.N. budgets rise by inflation plus a percent or two in the years ahead and to channel the increase to programs of particular U.S. interest, America would have more influence and the U.N. would be more effective. Some non-U.N. organizations, such as NATO, the OECD, and the WTO, also require budget increases beyond the rate of inflation to do their jobs properly. Moreover, America should rejoin the U.N. Educational, Scientific, and Cultural Organization (UNESCO), given the growing foreign policy importance of its concerns and the role that new communications technology can play in helping developing countries. The increased annual cost of UNESCO membership ($70 million) and of permitting small annual increases in the U.N.'s and other international organizations' budgets ($30 million) comes to another $100 million.

Selling this will take leadership. In particular, a showdown is brewing with Congress over the costs of U.N. peacekeeping. After reaching a high of 80,000 in 1993 and then dropping to 13,000 in 1998, the number of U.N. peacekeepers is rising again to 30,000 or more as a result of new missions in Kosovo, East Timor, Sierra Leone, and the proposed mission in the Democratic Republic of the Congo (DRC). So the State Department had to ask Congress for $739 million for U.N. peacekeeping in the FY 2001 budget, compared to the $500 million it received in FY 2000. (The White House also requested a FY 2000 budget supplement of $143 million, which has not yet been approved.) But even these sums fall well short of what Washington will have to pay for peacekeeping this year and next. In Kosovo, the mission is seriously underfunded; the U.N. peacekeeping force in southern Lebanon will have to be beefed up after an Israeli withdrawal; and new or expanded missions could be required for conflicts in Sierra Leone, Ethiopia-Eritrea, and the DRC. So total U.N. peacekeeping costs could rise to $3.5–4 billion per year. With the United States paying for 25 percent of peacekeeping (although it is still assessed at the rate of 31 percent, which is unduly high), these new challenges could cost taxpayers at least $200 million per year more than the amount currently budgeted. Washington should, of course, watch the number, cost, and effectiveness of U.N. peacekeeping operations, but the existing and proposed operations serve U.S. interest and must be adequately funded.

Add up all these sums and one finds that the State Departments budget needs an increase of $1 billion, for a total of $7.9 billion per year.

A DECENT RESPECT

The Clinton administration has asked for $15.1 billion for the foreign operations budget for FY 2001—the second part of the 150 Account. Excluding $3.7 billion for military aid and $1 billion for the Export-Import Bank, that leaves about $10.l4 billion in international development and humanitarian assistance. This includes various categories of bilateral aid: $2.1 billion for sustainable development; $658 million for migration and refugee assistance; $830 million to promote free-market democracies and secure nuclear materials in the countries of the former Soviet Union; and $610 million of support for eastern Europe and the Balkans. It also covers about $1.4 billion for multilateral development banks, including $800 million for the International Development Association, the World Bank affiliate for lending to the poorest countries. Another $350 million goes to international organizations and programs such as the U.N. Development Program ($90 million), the U.N. Children's Fund ($110 million), the U.N. Population Fund ($25 million), and the U.N. Environment Program ($10 million).

The $10.4 billion for development and humanitarian aid is just 0.11 percent of U.S. GDP and 0.60 percent of federal budget outlays. This figure is now near record lows. In 1962, foreign aid amounted to $18.5 billion in current dollars, or 0.58 percent of GDP and 3.06 percent of federal spending. In the 1980s, it averaged just over $13 billion a year in current dollars, or 0.20 percent of GDP and 0.92 percent of federal spending. Washington's current 0.11 percent aid-to-GDP share compares unflatteringly with the average of 0.30 percent in the other OECD donor countries. On a per capita basis, each American contributes about $29 per year to development and humanitarian aid, compared to a media of $70 in the other OECD countries. According to the Clinton administration's own budget forecasts, the FY 2001 aid figure of $10.4 billion will drop even further in FY 2005, to $9.7 billion. Congress' low target for total international spending that year will almost certainly cut the FY 2005 aid figure even more.

Considering current economic and social trends in the world's poor countries, these law and declining aid levels are unjustifiable. World Bank President James Wolfensohn is right: the global struggle to reduce poverty and save the environment is being lost. Although hundreds of millions of people in the developing world escaped from poverty in recent years, half of the six billion people on Earth still live on less than $2 a day. Two billion are not connected to any energy system. One and a half billion lack clean water. More than a billion lack basic education, health care, or modern birth control methods.

The world's population, which grows by about 75 million a year, will probably reach about 9 billion by 2050; most will live in the world's poorest countries. If present trends continue, we can expect more abject poverty, environmental damage, epidemics, political instability, drug trafficking, ethnic violence, religious fundamentalism, and terrorism. This is not the kind of world Americans want their children to inherit. The Declaration of Independence speaks of ''a decent respect for the opinion of mankind.'' Today's political leaders need a decent respect for future generations.

To be sure, the principal responsibility for progress in the developing countries rests with those countries themselves. But their commitments to pursue sound economic policies and humane social policies will fall short without more and better-designed development aid—as well as more generous trade concessions—from the United States and its wealthy partners. At the main industrialized nations' summit last year in Birmingham, U.K. the G-8 (the G-7 group of highly industrialized countries plus Russia) endorsed such U.N.-backed goals as halving the number of people suffering from illiteracy, malnutrition, and extreme poverty by 2015.

Beyond these broad goals, America's next president should earmark proposed increases in U.S. development aid for specific programs that promote fundamental American interests and values and that powerful domestic constituencies could be mobilized to support. These would include programs that promote clean energy technologies to help fight global warming; combat the spread of

diseases such as AIDS, which is ravaging Africa; assure primary education for all children, without the present widespread discrimination against girls; bridge the ''digital divide'' and stimulate development by bringing information technology and the Internet to schools, libraries, and hospitals; provide universal maternal and child care, as well as family planning for all those who wish to use it, thus reducing unwanted pregnancies and unsafe abortions; support democracy and the rule of law; establish better corporate governance, banking regulations, and accounting standards; and protect basic worker rights.

What would the G–8 and U.N. targets and these specific programs mean for the U.S. foreign operations budget? Answering this question is much harder than estimating an adequate State Department budget. Doing so requires more information on total requirements, appropriate burden-sharing between developed and developing countries, the share that can be assumed by business and NGOs, the absorptive capacity of countries, and aid agencies' ability to handle more assistance effectively.

Still, there are fairly reliable estimates of total aid needs in many areas. For example, the 1994 Cairo Conference on Population and Development endorsed an expert estimate that $17 billion per year is now required to provide universal access to voluntary family planning in the developing world, with $5.7 billion of it to be supplied by developed countries. Were the United States to contribute based on its share of donor-country GDP, U.S. aid in this sector would rise to about $1.9 billion annually. By contrast, U.S. foreign family-planning funding in FY 2000 was only $372 million; the Clinton administration has requested $541 million for FY 2001.

We already know enough about aid requirements in other sectors to suggest that doing Washington's fair share in sustainable-development programs would require about $10 billion more per year by FY 2005, which would bring its total aid spending up to some $20 billion annually. This would raise U.S. aid levels from their present 0.11 percent of GDP to about 0.20 percent, the level of U.S. aid 20 years ago. That total could be reached by annual increases of $2 billion per year, starting with a $1.6 billion foreign-aid supplement for FY 2001 and conditioning each annual increase on appropriate management reforms and appropriate increases in aid from other donors.

An FY 2005 target of $20 billion for development and humanitarian aid would mean a foreign operations budget that year of about $25 billion; total foreign affairs spending that year would be about $33 billion. This sounds like a lot of money, but it would be less than the United States spent on foreign affairs in real terms in 1985. As a percentage of the FY 2005 federal budget, it would still be less than average annual U.S. foreign affairs spending in the late 1970s and 1980s.

STICKER SHOCK

For a newly elected George W. Bush or Al Gore, asking for $2.6 billion in additional supplemental funds for FY 2001 on top of reversing this year's budget cuts—thus adding $1 billion for the State Department and $1.6 billion more for foreign operations—would produce serious ''sticker shock'' in the congressional budget and appropriations committees. So would seeking $27 billion for the 150 Account for FY 2002 and additional annual increases of $2 billion per year in order to reach a total of $33 billion in FY 2005. How could Congress be persuaded?

The new president—Democrat or Republican—would have to pave the way in meetings with congressional leaders between election day and his inauguration, justifying the additional expenditures in national security terms. He would need to make the case with opinion leaders and the public, explaining in a series of speeches and press conferences that America is entering not just a new century but also a new era of global interaction. He would need to energize the business community, unions, and the religious and civic groups who are the main constituencies for a more adequate foreign affairs budget. Last but not least, he would need to emphasize reforms in the State Department, in foreign-aid programs, and in international agencies to provide confidence that the additional money would be spent wisely.

Starting off a presidency this way would be a gamble, of course. But most presidents get the benefit of the doubt immediately after their first election. Anyway, without this kind of risk-taking, the new commander in chief would be condemning his administration to playing the old one percent solution game, almost certainly crippling U.S. foreign policy for the remainder of his term. The one percent solution is no solution at all.

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SAMHSA AUTHORIZATION CONFERENCE REPORT

Mr. LEAHY. Mr. President, I want to speak today about the provisions in H.R. 4365—which passed the Senate on Friday, that address our Nation's growing problems with methamphetamines and ecstasy and other club drugs. I am happy to have worked with Senator HARKIN and Senator BIDEN to ensure that these provisions could be included in the conference report. Indeed, Senator HARKIN has worked tirelessly to address this issue, and I commend him for his efforts; without his involvement, this legislation would not have passed.

I believe that the methamphetamine provisions in this report embody the best elements of S. 486, which the Senate passed last year, while casting aside the more ill-advised ideas in that legislation. The manufacture and distribution of methamphetamines and amphetamines is an increasingly serious problem, and the provisions we have retained in this legislation will provide significant additional resources for both law enforcement and treatment. In addition to creating tougher penalties for those who manufacture and distribute illicit drugs, this bill allocates additional funding to assist local law enforcement, allows for the hiring of new DEA agents, and increases research, training and prevention efforts. This is a good and comprehensive approach to deal with methamphetamines in our local communities.

Meanwhile, we have not included in this legislation the provision in S. 486 that would have allowed law enforcement to conduct physical searches and seizures without the existing notice requirement, a serious curtailment of the civil liberties that Americans have come to expect. It would have also amended the Federal Rules of Civil Procedure so that Rule 41(d)'s requirements concerning the notice, inventory, and return of seized property would only apply to tangible property, thus exempting the contents of individuals' computers from the property protections provided to American citizens under current law. I worked hard to make sure that that provision did not become law, and I had effective and dedicated allies on both sides of the aisle in the House of Representatives. Indeed, the methamphetamine legislation approved by the House Judiciary Committee did not include this provision.

We have also not included those provisions from S. 486 that concerned advertising and the distribution of information about methamphetamines. Both of those provisions raised First Amendment concerns, and I believe the legislation is stronger without them. Once again, the House Judiciary Committee acted wisely, leaving those provisions out of its meth legislation.

The meth bill has taken a lengthy path from introduction to passage, and I believe it has been improved at each step. For example, we significantly improved this bill during committee considerations. As the comprehensive substitute for the original bill was being drafted, I had three primary reservations: First, earlier versions of the bill imposed numerous mandatory minimums. I continue to believe that mandatory minimums are generally an inappropriate tool in our critically important national fight against drugs. Simply imposing or increasing mandatory minimums subverts the more considered process Congress set up in the Sentencing Commission. The Federal Sentencing Guidelines already provide a comprehensive mechanism to equalize sentences among persons convicted of the same or similar crime, while allowing judges the discretion they need to give appropriate weight to individual circumstances.

The Sentencing Commission goes through an extraordinary process to set sentence levels. For example, pursuant to our 1996 anti-methamphetamine law, the Sentencing Commission increased meth penalties after careful analysis of recent sentencing data, a study of the offenses, and information from the DEA on trafficking levels, dosage unit size, price and drug quantity. Increasing mandatory minimums takes sentencing discretion away from judges. We closely examine judges' backgrounds before they are confirmed and should let them do their jobs.

Mandatory minimums also impose significant economic and social costs. According to the Congressional Budget Office, the annual cost of housing a federal inmate ranges from $16,745 per year for minimum security inmates to $23,286 per year for inmates in high security facilities. It is critical that we take steps that will effectively deter crime, but we should not ignore the costs of the one size fits all approach of mandatory minimums. We also cannot ignore the policy implications of the boom in our prison population. In 1970, the total population in the federal prison system was 20,686 prisoners, of

whom 16.3 percent were drug offenders. By 1997, the federal prison population had grown to almost 91,000 sentenced prisoners, approximately 60 percent of whom were sentenced for drug offenses. The cost of supporting this expanded federal criminal justice system is staggering. We ignore at our peril the findings of RAND's comprehensive 1997 report on mandatory minimum drug sentences: ''Mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime.''

This is why I have repeatedly expressed my concerns about creating new mandatory minimum penalties, including in the last Congress, when another anti-methamphetamine bill was before the Judiciary Committee.

Second, earlier drafts of this bill would have contravened the Supreme Court's 1999 decision in Richardson versus U.S. I, along with some other members of the Committee, believed that it would be inappropriate to take such a step without first holding a hearing and giving thorough consideration to such a change in the law. The Chairman of the Committee, Senator HATCH, was sensitive to this concern and he agreed to remove that provision from this legislation.

Third, an earlier version of the bill contained a provision that would have created a rebuttable presumption that may have violated the Constitution's Due Process Clause. Again, I believed that we needed to seriously consider and debate such a provision before voting on it. And again, the Chairman was sensitive to the concerns of some of us on the Committee and agreed to remove that provision.

The SAMHSA authorization bill also dealt with ecstasy and other so-called ''club drugs.'' Ecstasy is steadily growing in popularity, especially among younger Americans. It is perceived by many young people as being harmless, but medical studies are beginning to show that it can have serious long-term effects on users. This bill asks the Sentencing Commission to look at our current sentencing guidelines for those who manufacture, import, export, or traffic ecstasy, and to provide for increased penalties as it finds appropriate. It also authorizes $10 million for prevention efforts. These efforts are particularly crucial with new drugs like ecstasy, so that our young people can learn the true consequences of use.

This legislation took a tough approach to drugs without taking the easy way out of mandatory minimums, and without undue Congressional interference with the Sentencing Commission. I hope that any future efforts we must take to address our drug problem will use these provisions as a model.

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THE NATIONAL RECORDING PRESERVATION ACT

Mr. BREAUX. Mr. President, I rise today to ask my colleagues support the National Recording Preservation Act, legislation that maintains and preserves America's most significant recordings during the first century of recorded sound for future generations to enjoy. This legislation is especially important to my state of Louisiana, which has its own rich and distinct musical tradition.

Louisiana is known around the world for having a culture all its own. We are best known for our good music, good food and good times. We especially celebrate our cultural heritage through our music.

The Storyville district in New Orleans is said to be the birthplace of jazz—America's only indigenous musical genre. Louis Armstrong, perhaps the most influential jazz artist of all time, grew up orphaned in New Orleans when jazz music was coming of age.

Acadiana is the home of great cajun and zydeco artists like the late Beau Jocque, the late Clifton Chenier, Michael Doucet and Beausoleil, and Zachary Richard, all of whom communicate to the rest of the world what life is like on the bayou.

In the northern part of our state, Shreveport's Municipal Auditorium was the home of the Louisiana Hayride, where Elvis Presley got his first break after being turned down by the Grand Ole Opry in Tennessee. The Louisiana Hayride shaped the country music scene in the 1940's and 50's by showcasing artists like Hank Williams, Johnny Cash and Willie Nelson in its weekly Saturday night radio broadcasts.

Bluesmen like Tabby Thomas and Snooks Eaglin have kept the Delta blues tradition alive and well in Louisiana. The Neville Brothers, Kenny Wayne Shepherd, all the talented members of the Marsalis family, and many others, continue to keep us connected to our culture and help us celebrate it.

According to the Louisiana Music Commission, the overall economic impact of the music industry in Louisiana is about $2.2 billion as of 1996, up from $1.4 billion in 1990. So music isn't just important to my state's culture, it is important to its economy. Unfortunately, since many recordings are captured only on perishable materials like tape, we are in danger of losing these priceless artifacts to time and decay.

Recognizing the importance of preserving Louisiana's musical heritage, I have sponsored The National Recording Preservation Act. This legislation, which is modeled after a similar law to preserve America's disappearing film recordings, creates a National Recording Registry within the Library of Congress

The registry will identify the most historically, aesthetically and culturally significant recordings of the first century of recorded sound and maintains these for future generations to enjoy. The registry will include works as diverse as slave songs, opera, world music and heavy metal. I hope Louisiana's many and varied contributions to the field of music would be well represented in this national registry.

The National Recording Preservation Act directs the Librarian of Congress to select up to 25 recordings or groups of recordings for the registry each year. Nominations will be taken from the general public, as well as from industry representatives. Recordings will be eligible for selection 10 years after their creation.

To help the Librarian of Congress implement a comprehensive recording preservation program, this legislation establishes a National Recording Preservation Board. The board will work with artists, archivists, educators, historians, copyright owners, recording industry representatives and others to establish the program.

The bill also charters a National Recording Preservation Foundation to raise funds to promote the preservation of recordings and ensure the public's access to the registry.

To maintain the success of the music industry in Louisiana, we must strive to inspire our youth by exposing them to their musical heritage. This legislation helps us take steps to cultivate our traditions and our young artists, and will allow us to continue to attract tourists to the New Orleans Jazz and Heritage Festival and the Zydeco Festival in Plaisance, Louisiana.

Congress should enact the National Recording Preservation Act so future generations can fully appreciate Louisiana's contributions to the history of recorded music in our country.

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THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 22, 2000, the Federal debt stood at $5,646,596,948,282.03, five trillion, six hundred forty-six billion, five hundred ninety-six million, nine hundred forty-eight thousand, two hundred eighty-two dollars and three cents.

One year ago, September 22, 1999, the Federal debt stood at $5,636,049,000,000, five trillion, six hundred thirty-six billion, forty-nine million.

Five years ago, September 22, 1995, the Federal debt stood at $4,949,192,000,000, four trillion, nine hundred forty-nine billion, one hundred ninety-two million.

Twenty-five years ago, September 22, 1975, the Federal debt stood at $550,764,000,000, five hundred fifty billion, seven hundred sixty-four million, which reflects a debt increase of more than $5 trillion—$5,095,832,948,282.03, five trillion, ninety-five billion, eight hundred thirty-two million, nine hundred forty-eight thousand, two hundred eighty-two dollars and three cents, during the past 25 years.

ADDITIONAL STATEMENTS

90TH ANNIVERSARY OF CATHOLIC CHARITIES USA

● Mr. MOYNIHAN. Mr. President, I want to congratulate the Catholic Charities USA on this their 90th anniversary of commitment to social change. Their organization has done tremendous work in the community towards reducing poverty and working with lawmakers to improve so many lives.

Catholic Charities USA began as a small group called the National Conference of Catholic Churches in 1910, with the goal in mind of providing legal representation for impoverished persons. They have grown under the current leadership of Father Kammer, SJ, to include after-school programs and parenting classes, all of which have made an impact on the people they have touched. In celebrating their 90th anniversary, I want to thank Catholic Charities USA for their devotion in developing stronger families and neighborhoods and wish them many more years of success.●

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MR. PHILIP E. GRECO AND MRS. DONNA GRECO ISSA RECEIVE ALEXANDER MACOMB 2000 FAMILY OF THE YEAR AWARD

● Mr. ABRAHAM. Mr. President, each year the Southeast Michigan Chapter of the March of Dimes recognizes a select group of individuals whose contributions to the Macomb County, Michigan, community have been invaluable. I rise today to recognize Mr. Philip E. Greco and Mrs. Donna Greco Issa, the winners of the 2000 Alexander Macomb Family of the Year Award. They will be presented this award at a dinner benefitting the March of Dimes on September 27, 2000.

Mr. Greco and Mrs. Greco Issa hold the position of President and Treasurer, respectively, at the Philip F. Greco Title Company, which was founded by their father in 1972. The two learned the business working alongside their father, and helped the company establish three regional offices and five satellite businesses.

Both Mr. Greco and Mrs. Greco Issa are very active within the Macomb County community. Mr. Greco is President of the advisory board for the St. John's North Shore Hospital. He is also a member of the Italian American Chamber of Commerce of Michigan, a past Commodore of both the North Channel Yacht Club and the Idle Hour Yacht Club, and has served on numerous charity golf committees.

Mrs. Greco Issa contributes time to St. Joseph's Hospital, the Italian American Cultural Center, the Macomb Medical Society, and Toys for Tots. She has also always been very active in volunteering her time and effort to the March of Dimes. Since 1986, she has been involved with the Alexander Macomb Dinner and March of Dimes WalkAmerica. Indeed, due to her personal commitment and contributions to the March of Dimes, Mrs. Greco Issa has become a member of the March of Dimes Southeast Michigan Chapter Board of Directors.

There is potential that this will not be the last time members of the Greco family are recognized for their charitable endeavors. Mr. Greco and his wife, Ida Marie, have two daughters, Leticia Greco and Christina Greco Ewald, and one son, Philip S. Greco. They also have one grandchild, Evan Thomas Greco Ewald. Mrs. Greco and her husband, Elias, have three sons: Nicholas P. Krause, Zachary Issa and Alexander Issa.

I applaud Mr. Greco and Mrs. Greco Issa for the dedication they have shown toward improving Macomb County. They have turned community service into a family affair, and their efforts have found extraordinary success. On behalf of the entire United States Senate, I congratulate Mr. Philip E. Greco and Mrs. Donna Greco Issa on receiving the 2000 Alexander Macomb Family of the Year Award.●

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HONORING NELSON LAGENDYK

● Mr. JOHNSON. Mr. President, I rise today to publicly commend Nelson Lagendyk of Avon, South Dakota on being inducted into the South Dakota Aviation Hall of Fame Combat Wing for his contributions to both state and national aviation.

Mr. Lagendyk enlisted in the Air Force in June 1941 where he became a squadron clerk and joined the all volunteer glider program. His outstanding aviation skills led to his promotion to staff sergeant and a transfer to Lubbock, Texas for glider combat training. Once in Texas, Nelson was again promoted, this time to the position of Flight Officer. Following his new promotion, he then traveled to Louisville, Kentucky for continued training in preparation of his flight to Europe.

Leadership, courage and honor define Nelson's heroic actions on June 6, 1944 when he joined 4,000 glider and tow planes for a dangerous flight into Hitler's occupied France. Nelson Lagendyk courageously risked his life to secure the airfield behind enemy lines, so that German prisoners may be transported to England where they would later be held accountable for the grave atrocities committed against the Jewish people under Hitler's infamous reign.

Nelson's honors for his exemplary service include the distinguished Air Medal and the prestigous Battle Field Commission to 2nd Lieutenant, as well as the Normandy Medal of the Jubilee of Liberty'', which was presented to him by the French government in appreciation for the World War II liberation. Upon his retirement with the rank of General, Nelson enlisted in the Air Force Reserves as a ready reservist. He presently serves as South Dakota's Commander of the World War II Glider Pilot Association.

Mr. President, Nelson Lagendyk richly deserves this noble distinction. It is an honor for me to share his heroic accomplishments with my colleagues and to publicly commend him for serving South Dakota and our country valiantly.●

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A TRIBUTE TO JIM KANOUSE

● Mr. SANTORUM. Mr. President, I rise today in tribute to Jim Kanouse of The Boeing Company, who is retiring after fourteen years of service with the aerospace company and over 30 years of service with the United States Army and the United States Congress.

Jim grew up in America's heartland, South Bend, Indiana, and graduated from Indiana University. He also attended the University of Notre Dame, and throughout his career has maintained the highest standards of his alma maters, always leading by example as a proud member of the ''Indiana Hoosiers'' and the ''Fighting Irish.''

Jim continued his career as an officer and Army Aviator with the United States Army including three tours of duty in Vietnam. He was highly decorated for valor and wounds in combat. As a pilot of numerous aircraft, including the very dangerous and very demanding OV–1 ''Mohawk,'' Jim survived many encounters and engagements with enemy forces ranging from an arrow shot at his aircraft in a rice paddy to a .50 caliber round piercing his fuselage and striking his pilot seat. He was highly decorated for valor and wounds in combat, including the Distinguished Flying Cross for rescuing a downed pilot. Like so many of his generation, Jim served proudly, unselfishly and bravely with little fanfare, recognition or appreciation. On behalf of the United States Senate, the United States Congress and the American people, I salute Jim Kanouse and all the veterans of his generation.

Jim eventually brought his skills to Washington, D.C. representing U.S. Army Legislative Affairs in the House of Representatives. Escorting members overseas, representing Army programs to members and staff, and responding to constituent inquiries about Army affairs, he again proudly served his nation and service. Members who traveled with Jim respected his knowledge, expertise and easygoing style. Respected by Democrats and Republicans alike, he then left Capitol Hill to pursue a career in legislative affairs with The Boeing Company.

For over a decade, Jim Kanouse was one of the primary focal points for Senators and Representatives with the world's largest aerospace company, representing revolutionary aircraft programs ranging from the RAH–66 ''Comanche'' Army scout helicopter to the F–22 ''Raptor'' Air Force jet fighter.

I consider Jim Kanouse a friend. We all in Congress wish you well deserved time to enjoy life with your lovely wife, Eileen, and your loving children

and grandchildren. Congratulations on your retirement.●

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TRIBUTE TO THE ''BUILDING SKILLS FOR AMERICA'' CAMPAIGN

● Mr. KENNEDY. Mr. President, last week nearly 200 high school and college student members of Skills USA-Vocational Industrial Clubs of America, their instructors, and corporate sponsors came to Capitol Hill to report the results of their year-long ''Building Skills for America'' signature campaign. Building Skills for America is a public awareness initiative by Skills USA-VICA to demonstrate the urgent needs of business and industry for a highly-skilled work force and the private sector's effective support for occupational instruction.

The campaign has given these students the opportunity to speak to their communities about their pride in their chosen professions and the many opportunities available through good technical education. The students were able to collect 200,000 signatures for the campaign. I congratulate all of these students for their skillful work and dedication in promoting state-of-the-art vocational education and job training programs.

I ask that a congratulatory letter to these outstanding young leaders, signed by Senators COLLINS, REED, GRASSLEY, KERRY, INHOFE, MILLER, LUGAR, BRYAN, MURKOWSKI, DODD, ROTH, KERREY, DEWINE, MURRAY, HAGEL, MIKULSKI, HATCH, HARKIN, REID, LINCOLN, BINGAMAN, HOLLINGS, LEVIN, CONRAD, CLELAND, WYDEN and myself may be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, September 20, 2000.

STUDENT MEMBERS AND STAFF,
SkillsUSA–VICA.

Warmest congratulations on your impressive efforts to raise the awareness of all Americans about the importance of a well-trained workforce. We commend you for your recognition that the nation's prosperity depends on the skills of our workers, and that a shortage of highly-skilled workers threatens American competitiveness and hampers the ability of companies to compete successfully in the modern economy.

It is estimated that the nation will have 50 million job openings between now and 2006—and most of these openings will require highly developed skills. Clearly, we must do more to promote the training necessary to respond to this challenge.

Education and technical training offered through the nation's colleges and schools in conjunction with the SkillsUSA–VICA program is a national resource for teaching the academic, occupational, and professional skills that will help students to become well-trained workers and responsible citizens. The 200,000 signatures that you collected over the past year in your Building Skills for America campaign have increased public support for the on-going education and training of the workforce across the country.

You deserve great credit for the success of your Building America Campaign. We are proud to support continuing state-of-the-art vocational education programs and job training programs that reflect the changing needs of American business and industry. The contributions of hard-working Americans have been and will continue to be essential to the prosperity of the nation. We look forward to working closely with you to achieve these important goals.

Edward M. Kennedy, Susan M. Collins, Jack Reed, Charles E. Grassley, John F. Kerry, James M. Inhofe, Zell Miller, Richard G. Lugar, Richard H. Bryan, Frank H. Murkowski, Christopher J. Dodd, William V. Roth, Jr., J. Robert Kerrey, Mike DeWine, Patty Murray, Chuck Hagel, Barbara A. Mikulski, Orrin G. Hatch, Tom Harkin, Harry Reid, Blanche L. Lincoln, Jeff Bingaman, Ernest F. Hollings, Carl Levin, Kent Conrad, Ron Wyden, Max Cleland.●

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MS. LILLIAN ADAMS RECEIVES 2000 ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

● Mr. ABRAHAM. Mr. President, each year the Southeast Michigan Chapter of the March of Dimes recognizes a select group of individuals whose contributions to the Macomb County, Michigan, community have been invaluable. I rise today to recognize Ms. Lillian Adams, who will receive an Alexander Macomb Citizen of the Year Award at a dinner benefitting the March of Dimes on September 27, 2000.

Ms. Adams has served as Executive Director of the Sterling Heights Area Chamber of Commerce for the past 24 years, after having held the same position on St. Clair Shores Chamber of Commerce for eight years. Her duties within these organizations have included small business advocacy, service as community ombudsman, and hosting local business cable programs.

Ms. Adams is a devoted participant in the Macomb County Community Growth Alliance and the St. Joseph Mercy Community Foundation. She has been an active supporter of the March of Dimes and the Kiwanis Club and serves on the boards of the Otsikita Girl Scouts and the Macomb Symphony Orchestra.

Ms. Adams also was a founding member of the Sterling Heights Foundation and the Shelby Township Community Foundation, and a past president of the Utica Community Schools Foundation for Educational Excellence.

And, as dedicated as she has been to these many causes, Ms. Adams is even more dedicated to her two sons, Micheal and Brian, and her grandchild, Brigette.

I applaud Ms. Adams on the dedication she has demonstrated to Macomb County, and the many successful efforts she has made to improve the quality of life for its citizens. On behalf of the entire United States Senate, I congratulate Ms. Lillian Adams on receiving the 2000 Alexander Macomb Citizen of the Year Award.●

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IN RECOGNITION OF THOMAS W. CORCORAN

● Mr. TORRICELLI. Mr. President, I rise today to recognize one of the truly dedicated public servants of the State of New Jersey. It gives me pleasure to extend my congratulations to Thomas Corcoran on receiving the Outstanding Citizen Award for 2000 from the Phillipsburg Area Chamber of Commerce.

Over the years, Mr. Corcoran has done a great deal for the betterment of Phillipsburg, New Jersey. He has fought for a better education for the children of the area through his efforts to promote a bond issue for the construction of new schools. He was appointed by former Governor Florio to serve as a commissioner on the Phillipsburg Housing Authority. Further, he has worked towards the revitalization of Phillipsburg's tourist industry by working with New Jersey State Legislators and other prominent individuals to promote Phillipsburg as the site of the New Jersey Railroad Museum.

Mr. Corcoran has always been there for the Town of Phillipsburg. Be it serving as town mayor and other public posts, or taking the time to serve as the public address announcer for Phillipsburg High School football games, Mr. Corcoran has been an exemplar of citizenship, town pride, and selflessness.

Through his efforts, Mr. Corcoran has shown the great dedication he holds for the town he calls home. Those efforts make it an honor for me to be able to stand with the Phillipsburg Area Chamber of Commerce and recognize an individual such as Mr. Corcoran.●

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COMMENDING IDAHO OLYMPIAN, CHARLES BURTON

● Mr. CRAPO. Mr. President, I rise today to commend the remarkable accomplishments of Charles Burton, an Idaho native and wrestler for the U.S. Olympic team.

Charles was born in Ontario, Oregon and raised in Boise, Idaho. He graduated from Centennial High School in Boise, where he was a state champion, and Boise State University, where he won All-American status. In 1997, Charles won the University Freestyle National Championship and became a Pan American bronze medalist. Charles earned the number two spot on the US National team in 1999 after earning a silver medal at the world team trials in Seattle, Washington. He will wrestle in the Olympics from September 29th through October 1st.

This Idahoan, and other devoted athletes, serve as reminders that through healthy competition, our challengers can inspire us to excel. They unify those of us who watch them through shared pride and passion. Their victories leave our souls soaring high and our feet light. In times of defeat, we are humbled by the fact that there is more work to be done to reach our team's victory.

The Olympic ideal is perhaps the best evidence that endurance, the desire to challenge oneself, and the pursuit of achieving top physical form are age-old endeavors. The events demonstrate

that the will to compete in the athletic arena is nearly universal, crossing boundaries of culture and geography to bring together most of the world's nations. It is one of the great celebrations of the human spirit and one of the finest examples of our time of peaceful multi-national competition.

I am very proud of Charles' accomplishments and the role that he will play in this international competition. I wish Charles, and all the other athletes who are participating in the Olympics this year, the challenge of vigorous competition. May they again know the exaltation of pushing themselves to their limits and the roar of a crowd that lives vicariously through their triumph.●

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101ST ANNIVERSARY OF THE FOUNDING OF THE VETERANS OF FOREIGN WARS

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the Veterans of Foreign Wars on the 101st anniversary of its founding, which is to be celebrated this Friday, September 29, For over a century, the men and women of the VFW and the VFW Ladies Auxiliary have worked tirelessly to ensure that veterans are treated with the respect they deserve.

The Veterans of Foreign Wars can trace its origins to 1899, with the founding of several local organizations composed of veterans of the Spanish-American War and the Philippine Insurrection. Members of these organizations were interested in securing medical care and pensions related to their military service. Over the next few years, these groups took part in a series of mergers, until by 1913 a single group calling itself ''the Veterans of Foreign Wars of the United States'' was formed. The VFW was chartered by the U.S. Congress in 1936.

According to the VFW, which is headquartered in Kansas City, Missouri, eligibility requirements for membership include ''military service on foreign soil or in hostile waters in a campaign for which the U.S. government has authorized a medal.'' This has been a particularly war-torn century, and America has provided leadership in many of our century's conflicts, so a great many Americans meet these requirements. And a great many Americans have taken advantage of the benefits of membership: at this time, almost 2 million men and women belong to the VFW, including over 72,000 in my home state of Minnesota. The VFW pursues a number of goals through its many programs and services, which are aimed at strengthening comradeship among its members, perpetuating the memory and history of our fallen soldiers, fostering patriotism, defending the Constitution, and promoting service to our communities and our country.

The VFW also works to advance legislation benefiting veterans, their dependents and survivors. One of its main legislative goals, and one that's very near and dear to my own heart, is ensuring that Congress maintains an adequate budget for veterans' health care. The VFW also fights to make a full range of employment and educational opportunities available to veterans after they exit the service. And through its goals of an open national cemetery in every state, the VFW is honoring our nation's heroes in death no less than in life. Through these and other activities, the VFW is working hard to make sure that our nation lives up to its sacred commitment to those who have given freedom to America and the world by giving so much of themselves.

As a nation, we are duty-bound to pass on the experiences of America's veterans, and their brothers and sisters who didn't come home, to future generations. Through the sacrifices of our servicemen and women, freedom and prosperity flourish. The Veterans of Foreign Wars does the vitally important work of making sure that these sacrifices will never be forgotten.●

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NATIONAL KIDS VOTING WEEK

● Mr. MCCAIN. Mr. President, I would like to recognize Kids Voting USA and its efforts to educate our children about civic democracy and the importance of being an informed voter.

The program began in 1988 with three Arizona businessmen on a fishing trip to Costa Rica. They learned that voter turnout in that country was routinely about 80 percent. This high turnout was attributed to a tradition of children accompanying their parents to the polls. The men observed first-hand the success Costa Rica had achieved by instilling in children at an early age the importance of active participation and voting.

The three Arizona businessmen took this idea back to the United States and founded Kids Voting USA. Today, this nonprofit, nonpartisan organization reaches 5 million students in 39 states, and includes 200,000 teachers, and 20,000 voter precincts.

With voter turnout declining each year, Kids Voting USA recognizes the need to educate our youth and instill in them the responsibility to be active, informed citizens and voters. Kids Voting USA enables students to visit official polls on election day, accompanied by a parent or guardian, to cast a ballot that replicates the official ballot. Although not part of the official results, the students' votes are registered at schools and by the media.

This year, National Kids Voting Week is September 25–29. It is a week when Kids Voting communities across the country celebrate this vibrant and important program. I would like to recognize Kids Voting USA and all it has done to promote the future of democracy by engaging families, schools and communities in the election process.●

RETIREMENT OF DR. ERNEST URBAN

● Mr. SANTORUM. Mr. President, I rise today to recognize Dr. Ernest Urban as he retires from the largest healthcare system in the world, the Veterans Health Administration/Department of Veterans Affairs. For 26 years, Dr. Urban's compassionate, caring medical service has made an impact on our nation's heroes, our veterans.

Dr. Urban has served the Veterans Affairs Pittsburgh Healthcare System comprised of University Drive, Aspinwall and Highland Drive Divisions for 15 years as Chief of Staff. He has also been a professor and Assistant Dean for Veterans Affairs at the University of Pittsburgh's School of Medicine since 1985. Prior to 1985, he served in several other capacities in hospitals and universities all over the country. Dr. Urban has also authored publications dealing with many aspects of medicine that have proven to benefit the quality of care for our veterans. Most importantly, he continues to lecture and teach on a wide range of topics that benefit the VA Health Administration Personnel and provides medical leadership to carry into the 21st century.

I have been privileged to personally witness the hard work and dedication of doctors like Dr. Urban within the Veterans Administration Healthcare System. From 1946 until 1985, my mother served as a VA nurse at several hospitals including Aspinwall Veterans Hospital in Pittsburgh, Pennsylvania and Butler Veterans Hospital in Butler, Pennsylvania. As Chief of Nursing for 32 years, my mother can attest to the commitment which is typical of VA doctors and nurses everywhere. During times of low funding and limited staffing, VA doctors and staff worked harder than ever to care for the needs of their patients. While my experience on the Senate Armed Services Committee has served as affirmation of the dedication of Veterans Healthcare Administration, it pales in comparison to the hard work and sacrifice that I personally witnessed as the son of someone who served in the Veterans Healthcare Administration.

It is at this time that I would like to recognize Dr. Urban for his tremendous dedication to the medical profession. As he prepares for retirement, we can only celebrate the faithful service he provided to the needs of all veterans.●

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THE HONORABLE PETER J. MACERONI RECEIVES 2000 ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

● Mr. ABRAHAM. Mr. President, each year, the Southeast Michigan Chapter of the March of Dimes recognizes a select group of individuals whose contributions to the Macomb County, Michigan, community have been invaluable I rise today to recognize the

Honorable Peter J. Maceroni, who will receive an Alexander Macomb Citizen of the Year Award at a dinner benefitting the March of Dimes on September 27, 2000.

Judge Maceroni received his Bachelor of Arts Degree from Hillsdale College in 1962, and earned his Juris Doctor degree from Wayne State University Law School in 1965. He was in private practice for 35 years before being elected to the ninth Circuit Court Judgeship in 1990. In 1996, in addition to being reelected to this position, he was appointed to the Michigan Trial Court Assessment Commission by Governor John Engler.

As Chief Judge, he not only presides over civil and criminal cases, but is also responsible for supervising the operation of the Court, including the Friend of the Court. His duties in these capacities include developing the annual budget, which he presents to the Macomb County Board of Commissioners.

One of Judge Maceroni's most successful initiatives in the Macomb County Circuit Court has been a video arraignment program, which has reduced the cost of transporting prisoners from the jail for arraignment hearings and increased security by having fewer prisoners transported over public roads.

Judge Maceroni has served as president of the Macomb County Trial Lawyers Association, president of the Italian American Bar Association, as well as Director of the Macomb County Bar Association. In 1997, he received the Outstanding County Elected Official Award from the Michigan Association of Counties.

Outside the realm of the law, Judge Maceroni finds time to enjoy the company of his four children: Patricia, Peter, Jr., Patrick and James.

I applaud Judge Maceroni on the dedication he has demonstrated to Macomb County, and the many successful efforts he has made to improve the quality of life for its citizens. On behalf of the entire United States Senate, I congratulate the Honorable Peter J. Maceroni on receiving a 2000 Alexander Macomb Citizen of the Year Award.●

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MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 130

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000.*

PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (''IEEPA''), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by U.S. persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Congress by message dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 (60 *Fed. Reg.* 24757, May 9, 1995) to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States. The terms of that order and an earlier order imposing an import ban on Iranian-origin goods and services (Executive Order 12613 of October 29, 1987) were consolidated and clarified in Executive Order 13059 of August 19, 1997.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by U.S. persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of Title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing U.S. persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Zerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House and the President of the Senate by letter dated May 6, 1995.

2. On August 19, 1997, I issued Executive Order 13059 (the ''order'') to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by U.S. persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of the order was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The order prohibits: (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational materials; (2) the exportation, reexportation, sale, or supply from the United States or by a U.S. person, wherever located, of goods, technology, or services to Iran or the

Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominately to Iran or the Government to Iran; (3) knowing reexportation from a third country to Iran or the Government of Iran of certain controlled U.S.-origin goods, technology, or services by a person other than a U.S. person; (4) the purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by U.S. persons, wherever located, related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran, or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by U.S. persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a U.S. person of any transaction by a foreign person that a U.S. person would be prohibited from performing under the terms of the order; and (7) any transaction that evades, avoids, or attempts to violate a prohibition under the order.

Executive Order 13059 became effective at 12:01 a.m. eastern daylight time on August 20, 1997. Because the order consolidated and clarified the provisions of prior orders, Executive Order 12613 and paragraphs (a), (b), (c), (d), and (f) of section of Executive Order 12959 were revoked by Executive Order 13059. The revocation of corresponding provisions in the prior Executive orders did not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957, and renewed each year since, remains in effect and is not affected by the order.

3. On March 13, 2000, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995.

4. On April 28, 1999, I announced that existing unilateral economic sanctions programs would be amended to modify licensing policies to permit case-by-case review of specific proposals for the commercial sale of agricultural commodities and products, as well as medicine and medical equipment, where the United States Government has the discretion to do so. I further announced that the Administration was developing country-specific licensing criteria to guide the case-by-case review process so that governments subject to sanctions do not gain unwarranted benefits from such sales.

On July 27, 1999, the Iranian Transactions Regulations, 31 CFR Part 560 (the ''ITR'' or the ''Regulations'') were amended to add statements of licensing policy with respect to commercial sales of agricultural commodities and products, medicine and medical equipment (64 Fed. Reg. 41784, August 2, 1999). These provisions were amended on October 27, 1999 (64 Fed. Reg. 58789, November 1, 1999) to improve language that had prohibited the issuance of specific licenses authorizing financing by entities of the governments of Sudan, Libya, and Iran. In addition, technical revisions were made to the Regulations pertaining to informational materials and visas.

On March 17, 2000, Secretary of State Madeleine Albright announced that economic sanctions against Iran would be eased to allow Americans to purchase and import carpets and food products such as dried fruits, nuts, and caviar from Iran. To implement this policy, the Department of the Treasury's Office of Foreign Assets Control (''OFAC'') amended the Regulations to authorize by general license the importation into the United States of, and dealings in, certain Iranian-origin foodstuffs and carpets and related transactions (65 Fed. Reg. 25642, May 3, 2000).

5. During the current six-month period, OFAC made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 62 licenses. The majority of license denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. Twenty-one licenses were issued authorizing commercial sales and exportation to Iran of bulk agricultural commodities; in addition, licenses were issued that authorized 20 sales of medicines or medical equipment. Other licenses that were issued authorized certain air and marine safety, diplomatic, legal, financial, and travel transactions, filmmaking, humanitarian, journalistic, and research activities, and the importation of arts objects for public exhibition. Pursuant to Sections 3 and 4 of Executive Order 12959, Executive Order 13059, and consistent with statutory restrictions concerning certain goods and technology, including those involved in air safety cases. Treasury continues to consult with the Departments of State and Commerce prior to issuing licenses.

For the period March 15 through September 14, 2000, on OFAC's instructions, U.S. banks refused to process more than 1,100 commercial transactions, the majority involving foreign financial institutions, that would have been contrary to U.S. sanctions against Iran. The transactions rejected amounted to nearly $170 million worth of business denied Iran by virtue of U.S. economic sanctions.

Since my last report, OFAC has collected nearly $342,000 in civil monetary penalties for violations of IEEPA and the Regulations. The violators included one insurer, seven companies, six U.S. financial institutions, and six individuals. An additional 102 cases are undergoing penalty action for violations of IEEPA and the Regulations.

6. On January 14, 2000, the vice president of a Wisconsin corporation was sentenced in the Eastern District of Wisconsin to 41 months in prison for his October 1999 jury conviction on charges he violated IEEPA and the Arms Export Control Act by illegally exporting U.S.-origin military aircraft component parts to Iran. On February 3, 2000, the corporation president was sentenced to six months in prison and ordered to pay a $5,000 fine for his guilty plea to one count of making false statements to the Government, and the corporation was ordered to pay a fine of $15,000. The defendants were charged with violating sanctions against Iran in an August 1998 indictment.

A California resident is scheduled to be tried in October 2000 in the District of Maryland for IEEPA and other charges filed in a superseding indictment on March 20, 1997. The indictment charges the defendant with the attempted exportation to Iran of gas chromatographs from the United States.

On May 10, 2000, a Georgia corporation pleaded guilty in U.S. District Court in Atlanta to one count of violating IEEPA by exporting automobile parts from the United States to Iran through third countries. Two company officials entered guilty pleas for making false statements to the United States Government in connection with the shipments. Sentencing is pending. The guilty pleas were the result of a 24-count indictment returned in December 1998.

Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued.

7. The expenses incurred by the Federal Government in the six-month period from March 15 through September 14, 2000 that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are reported to be approximately $1.5 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely

centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the Chief Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957, 12959, and 13059 continue to advance important objectives in promoting the nonproliferation and anti-terrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

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REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 131

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000.*

PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)

I hereby report to the Congress on the developments since my last report of March 27, 2000, concerning the national emergency with respect to UNITA that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola (''UNITA''), involving the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.)* and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution (''UNSCR'') 864, dated September 15, 1993, the order prohibited the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. U.S. persons are prohibited from activities which promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (''OFAC'') issued the UNITA (Angola) Sanctions Regulations, 31 C.F.R. Part 590 (the ''Regulations'') (58 *Fed. Reg.* 64904), to implement Executive Order 12865.

On August 28, 1997, the United Nations Security Council adopted UNSCR 1127, expressing its grave concern at the serious difficulties in the peace process, demanding that the Government of Angola and in particular UNITA comply fully and completely with those obligations, and imposing additional sanctions against UNITA. Subsequently, on September 29, 1997, the Security Council adopted UNSCR 1130 postponing the effective date of measures specified by UNSCR 1127 until 12:01 a.m. EST, October 30, 1997.

On December 12, 1997, I issued Executive Order 13069 to implement in the United States the provisions of UNSCRs 1127 and 1130 (62 *Fed. Reg.* 65989, December 16, 1997), placing additional sanctions on UNITA. Effective 12:01 a.m. EST on December 15, 1997, Executive Order 13069 closed all UNITA offices in the United States and prohibited various aircraft-related transactions. Specifically, section 2(a) of Executive Order 13069 prohibits the sale, supply, or making available in any form by U.S. persons, or from the United States or using U.S.-registered vessels or aircraft, of aircraft or aircraft components, regardless of their origin, to the territory of Angola, other than through designated points of entry, or to UNITA. Section 2(b) prohibits the insurance, engineering, or servicing of UNITA aircraft by U.S. persons or from the United States. Section 2(c) prohibits the granting of takeoff, landing, or overflight permission to any aircraft on flights or continuations of flights to or from the territory of Angola other than to or from designated places in Angola. Section 2(d) prohibits the provision of engineering and maintenance servicing, the certification of airworthiness, the payment of new insurance claims against existing insurance contracts, and the provision, renewal, or making available of direct insurance by U.S. person or from the United States with respect to any aircraft registered in Angola, except designated aircraft, and with respect to any aircraft that has entered the territory of Angola other than through designated points of entry.

On August 18, 1998, I issued Executive Order 13098 (64 *Fed. Reg.* 44771, August 20, 1998), placing further sanctions on UNITA, taking into account the provisions of United Nations Security Council Resolutions 1173 of June 12, 1998, and 1176 of June 24, 1998. These additional sanctions went into effect at 12:01 a.m. EDT on August 19, 1998. Section 1 of Executive Order 13098 blocks all property and interests in property of UNITA, designated senior UNITA officials, and designated adult members of their immediate families if the property or property interests are in the United States, hereafter come within the United States, or are or hereafter come within the United States, or are or hereafter come within the possession or control of U.S. persons. Section 2 of Executive Order 13098 prohibits the importation into the United States of all diamonds exported from Angola that are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation (the ''GURN''). Section 2 also prohibits the sale or supply by U.S. persons or from the United States or using U.S.-registered vessels or aircraft of equipment used in mining, and of motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft, regardless of origin, to the territory of Angola other than through a designated point of entry. Finally, section 2 prohibits the sale or supply by U.S. persons or from the United States or using U.S.-registered vessels or aircraft of mining services or ground or waterborne transportation services, regardless of their origin, to persons in designated areas of Angola to which the GURN's State administration has not been extended.

On June 25, 1999, pursuant to Executive Order 13098, OFAC amended Appendix A to 31 CFR chapter V, which contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign

terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various sanctions programs administered by OFAC. The amendment adds to Appendix A the names of 10 individuals who have been determined to be senior officials of UNITA (64 Fed. Reg. 34991, June 30, 1999). All property and interests in property of these individuals that are in the United States, that come within the United States, or that come within the control of U.S. persons are blocked. All transactions by U.S. persons or within the United States in property or interests in property of these individuals are prohibited unless licensed by OFAC.

On August 12, 1999, OFAC amended the Regulations to implement Executive Orders 13069 and 13098 and to make technical and conforming changes (64 Fed. Reg. 43924, August 12, 1999). Since the amendments are extensive, part 590 was reissued in its entirety. Additional prohibitions, definitions, interpretive sections, general licenses, and appendices were added to the Regulations to reflect the new sanctions imposed in Executive Orders 13069 and 13098, and certain existing prohibitions were renumbered. Five new appendixes were added to the Regulations.

2. There have been no amendments to the UNITA (Angola) Sanctions Regulations since my last report.

3. OFAC has worked closely with the U.S. financial and exporting communities to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and a variety of media, including via the Internet, fax-on-demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. No UNITA bank accounts have been identified in U.S. banks. There have been two recent attempts to transfer small amounts of funds in which UNITA clearly had an interest; both transfers were blocked. In the previous reporting period a U.S. financial institution refused to process a suspect transaction. No licenses have been issued under the program since my last report.

4. The expenses incurred by the federal government in the six-month period from March 26 through September 2, 2000 that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are estimated at about $100,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Departments of State (particularly the Office of Southern African Affairs) and Commerce.

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

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MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

A message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill on September 22, 2000:

H.R. 940. An act to designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

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EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10897. A communication from the Director of the Regulation Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; Plant Sterol/Stanol Esters and Coronary Health Disease'' (Docket Nos. 00P–1275 and 00P–1276) received on September 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10898. A communication from the Director of the Office of Congressional Affairs, Office of the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision to Policy Statement on Staff Meetings Open to the Public'' received on September 20, 2000; to the Committee on Environment and Public Works.

EC–10899. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) Activities; to the Committee on Foreign Relations.

EC–10900. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''October 2000 Applicable Federal Rates'' (Revenue Ruling 2000–45) received on September 20, 2000; to the Committee on Finance.

EC–10901. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Kathy A. King v. Commissioner'' (115 T.C.No. 8 (filed August 10, 2000)) received on September 20, 2000; to the Committee on Finance.

EC–10902. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Energy and Natural Resources; Foreign Relations; Armed Services; and Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1331: A bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county (Rept. No. 106–417).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2950: A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado. (Rept. No. 106–418).

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

H.R. 3084: A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln (Rept. No. 106–419).

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INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, and Mr. KERRY):

S. 3100. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT (for himself and Mr. SESSIONS):

S. 3101. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Finance.

By Mr. ASHCROFT:

S. 3102. A bill to require the written consent of a parent of an unemancipated minor prior to the referral of such minor for abortion services; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. BRYAN):

S. 3103. A bill to amend the Internal Revenue Code of 1986 to impose a discriminatory profits tax on pharmaceutical companies which charge prices for prescription drugs to domestic wholesale distributors that exceed the most favored customer prices charged to foreign wholesale distributors; to the Committee on Finance.

By Mr. SHELBY (for himself, Mr. COCHRAN, and Mr. BOND):

S. 3104. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Finance.

By Mr. BREAUX:

S. 3105. A bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 3106. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the medicare home health benefit; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, and Mr. KERRY):

S. 3100. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

CHILDREN'S ACT FOR RESPONSIBLE EMPLOYMENT

Mr. HARKIN. Mr. President, I am pleased today to introduce legislation to update and bring America's child labor laws into the 21st century. This much-needed bill is titled the Children's Act for Responsible Employment of 2000 (The CARE Act of 2000).

As many of you know, I have been working to eradicate child labor overseas since 1992. At that time, I introduced the Child Labor Deterrence Act, which prohibits the importation of products made by abusive and exploitative child labor. Since then, we have made significant progress.

Let me cite just three examples.

In Bangladesh in 1995, a precedent-setting memorandum of understanding was signed between the garment industry and the International Labor Organization, which has resulted in 9,000 children being moved from factories and into schools. In Pakistan two years later, another memorandum of understanding was signed to the benefit of hundreds of children sewing soccer balls and to the benefit of their families.

In May of this year, it was a pleasure to go to the White House to witness President Clinton signing into law new provisions I authored to flatly prohibit the importing into the U.S. of any products made by forced or indentured child labor and to deny duty-free trade benefits to any country that is not meeting its legal obligations to eliminate the worst forms of child labor.

It is important to understand that when the growth of a child is stopped, so is the growth of a nation. In keeping with our nation's commitment to human rights, democracy, and economic justice, the United States must continue to lead the struggle against the scourge of exploitative child labor wherever it occurs. But to have the credibility and moral authority to lead this global effort, we must be certain that we are doing all we can to eradicate exploitative child labor here at home.

Sadly, this is not the case as I stand here before you today. This is why I am sponsoring this new legislation to crack down on exploitative child labor in America. I am also heartened by the fact that the Clinton administration and the Child Labor Coalition made up of more than 50 organizations all across our country endorse prompt enactment of this bill.

Consider the plight of child labor in just one sector of the American economy—large-scale commercial agriculture.

Just three months ago in June, Mr. President, an alarming report entitled ''Fingers to the Bone'' was released by Human Rights Watch. It is a deeply troubling indictment of America's failure to protect child farmworkers who pick our fruits and vegetables every day. As many as 800,000 children in the U.S. work on large-scale commercial farms, corporate farms if you will, often under very hazardous conditions that expose them to pesticide poisoning, heat illness, serious injuries, and lifelong disabilities. The sad truth is that despite very difficult and dangerous working conditions, current federal law allows children as young children to take jobs on corporate farms at a younger age, for longer hours, and under more hazardous conditions than children in nonagricultural lines of work.

We must end this disgraceful double standard.

Furthermore, the Fair Labor Standards Act (FLSA), first enacted in 1938, allows children as young as 10 years old to work in the fields of America's corporate farms. In nonagricultural lines of work, children generally must be at least 14 years of age and are limited to three hours of work a day while school is in session. Truth be told, even those laws are inadequately enforced by the U.S. Labor Department where young farmworkers are concerned. The FLSA simply must be revised and improved to protect the health, safety, and education of all children in America.

I also want to call to the attention of my colleagues a five-part Associated Press series on child labor in the United States that was published in 1997. It dramatically unmasks the shame of exploitative child labor in our midst. For example, it graphically portrays the exploitation and desperation of 4-year-olds picking chili peppers in New Mexico and 10-year-olds harvesting cucumbers in Ohio. It documents how 14-year-old Alexis Jaimes was crushed to death, while working on a construction site in Texas when a 5,000 pound hammer fell on him.

This is outrageous and intolerable. Children should be learning, not risking their health and forfeiting their future in sweatshops. Children should be acquiring computer skills so we don't have to keep importing every-increasing numbers of H–1B visa workers from abroad, as we are being pressured to support now, and not slaving in the fields or street peddling and being short-changed on a solid education. At bottom, children should be afforded their childhood, not treated like chattel or disposable commodities. Not just here in the United States, but in every country in the world.

But we cannot expect to curb exploitative child labor overseas unless America leads by example, cracking down on exploitative child labor in our own backyard.

There is no national database on children working in America or the injuries they incur. But there is mounting evidence to suggest there is a growing problem with exploitative child labor in America, as underscored by the recently released Human Rights Watch study delivered to all of our offices and an excellent series of investigative reports from the General Accounting Office (GAO) and the National Institute of Occupational Safety and Health (NIOSH).

At least 800,000 children are working in the fields of large-scale commercial agriculture in the U.S.

The FLSA's bias against farmworker children amounts to de facto race-based discrimination because an estimated 85 percent of migrant and seasonal farmworkers nationwide are racial minorities.

In some regions, including Arizona, approximately 99 percent of farmworkers are Latino.

Only 55 percent of the child laborers toiling in the fields will ever graduate from high school.

Existing EPA regulations and guidelines offer no more protection from pesticide poisoning for child laborers than they do for adult farmworkers.

Every 5 days, a child dies from a work-related accident.

Mr. President, one of the great U.S. Senators of the 20th century, Hubert Humphrey, used to remind all of us that the greatness of any society should be measured by how it treats people at the dawn and twilight of life. By that measure, we clearly need to do better by America's children.

There is no good reason why children working in large-scale commercial agriculture are legally permitted to work at younger ages, in more hazardous occupations, and for longer periods of time than their peers in other industries. As GAO investigators have noted, a 13-year-old is not allowed under current law to perform clerical work in an air-conditioned office, but the same 13-year-old may be employed to pick strawberries in a field in the heat of summer.

And so I offer this legislation in order that we fight exploitative child labor here at home with the same resolve that we confront it in the global economy. This legislation will toughen civil and criminal penalties for willful child labor violators, afford minors working in large-scale commercial agriculture the same rights and protection as those working in nonagricultural jobs, prohibit children under 16 from working in peddling or door-to-door sales, strengthen the authority of the U.S. Secretary of Labor to deal with ''hot goods'' made by child labor in interstate commerce, and improve enforcement of our nation's child labor laws.

But it is not my purpose to prevent children from working under any circumstances in America. My focus is on preventing exploitation. Accordingly, this bill also preserves exemptions for children working on family farms as well as selling door-to-door as volunteers for nonprofit organizations like the Girl Scouts of America.

In conclusion, I want to remind my colleagues that a child laborer has little chance to get a solid education because he or she spend his or her days at work with little regard for that child's safety and future. But it becomes clearer every day that in order for an individual or a nation to be competitive in the high-tech, globalized economy of the 21st century, a premium must be placed upon educating all children. We can't afford to leave any of our children behind.

At the bottom, this is why I am sponsoring this legislation to strengthen our child labor laws here at the home and effectively deter and punish those who exploit our children in the workplace. It is time to bring our nation's child labor laws into modern times, so that we can prepare for the future.

It is totally unacceptable to me that upon entering the 21st century, the commercial exploitation of children in the workplace continues in our midst—largely out of sight and out of mind to most Americans.

It is time to give all of the children in the U.S. and around the world the chance at a real childhood and extend to them the education necessary to competing in tomorrow's high-road workplace.

Mr. ASHCROFT (for himself and Mr. SESSIONS):

S. 3101. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Finance.

RESERVISTS TAX RELIEF ACT OF 2000

Mr. ASHCROFT. Mr. President, for the past fourteen years, the men and women serving selflessly in the Reserve components of our Armed Forces, which includes the National Guard and federal Reserve, have been denied a sensible, fair, and morally right tax deduction. Today, I am introducing a bill that will correct this tax injustice.

The Reservist Tax Relief Act of 2000 will allow Reservist and National Guardsmen and women, who are our nation's purest citizen-soldiers, to deduct travel expenses as a business expense, when they travel in connection with military service. It is my hope that my colleagues will join me in quickly passing this legislation before the end of the 106th Congress.

With the dramatic downsizing of the U.S. military over the past decade, the Reserve component has become an increasingly valuable aspect of our national defense. Traditionally geared to provide trained units and individuals to augment the Active components in time of war or national emergency, the Reserve component's role and responsibility has rapidly increased throughout the 1990s. During the Cold War, the Reserve component was rarely mobilized due to the robust nature of the Active Duty forces, however, with the 1/3 cut in Active Duty forces since 1990 there have been five presidential mobilizations of the Guard and Reserve beginning with the 1990–1991 Gulf War. The Guard and Reserve are heavily relied upon to provide support for smaller regional contingencies, peace-keeping and peace-making operations, and disaster relief. Although this level of mobilization is unprecedented during a time of peace, the men and women of the Guard and Reserve have performed a tremendous job in bridging the gap in our national security. For instance, more than 1,000 Missouri Army National Guard soldiers went to Honduras to help the country recover from the devastation of Hurricane Mitch. Additionally, Missouri Air Force Reservists have defended the skies over Bosnia-Herzegovina. America's Reserve component is now essential to our everyday military operations.

I strongly believe that our Active Duty forces should be provided additional resources to improve the readiness and overall capability of our national defense so America will not have to over-use its ''weekend warriors.'' But I also know that Congress should provide the necessary resources and support for the Reserve component to complement their new position in our security. Beyond providing the Reserve component with the resources, training, and equipment to be fully integrated into the military's ''Total Force'' concept, the Reserve component personnel should be provided targeted support to address their unique concerns.

When a member of the Reserve component chooses to serve, these brave men and women give up at least several weeks a year for training. In return, they are provided only minimal pay. With this training, along with additional out of area deployments each lasting up to 179 days, the 866,000 Reserve troops have put in 12 to 13 million man—days in each of the last three years. This type of commitment often puts a tremendous strain on these men and women, their families, and their employers. They all deserve our deepest thanks and sense of gratitude, and also our full support.

Mr. President, the Reservist Tax Relief Act of 2000 is one way we can actively support the contribution made by the Reserves to our national defense. This bill, endorsed by the Reserve Officers' Association of the United States, will provide a tax deduction to National Guard and Reserve members for travel expenses related to their military services, so that their travel costs in connection with Guard duty can be treated as a business expense. This provision was part of the federal tax code until it was removed by the Tax Reform Act of 1986. Estimates show that approximately 10 percent of Reserve members, or about 86,000 personnel, must travel over 150 miles each way from home in order to fulfil their military commitments. The expenses involved in traveling this distance at least ''one weekend a month and two weeks a year'' can become a tremendous burden for dedicated citizen-soldiers. It is time, with taxes at record levels in this country, to reinstate this tax deduction for military reservists, who give up more than just their time in service to this country.

This tax relief bill is estimated to result in $291 million less tax dollars being collected by the Treasury over the next five years; the first year ''cost'' is $13 million. In the era of multi-billion dollar programs and surpluses this amount may seem small to Washington bureaucrats, but to the hard-working Reservists and Guardsmen in Missouri, this additional tax deduction will provide real financial help. Most Reservists and National Guardsmen and women do not enlist as a means to become a millionaire, but are motivated by a sense of duty to country. It is our responsibility to respond to their service with this simple tax correction. I urge my colleagues to support this measure and to support the men and women of our Reserve and Guard forces. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 3101

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 ''Reservists Tax Relief Act of 2000''.

SEC. 2. DEDUCTION OF CERTAIN EXPENSES OF RESERVISTS.

(a) DEDUCTION ALLOWED.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(D) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2000.

By Mr. ASHCROFT:

S. 3102. A bill to require the written consent of a parent of an unemancipated minor prior to the referral of such minor for abortion services; to the Committee on the Judiciary.

PUTTING PARENTS FIRST ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce legislation that will reaffirm the vital role parents play in the lives of their children. My legislation, the Putting Parents First Act, will guarantee that parents have the opportunity to be involved in one of their children's most important and life-affecting decisions—whether or not to have an abortion.

The American people have long understood the unique and essential role the family plays in our culture. It is the institution through which we best inculcate and pass down our most cherished values. As is frequently the case, President Reagan said it best. Within the American family, Reagan said, ''the seeds of personal character are planted, the roots of public virtue first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers the values that will shape our private lives and public citizenship.''

The Putting Parents First Act establishes something that ought to be self-evident, but tragically is not: that mothers and fathers should be allowed to be involved in a child's decision whether or not to have a major, life-changing, and sometimes life-threatening, surgical procedure—an abortion. This seems so simple. In many states, school officials cannot give a child an aspirin for a headache without parental consent. But doctors can perform abortions on children without parental consent or even notification. This defies logic.

The legislation I am introducing today would prohibit any individual from performing an abortion upon a minor under the age of 18 unless that individual has secured the informed written consent of the minor and a parent or guardian. In accordance with Supreme Court decisions concerning state-passed parental consent laws, the Putting Parents First Act allows a minor to forego the parental involvement requirement in cases where a court has issued a waiver certifying that the process of obtaining the consent of a parent or guardian is not in the best interests of the minor or that the minor is emancipated.

For too long, the issue of abortion has polarized the American people. To some extent, this is the inevitable result of vastly different views of when life begins and ends, what 'choices' are involved, and who has the ability to determine these answers for others. Many including myself, view abortion as the destruction of innocent human life that should be an option in only the most extreme situations, such as rape, incest, or when the very life of the mother is at stake. Others, including a majority of current Supreme Court Justices, view abortion as a constitutionally-protected alternative for pregnant women that should almost always be available. I think that all sides would agree that abortion involves a serious decision and a medical procedure that is not risk-free.

Thankfully, there are areas of common ground in the abortion debate on which both sides, and the Supreme Court, can agree. One such area of agreement is that, whenever possible, parents should be informed and involved when their young daughters are faced with a decision as serious as abortion. A recent CBS/New York Times survey found that 78 percent of Americans support requiring parental consent before an abortion is performed on a girl under age 18. Even those who do not view an abortion as a taking of human life recognize it as a momentous, indeed a life-changing, decision that a minor should not be left to make alone. The fact that nearly 80 percent of the states have passed laws requiring doctors to notify or seek the consent of a minor's parents before performing an abortion also demonstrates the consensus in favor of parental involvement.

The instruction and guidance about which President Reagan spoke are needed most when our children are dealing with important life decisions. It is hard to imagine a decision more important than whether or not a child should have a child of her own. We recognize, as fundamental to our understanding of freedom, that parents have unique rights and responsibilities to control the education and upbringing of their children—rights that absent a compelling interest, neither government nor other individuals should supercede. When a young woman finds herself in a crisis situation, ideally she should be able to turn to her parents for assistance and guidance. This may not always happen, and may not be reality for some young women, but at the very least, we should make sure that our policies support good parenting, not undercut parents. Sadly, another reason to encourage young women to include a parent in the decision to undergo an abortion is because of adverse health consequences that can arise after an abortion. Abortion is a surgical procedure that can and sometimes does result in complications. Young women have died of internal bleeding and infections because their parents were unaware of the medical procedures that they had undergone, and did not recognize post-abortion complications.

Unfortunately, parental involvement laws are only enforced in about half of the 39 states that have them. Some states have enacted laws that have been struck down in state or federal courts; in other states, the executive branch has chosen not to enforce the legislature's will. As a result, just over 20 states have parental consent laws in effect today. In the remaining 30 states, parents are often excluded from taking part in their minor children's most fundamental decisions.

Moreover, in those states where laws requiring parental consent are on the books and being enforced, those laws are frequently circumvented by pregnant minors who cross state lines to avoid the laws' requirements. Often, a pregnant minor is taken to a bordering state by an adult male attempting to ''hide his crime'' of statutory rape and evade a state law requiring parental notification or consent. Sadly, nowhere is this problem more apparent than in my home state of Missouri. I was proud to have successfully defended Missouri's parental consent law before the Supreme Court in Planned Parenthood versus Ashcroft. Unfortunately, a study a few years ago in the American Journal of Public Health found that the odds of a minor traveling out of state for an abortion increased by over 50 percent after Missouri's parental consent law went into effect. There are ads in the St. Louis, Missouri, Yellow Pages luring young women to Illinois clinics with the words ''No Parental Consent Required'' in large type.

The limited degree of enforcement and the ease with which state laws can be evaded demand a national solution. The importance of protecting the fundamental rights of parents demands a national solution. And the protection of life—both the life of the unborn child, and the life and health of the pregnant young woman—demands we take action. Requiring a parent's consent before a minor can receive an abortion is one way states have chosen to protect not only the role of parents and the health and safety of young women, but also, the lives of the unborn. Thus, enactment of a federal parental consent law will allow Congress to protect the guiding role of parents as it protects human life.

The Putting Parents First Act is based on state statutes that have already been determined to be constitutional by the U.S. Supreme Court. The legislation establishes a minimum level of involvement by parents that must be honored throughout this nation. It does not preempt state parental involvement laws that provide additional protections to the parents of pregnant minors.

Mr. President, sound and sensible public policy requires that parents be involved in critical, life-shaping decisions involving their children. A young person whose life is in crisis may be highly anxious, and may want to take a fateful step without their parents' knowledge. But it is at these times of crisis that children need their parents most. They need the wisdom, love and guidance of a mother or a father, not policy statements of government bureaucrats, or uninvolved strangers. This legislation will strengthen the family and protect human life by keeping parents involved when children are making decisions that could shape the rest of their lives.

By Mr. LEVIN (for himself and Mr. BRYAN):

S. 3103. A bill to amend the Internal Revenue Code of 1986 to impose a discriminatory profits tax on pharmaceutical companies which charge prices for prescription drugs to domestic wholesale distributors that exceed the most favored customer prices charged to foreign wholesale distributors; to the Committee on Finance.

PRESCRIPTION DRUG PRICE ANTI-DISCRIMINATION ACT

Mr. LEVIN. Mr. President, American consumers should have access to reasonably priced medicines. That seems like such a simple and reasonable statement to make, yet it is a bold one to make in this Congress. Drug prices should be a central part of the debate. I firmly believe we must do two things relative to prescription drugs (1) add a prescription drug benefit to the Medicare program and (2) address the high price of drugs. It is the second issue that the bill I am introducing today with Senator BRYAN seeks to address.

The Prescription Drug Price Anti-Discrimination Act provides that when a prescription drug manufacturer has a policy that discriminates against U.S. wholesalers by charging them more than it charges foreign wholesalers, a 10 percent discriminatory profits tax would be imposed on that manufacturer. This 10 percent discriminatory profits tax will be dedicated to Part A of the Medicare trust fund.

This legislation does not attempt to control drug prices. The manufacturer may charge what it chooses to a foreign wholesaler or a U.S. wholesaler. But if the manufacturer does not have a non-discriminatory pricing policy, the discriminatory profits penalty kicks in. It is up to the manufacturer. If the manufacturer reports that it has a policy to charge U.S. wholesalers no more than foreign wholesalers, there is no penalty. That statement would be attached to the company's tax return, and it would be treated like any other representation on a tax return.

This bill applies to U.S. manufacturers distributing to foreign wholesalers in Canada and any country that is a member of the European Union. By limiting the bill to Canada and the European countries, we still allow for prescription drug manufacturers to sell AIDS drugs at lower prices to African countries or other countries ravaged by diseases. The bill refers only to other countries whose resources are comparable to ours.

Fortune magazine recently reported that pharmaceuticals ranked as the most profitable industry in the country in three benchmarks-return on revenues, return on assets, and return on equity. Yet, Americans are forced to pay extraordinarily high prices for prescription drugs in the U.S. when they can cross the border to Canada to buy those same drugs at far lower prices. This legislation should help bring Americans the prescription drugs that they need at lower prices.

I have come to the Senate floor on previous occasions to talk about my own constituents who travel from Michigan to Canada just to purchase lower priced prescription drugs. We found that seven of the prescription drugs most used by Americans cost an average of 89 percent more in Michigan than in Canada. For example, Premarin, an estrogen tablet taken by menopausal women costs $23.24 in Michigan and $10.04 in Ontario. The Michigan price is 131 percent above the Ontario price. Another example, Synthroid, a drug taken to replace a hormone normally produced by the thyroid gland, costs $13.16 in Michigan and $7.96 in Ontario. The Michigan price is 65 percent above the Ontario price.

To add insult to injury, these drugs received financial support from the taxpayers of the United States through a tax credit for research and development and in some cases through direct grants from the NIH to the scientists who developed these drugs. In 1996 (the latest year that we have data) through a variety of tax credits, the industry reduced its tax liability by $3.8 billion or 43 percent.

Research is very important and we want pharmaceutical companies to engage in robust research and development. But American consumers should not pay the share of research and development that consumers in other countries should be shouldering.

Manufacturers of prescription drugs are spending fortunes for advertising. According to the Wall Street Journal, spending on consumer advertising for drugs rose 40 percent in 1999 compared with 1998. In 1999 the drug industry spent nearly $14 billion on promotion, public relations and advertising.

Mr. President, I have been sent a letter from Families USA, a noted health care advocacy group, which states that the bill we are introducing today ''will help Medicare beneficiaries buy drugs at lower prices.''

Our citizens should not have to cross the border for cheaper medicines made in the U.S. U.S. consumers are subsidizing other countries when it comes to prescription drug prices. That is simply wrong and this legislation will help to correct this situation.

Mr. BRYAN. Mr. President, I am pleased to cosponsor the Prescription Drug Price Anti-Discrimination Act and I commend my colleague, Senator LEVIN, for his leadership on this initiative.

This bill would require drug manufacturers to treat American patients fairly—a manufacturer must have a policy in place that states that it does not discriminate against U.S. wholesalers by charging them more than it charges foreign wholesalers. If the company does not have this policy in place, then a 10 percent discriminatory profits tax would be imposed.

The reason for this bill is abundantly clear: American patients are being charged significantly higher prices than are patients in foreign countries for the exact same drugs. Is there any reason why our citizens—44 million of whom are uninsured and faced with paying these high prices—should be forced to make the choice between going without much-needed prescription drugs or paying 50, 100, or even 300 percent more for their drugs than do citizens in Canada, Great Britain, and Australia? Of course there isn't.

Today, patients without drug coverage in the United States are not treated fairly by U.S. manufacturers. I was shocked to discover the enormous price disparities that exist for some of the most commonly used drugs. For example, Prevacid, which is used to treat ulcers, is 282 percent more expensive in the United States than in Great Britain. Claritin is used to treat all allergies—as we all know thanks to frequent television commercials—and is 308 percent more expensive when purchased by American patients than when purchased by Australian patients. And Prozac, which can help millions of Americans suffering from depression, is out of reach to many as it is 177 percent more expensive in the United States than in Australia.

Our Medicare beneficiaries deserve a prescription drug benefit, and all of our citizens deserve the assurance that U.S. manufacturers will not charge them significantly more than they charge foreign patients.

This bill will not harm the drug industry. They can choose to accept the tax penalty, or they can lower prices to American consumers to the levels they charge foreign consumers. Either way, they will remain a very profitable industry:

Fortune magazine recently again rated the pharmaceutical industry as the most profitable industry in terms of return on revenues, return on assets, and return on equity.

Drug companies enjoy huge tax benefits relative to other industries: their effective tax rate was 40 percent lower than that of all other U.S. industries between 1993–1996. Compared to certain industries, the drug industry's effective tax rate was even lower—for example, it was 47 percent lower than that for wholesale and retail trade.

Additionally, higher drug prices for American patients simply aren't justified in the face of soaring marketing and advertising budgets: the industry spent almost $2 billion in 1999 on direct-to-consumer advertising, and more than $11 billion on marketing and promotion to physicians.

I don't have an argument with large profits—but American patients should not be charged more than patients in other countries for the same drugs. Moreover, American taxpayers should not be forced to underwrite highly profitable corporations that exploit American consumers.

Although many of us are still hopeful that we can pass a meaningful Medicare prescription drug benefit before the close of this Congress, at the very least we should require fair pricing for American patients.

I urge my colleagues to cosponsor this bill.

Mr. SHELBY (for himself, Mr. COCHRAN, and Mr. BOND):

S. 3104. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Finance.

TARIFF ACT OF 1930 AMENDMENT

Mr. SHELBY. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 3104

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

SECTION 1. MARKING OF DOOR HINGES.

Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following new subsection:

''(l) MARKING OF CERTAIN DOOR HINGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no exception may be made under subsection (a)(3) with respect to door hinges and parts thereof (except metal forgings and castings imported for further processing into finished hinges and door hinges designed for motor vehicles), each of which shall be marked on the exposed surface of the hinge when viewed after fixture with the English name of the country of origin by means of die stamping, cast-in-mold lettering, etching, or engraving.

''(2) OTHER MEANS OF MARKING.—If, because of the nature of the article, it is not technically or commercially feasible to mark it by 1 of the 4 methods specified in paragraph (1), the article may be marked by an equally permanent method of marking such as paint stenciling or, in the case of door hinges of less than 3 inches in length, by marking on the smallest unit of packaging utilized.''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 apply to goods entered, or withdrawn from warehouse for consumption, on and after the date that is 6 months after the date of enactment of this Act.

Mr. BREAUX:

S. 3105. A bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes; to the Committee on Finance.

MISSING CHILDREN TAX FAIRNESS ACT OF 2000

Mr. BREAUX. Mr. President, I rise today to introduce the Missing Children Tax Fairness Act.

As a father and grandfather, I know there is no greater fear than having a child taken from you. No family should have to go through such a horrible tragedy, yet in 1999 alone, approximately 750,000 children were reported missing. The parents of these missing children must face the daily reality that they may never find their children or even know their fate, yet most never lose hope or give up the search for any clue. It seems unfathomable that families in such a tragic predicament would be faced with the added burden of higher taxation, but that is exactly what is happening under current tax policy.

Recently, the Internal Revenue Service (IRS) issued an advisory opinion which stated that the families of missing children may claim their child as a dependent only in the year of the kidnapping. However, in the following years, no such deduction may be taken, regardless of if the child's room is still being maintained and money is still being spent on the search. The IRS Chief Counsel admitted that this issue is ''not free from doubt'' but concluded that, in the absence of legal authority to the contrary, denying the dependency exemption was consistent with the intent of the law. I believe this issue should be decided differently and that Congress must remedy this unjust situation.

The Missing Children Tax Fairness Act will clarify the treatment of missing children with respect to certain basic tax benefits and ensure that the families of these children will not be penalized by the tax code. It makes certain that families will not lose the dependency exemption, child credit, or earned income credit because their child was taken from them. I believe this a fair and equitable solution to a tax situation faced by families who are victims of one of the most heinous crimes imaginable—child abduction. I urge my colleagues to cosponsor this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill and my statement be printed in the RECORD.

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

S. 3105

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 ''Missing Children Tax Fairness Act of 2000''.

SEC. 2. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subsection (c) of section 151 of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who would be (without regard to this paragraph) the dependent of the taxpayer for the taxable year in which the kidnapping occurred if such status were determined by taking into account the 12 month period beginning before the month in which the kidnapping occurred,

shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under this section,

''(ii) the credit under section 24 (relating to child tax credit), and

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2).

''(C) TERMINATION OF TREATMENT.—Subparagraph (A) shall not apply with respect to any child of a taxpayer as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).''

(b) COMPARABLE TREATMENT FOR EARNED INCOME CREDIT.—Section 32(c)(3) of the Internal Revenue Code of 1986 (relating to qualified child) is amended by adding at the end the following new subparagraph:

''(F) TREATMENT OF MISSING CHILDREN.—

''(i) IN GENERAL.—For purposes of this paragraph, an individual—

''(I) who is presumed to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

''(II) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subparagraph (A)(ii) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(ii) TERMINATION OF TREATMENT.—Clause (i) shall not apply with respect to any child of a taxpayer as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).''

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

By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 3106. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the Medicare home health benefit; to the Committee on Finance.

THE HOME HEALTH CARE PROTECTION ACT OF 2000

Mr. JEFFORDS. Mr. President, I am here today to introduce the Home Health Care Protection Act of 2000. This legislation has been written to make sure that qualification for Medicare home health services does not negatively impact other area's of a patient's recovery process, or preclude participation in important personal activities, like religious services.

The homebound requirement to qualify for Medicare home health services has been applied restrictively and inconsistently by the Health Care Financing Administration (HCFA) and its various Medicare contractors. In April 1999, the Secretary of Health and Human Services sent a report to Congress on the homebound definition. The report identifies the wide variety in interpretation of the definition and the absurdity of some coverage determinations that follow. While I do not support all the conclusions of the report, I do agree with the Secretary that a clarification of the definition is needed to improve uniformity of application.

Of particular concern to me is the disqualification of seniors who,

through significant assistance, are capable of attending adult day care programs for integrated medical treatment that has been empirically recognized as effective for some severe cases of Alzheimer's and related dementia's. A close reading of current law does not preclude homebound beneficiaries from using adult day services, yet some fiscal intermediaries are establishing reimbursement policies that force beneficiaries to forgo needed adult day services in order to remain eligible for home health benefits.

The Home Health Protection Act states that absences for attendance in adult day care for health care purposes shall not disqualify a beneficiary. It is inappropriate and counterproductive to force seniors to choose between Medicare home health benefits and adult day care services in circumstances where both are needed as part of a comprehensive plan of care.

I have also heard from numerous beneficiaries who fear that absences from the home for family emergencies or religious purposes could disqualify them from the home health benefit. Current law attempts to address this situation by allowing for absences of infrequent or short duration. However, one Vermont senior, who suffers from multiple sclerosis and numerous complications, cannot leave the home without a wheelchair and a van equipped with a lift. She left the home once a week, for three hours at a time, to visit her terminally ill spouse in a nursing home and attend religious services there together. She was determined to be ''not homebound.''

There are more stories like this. At the same time, visiting nurses have identified individuals who are healthy enough to leave the home without difficulty, but because they never do, they retain home health benefits at the expense of the Medicare program. Our legislation specifically clarifies that absences from the home are allowed for religious services and visiting infirm and sick relatives. In a time of great need or family crisis, seniors should feel comforted that the government won't stand in their way.

Federally funded home health care is an often quiet but invaluable part of life for America's seniors. We in Congress have an obligation to make sure that the Medicare program lives up to its promise and that home health will be available to those who need it. I would like to thank my cosponsors, Senators REED and LEAHY for their dedication to this issue. We look forward to working with the rest of Congress to turn this legislation into law.

Mr. REED. Mr. President, I rise today to join my colleague, the junior Senator from Vermont, in introducing legislation that I hope will resolve an issue that has needlessly confined Medicare beneficiaries receiving home health benefits to their residences. Today, my colleague and I are introducing a revised version of a bill we introduced earlier this year. I am pleased that this new legislation, the Home Health Care Protection Act, has the support of several national aging organizations, including the Alzheimer's Association, the National Council on Aging and the National Association for Home Care.

The Home Health Care Protection Act seeks to clarify the conditions under which a beneficiary may leave his or her home while maintaining eligibility for Medicare home health services. The Health Care Financing Administration (HCFA) requires that a beneficiary be ''confined to the home'' in order to be eligible for services. The current homebound requirement is supposed to allow beneficiaries to leave the home to attend adult day care services, receive medical treatment, or make occasional trips for non-medical purposes, such as going to the barber. However, the definition has been inconsistently applied, resulting in great distress for beneficiaries who are fearful that they will lose their benefit if they leave their home to attend events such as church services. Clearly, the intent of the rule is not to make our frail elderly prisoners in their own homes. The legislation we are introducing today seeks to bring greater clarity to the homebound definition so that they no longer are.

I am proud to have worked with my colleague, Senator JEFFORDS, on this issue and hope that we can get this legislation passed before the end of the session. Mr. President, the Home Health Care Protection Act seeks to provide some reasonable parameters that will enable beneficiaries suffering from Alzheimer's, among other chronic and debilitating diseases, to leave their home without worry. This modest legislation would make a real difference to home health beneficiaries in my state of Rhode Island as well as Medicare beneficiaries across the country and I would urge my colleagues to support it.

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ADDITIONAL COSPONSORS

S. 178

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 178, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1726

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 2271

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2271, a bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2290

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2290, a bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction.

S. 2434

At the request of Mr. L. CHAFEE, the names of the Senator from Virginia (Mr. ROBB), the Senator from Vermont (Mr. JEFFORDS), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. DEWINE), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2580

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2714

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2714, a bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income.

S. 2731

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. 2764

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. LEAHY), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2819

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2819, to provide for the establishment of an assistance program for health insurance consumers.

S. 2963

At the request of Mr. BRYAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2963, a bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available Medicaid drug pricing information.

S. 2967

At the request of Mr. MURKOWSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 2969

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2969, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. 2994

At the request of Mr. ROBB, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. WELLSTONE, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. AKAKA), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3072

At the request of Mr. GRAMS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3072, a bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

S. CON. RES. 111

At the request of Mr. NICKLES, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. RES. 339

At the request of Mr. REID, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from California (Mrs. FEINSTEIN), the Senator from Virginia (Mr. ROBB), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as ''National Survivors of Suicide Day.''

S. RES. 340

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 340, a resolution designating December 10, 2000, as ''National Children's Memorial Day.''

AMENDMENTS SUBMITTED

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

CONRAD AMENDMENT NO. 4183

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; as follows:

At the end of the bill, add the following:

SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICATION TO "H–1B NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

KENNEDY (AND OTHERS) AMENDMENT NO. 4184

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place in the bill, insert the following:

TITLE ____—LATINO AND IMMIGRANT FAIRNESS ACT OF 2000

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Latino and Immigrant Fairness Act of 2000''.

Subtitle A—Central American and Haitian Parity

SEC. ___11. SHORT TITLE.

This subtitle may be cited as the ''Central American and Haitian Parity Act of 2000''.

SEC. ___12. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking ''NICARAGUANS AND CUBANS'' and inserting ''NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS'';

(2) in subsection (a)(1)(A), by striking ''2000'' and inserting ''2003'';

(3) in subsection (b)(1), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti''; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking ''2000'' and inserting ''2003''.

SEC. ___13. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections ___12 and ___15 of

this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. ___14. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections ___12 and ___15 of this Act.

SEC. ___15. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

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

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A) to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of''; and

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

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence''; and

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

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.''.

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A) to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of''; and

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

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence''; and

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

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. ___16. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

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

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A), to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of'';

(E) by adding at the end of paragraph (1) the following new subparagraph:

''(E) the alien applies for such adjustment before April 3, 2003.''; and

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

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence'';

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. ___17. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Subtitle B—Adjustment of Status of Other Aliens

SEC. ___21. ADJUSTMENT OF STATUS.

(a) GENERAL AUTHORITY.—Notwithstanding any other provision of law, an alien described in paragraph (1) or (2) of subsection (b) shall be eligible for adjustment of status by the Attorney General under the same procedures and under the same grounds of eligibility as are applicable to the adjustment of status of aliens under section 202 of the Nicaraguan Adjustment and Central American Relief Act.

(b) COVERED ALIENS.—An alien referred to in subsection (a) is—

(1) any alien who was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, any or state of the former Yugoslavia and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days; and

(2) any alien who is a national of Liberia and who has been physically present in the United States for a continuous period, beginning not later than December 31, 1996, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

Subtitle C—Restoration of Section 245(i) Adjustment of Status Benefits

SEC. ___31. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking ''(i)(1)'' through ''The Attorney General'' and inserting the following:

''(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

''(A) entered the United States without inspection; or

''(B) is within one of the classes enumerated in subsection (c) of this section;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2440).

SEC. ___32. USE OF SECTION 245(i) FEES.

Section 245(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(3)(B)) is amended to read as follows:

''(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).''.

Subtitle D—Extension of Registry Benefits

SEC. ___41. SHORT TITLE.

This subtitle may be cited as the ''Date of Registry Act of 2000''.

SEC. ___42. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking ''January 1, 1972'' and inserting ''January 1, 1986''; and

(2) by striking ''JANUARY 1, 1972'' in the heading and inserting ''JANUARY 1, 1986''.

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking ''January 1, 1986'' each place it appears and inserting ''January 1, 1987''.

(B) PERIOD BEGINNING JANUARY 1, 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking ''January 1, 1987'' each place it appears and inserting ''January 1, 1988''.

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning on January 1, 2004, section 249 of such Act is amended by striking ''January 1, 1988'' each place it appears and inserting ''January 1, 1989''.

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking ''January 1, 1989'' each place it appears and inserting ''January 1, 1990''.

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking ''January 1, 1990'' each place it appears and inserting ''January 1, 1991''.

''RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924 OR JANUARY 1, 1986''.

(3) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 249 to read as follows:

''Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924 or January 1, 1986.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2001, and the amendment made by subsection (a) shall apply to applications to record lawful admission for permanent residence that are filed on or after January 1, 2001.

KENNEDY AMENDMENTS NOS. 4185–4187

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4185

On page 9, strike line 24 and all that follows through page 11, line 13, and insert the following:

SEC. 2. TEMPORARY INCREASE IN NUMBER OF ALIENS AUTHORIZED TO BE GRANTED H–1B NONIMMIGRANT STATUS.

Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended by striking clauses (iii), (iv), and (v) and inserting the following:

''(iii) 200,000 in each of the fiscal years 2000, 2001, and 2002; and

''(iv) 65,000 in each succeeding fiscal year.''.

SEC. 3. ALLOCATION OF H–1B NUMBERS FOR HIGHLY SKILLED PROFESSIONALS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end the following new paragraphs:

''(5)(A) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

''(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

''(iii) a nonprofit research organization or a governmental research organization.

''(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, the remainder of such visas or grants of status shall be available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

''(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.''.

AMENDMENT NO. 4186

On page 16, after line 8, insert the following:

DEPARTMENT OF LABOR SURVEY; REPORT.

(g) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H–1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H–1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(b) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

AMENDMENT NO. 4187

On page 20, after line 13, insert the following:

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:

(f) USE OF FEES FOR DUTIES RELATING TO PETITIONS.—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5).''.

Notwithstanding any other provision of this Act, the figure on page 17, line 19 is deemed to be ''55 percent''; the figure on page 17, line 21 is deemed to be ''22 percent''; the figure on page 17, line 23 is deemed to be ''4 percent''; and the figure on page 18, line 12 is deemed to be ''15 percent''.

WATER RESOURCES DEVELOPMENT ACT OF 2000

ABRAHAM AMENDMENT NO. 4188

Mr. SMITH of New Hampshire (for Mr. ABRAHAM) proposed an amendment to the bill (S. 2796) providing for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by

(1) inserting or exported after diverted; and

(2) inserting or export after diversion.

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

VETERANS CLAIMS ASSISTANCE ACT OF 2000

SPECTER (AND ROCKEFELLER) AMENDMENT NO. 4189

Mr. BROWNBACK (for Mr. SPECTER (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Claims Assistance Act of 2000''.

SEC. 2. CLARIFICATION OF DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS CLAIMS.

Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:

"§ 5100. Definition of 'claimant'

''For purposes of this chapter, the term 'claimant' means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.''.

SEC. 3. ASSISTANCE TO CLAIMANTS.

(a) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 of title 38, United States Code, is further amended by striking sections 5102 and 5103 and inserting the following:

"§ 5102. Application forms furnished upon request; notice to claimants of incomplete applications

''(a) FURNISHING FORMS.—Upon request made by any person claiming or applying for, or expressing an intent to claim or apply for, a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all instructions and forms necessary to apply for that benefit.

''(b) INCOMPLETE APPLICATIONS.—If a claimant's application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application.

"§ 5103. Notice to claimants of required information and evidence

''(a) REQUIRED INFORMATION AND EVIDENCE.—Upon receipt of a complete or substantially complete application, the Secretary shall notify the claimant and the claimant's representative, if any, of any information, and any medical or lay evidence, not previously provided to the Secretary that is necessary to substantiate the claim. As part of that notice, the Secretary shall indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, the Secretary, in accordance with section 5103A of this title and any other applicable provisions of law, will attempt to obtain on behalf of the claimant.

''(b) TIME LIMITATION.—(1) In the case of information or evidence that the claimant is notified under subsection (a) is to be provided by the claimant, if such information or evidence is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

''(2) This subsection shall not apply to any application or claim for Government life insurance benefits.

''§ 5103A. Duty to assist claimants

''(a) DUTY TO ASSIST.—(1) The Secretary shall make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for a benefit under a law administered by the Secretary.

''(2) The Secretary is not required to provide assistance to a claimant under this section if no reasonable possibility exists that such assistance would aid in substantiating the claim.

''(3) The Secretary may defer providing assistance under this section pending the submission by the claimant of essential information missing from the claimant's application.

''(b) ASSISTANCE IN OBTAINING RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant records (including private records) that the claimant adequately identifies to the Secretary and authorizes the Secretary to obtain.

''(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

''(A) identify the records the Secretary is unable to obtain;

''(B) briefly explain the efforts that the Secretary made to obtain those records; and

''(C) describe any further action to be taken by the Secretary with respect to the claim.

''(3) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection or subsection (c), the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.

''(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (b) shall include obtaining the following records if relevant to the claim:

''(1) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.

''(2) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

''(3) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

''(d) MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination or obtaining a medical opinion when such an examination or opinion is necessary to make a decision on the claim.

''(2) The Secretary shall treat an examination or opinion as being necessary to make a decision on a claim for purposes of paragraph (1) if the evidence of record before the Secretary, taking into consideration all information and lay or medical evidence (including statements of the claimant)—

''(A) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of disability; and

''(B) indicates that the disability or symptoms may be associated with the claimant's active military, naval, or air service; but

''(C) does not contain sufficient medical evidence for the Secretary to make a decision on the claim.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

''(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to reopen a claim that has been disallowed except when new and material evidence is presented or secured, as described in section 5108 of this title.

''(g) OTHER ASSISTANCE NOT PRECLUDED.—Nothing in this section shall be construed as precluding the Secretary from providing such other assistance under subsection (a) to a claimant in substantiating a claim as the Secretary considers appropriate.''.

(b) REENACTMENT OF RULE FOR CLAIMANT'S LACKING A MAILING ADDRESS.—Chapter 51 of such title is further amended by adding at the end the following new section:

''§ 5126. Benefits not to be denied based on lack of mailing address

''Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.''.

SEC. 4. DECISION ON CLAIM.

Section 5107 of title 38, United States Code, is amended to read as follows:

''§ 5107. Claimant responsibility; benefit of the doubt

''(a) CLAIMANT RESPONSIBILITY.—Except as otherwise provided by law, a claimant has the responsibility to present and support a claim for benefits under laws administered by the Secretary.

''(b) BENEFIT OF THE DOUBT.—The Secretary shall consider all information and lay and medical evidence of record in a case before the Secretary with respect to benefits under laws administered by the Secretary. When there is an approximate balance of positive and negative evidence regarding any issue material to the determination of a matter, the Secretary shall give the benefit of the doubt to the claimant.''.

SEC. 5. PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: ''The cost of providing information to the Secretary under this section shall be borne by the department or agency providing the information.''.

SEC. 6. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(1) by inserting before the item relating to section 5101 the following new item:

''5100. Definition of 'claimant'.'';

(2) by striking the items relating to sections 5102 and 5103 and inserting the following:

''5102. Application forms furnished upon request; notice to claimants of incomplete applications.

''5103. Notice to claimants of required information and evidence.

''5103A. Duty to assist claimants.'';

(3) by striking the item relating to section 5107 and inserting the following:

''5107. Claimant responsibility; benefit of the doubt.'';

and

(4) by adding at the end the following new item:

''5126. Benefits not to be denied based on lack of mailing address.''.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided otherwise, the provisions of section 5107 of title 38, United States Code, as amended by section 4 of this Act, apply to any claim—

(1) filed on or after the date of the enactment of this Act; or

(2) filed before the date of the enactment of this Act and not final as of that date.

(b) RULE FOR CLAIMS THE DENIAL OF WHICH BECAME FINAL AFTER THE COURT OF APPEALS FOR VETERANS CLAIMS DECISION IN THE MORTON CASE.—(1) In the case of a claim for benefits denied or dismissed as described in paragraph (2), the Secretary of Veterans Affairs shall, upon the request of the claimant or on the Secretary's own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if the denial or dismissal had not been made.

(2) A denial or dismissal described in this paragraph is a denial or dismissal of a claim for a benefit under the laws administered by the Secretary of Veterans Affairs that—

(A) became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and

(B) was issued by the Secretary of Veterans Affairs or a court because the claim was not well grounded (as that term was used in section 5107(a) of title 38, United States Code, as in effect during that period).

(3) A claim may not be readjudicated under this subsection unless a request for readjudication is filed by the claimant, or a motion is made by the Secretary, not later than two years after the date of the enactment of this Act.

(4) In the absence of a timely request of a claimant under paragraph (3), nothing in this Act shall be construed as establishing a duty on the part of the Secretary of Veterans Affairs to locate and readjudicate a claim described in this subsection.

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NOTICE OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''The U.S. Forest Service: Taking a Chain Saw to Small Business.'' The hearing will be held on Wednesday, October 4, 2000 9:30 a.m. in 428A Russell Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact Mark Warren at 224–5175.

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KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA ACT OF 2000

On September 22, 2000, the Senate amended and passed S. 2511, as follows:

S. 2511

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 ''Kenai Mountains-Turnagain Arm National Heritage Area Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the Nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation, and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historical routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for ''grassroots'' regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) national heritage area designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Gridwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Heritage Area established by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the 11-member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled ''Kenai Peninsula/Turnagain Arm National Heritage Corridor'', numbered ''Map #KMTA–1'', and dated ''August 1999''. The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 5. MANAGEMENT ENTITY.

(a) The Secretary shall enter into a cooperative agreement with the management entity to carry out the purposes of this Act. The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including the following:

(1) A discussion of the goals and objectives of the Heritage Area.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area.

(3) A general outline of the protection measures, to which the management entity commits.

(b) Nothing in this Act authorizes the management entity to assume any management authorities or responsibilities on Federal lands.

(c) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: The State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the Forest Service; the State Historic Preservation Office; the Kenai Peninsula Borough; the Municipality of Anchorage; the Alaska Railroad; the Alaska Department of Transportation; and the National Park Service.

(d) Representation of ex officio members in the nonprofit corporation shall be established under the bylaws of the management entity.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing Federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by Government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of resources contained in the Heritage Area; and

(E) a description of the role and participation of other Federal, State and local agencies that have jurisdiction on lands within the Heritage Area.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the Heritage Area; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area.

(c) PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

SEC. 7. DUTIES OF THE SECRETARY.

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

(b) In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this Act shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 9. PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out

the purposes of this Act, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Area.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

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NATIONAL VETERANS AWARENESS WEEK

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 304, which was reported by the Judiciary Committee.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 304) expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed, the amendment to the title be agreed, the motion to reconsider be laid upon the table, and any statement relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 304

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

Whereas our system of civilian control of the Armed Forces makes it essential that the country's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens;

(2) the week that includes Veterans Day be designated as ''National Veterans Awareness Week'' for the purpose of presenting such materials and activities; and

(3) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

The title was amended so as to read:

Resolution Expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 5, 2000, as ''National Veterans Awareness Week'' for the presentation of such educational programs.

—

ORDERS FOR TUESDAY, SEPTEMBER 26, 2000

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 in the morning on Tuesday, September 26. I further ask unanimous consent that on Tuesday, 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 begin consideration of the H–1B visa bill as under the previous order.

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

Mr. ROBERTS. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that the scheduled cloture vote occur at 10:15 on Tuesday morning with the time prior to the vote divided as ordered previously.

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

Mr. ROBERTS. I ask unanimous consent that second-degree amendments may be filed at the desk up to 10:15 in the morning under the terms of rule XXII.

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

—

PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, the Senate will begin 45 minutes of debate on the H–1B visa bill at 9:30 tomorrow morning. Following that debate, at 10:15 a.m., the Senate will proceed to a cloture vote on the pending amendment to the H–1B legislation. If cloture is invoked, the Senate will continue debate on the amendment. If cloture is not invoked, the Senate is expected to resume debate on the motion to proceed to S. 2557, the National Energy Security Act of 2000.

Also this week, the Senate is expected to take up any appropriations conference reports available for action.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak in morning business for approximately 10 to 15 minutes.

Mr. ROBERTS. Mr. President, I yield the floor.

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

The Senator from Alabama is recognized for 10 to 15 minutes.

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ENERGY PRICES

Mr. SESSIONS. Mr. President, we are now dealing with a very important issue to the future of our country; and that is the price of energy; oil and gas, gasoline, and home heating fuel prices. They have been going up at a dramatic rate.

This is not a surprise. This is an event predicted and warned about by Members of this Congress for years, including Senator MURKOWSKI, who chairs the Energy Committee. I have talked about it for the last 3 or 4 years that I have been in this Senate.

This is what the issue is about. By allowing our domestic energy production to decline steadily, we have less and less ability to control prices in the world market, and, in fact, we become more and more vulnerable to price increases and production reductions by the OPEC oil cartel—that group of nations centered in the Middle East that get together to fix prices by manipulating production levels.

We now find ourselves in a very serious predicament. It is not a predicament that a simple release of a little oil from the Strategic Petroleum Reserve is going to help. It threatens our economy in the long term.

Kofi Annan, Secretary General of the U.N., just wrote an editorial that I saw over the weekend. He has predicted that the poorer nations, the developing nations, will be hurt more by rising energy prices than the wealthy nations, but he does not dispute that wealthy nations will also be damaged.

This increase in fuel costs amounts to a tax on the American people. It comes right out of their pocket every time they go to the gas station.

Now we have this ''bold'' plan of the Gore-Clinton administration to release 30 million barrels of oil from the Strategic Petroleum Reserve. This is supposed to be a solution to this problem, it is supposed to really help. But what this recent action really amounts to, is

closing the barn door after the horse is out.

Releasing 30 million barrels of oil will meet no more than 1½ days demand for energy in America. We consume nearly 20 million barrels of oil per day in this country. A 30-million barrel release will not affect, in any significant way, the problems we are facing. That is a fact.

Oil demand is not elastic. That is the crux of this problem. People have to have it. If you are traveling to work in your automobile—and there is no other way to get to work for an overwhelming number of American citizens, students, workers, and kids going to school—you must use gasoline and pay the price it costs.

So the way this thing has worked is this: The OPEC nations over the years saw economies around the world steadily strengthening. Third World nations, began using more automobiles and electricity, increasing demand for oil, using more energy. We salute them for that. The life span for people in countries that have readily available electricity and energy is almost one-half longer than for those in countries that do not have it. We ought to celebrate poor countries being able to improve their standard of living. But as they improve their standard of living, their demand for energy increases. It is happening more and more around the world, and we should be happy quality of life is improving for third world nations. But as demand increased, oil prices remained at a steady rate for a significant period, then OPEC withdrew its production.

You have to understand, it does not take much of a difference in production to spike the price. That is exactly what happened. They cut production below the world demand. To get the oil and gasoline that people around the world needed, they were willing to pay a higher price. They had to pay a higher price to fill up their gas tank. People could not stop buying gas when the price went from $1 to $1.50 to $1.80. They had to keep buying gas, just as all of us do in this country today. So the shortfall does not have to be large to give them that kind of manipulative power over the price.

This Administration has blamed the oil industry. I have no doubt that if the oil industry could make a few cents more per gallon, they would try to do so at any point in time. But let's remember, a little over a year ago, in my State of Alabama, you could buy gasoline for $1 a gallon. Of that $1 of gasoline you bought, 40 cents of it was tax. So really you were paying only 60 cents for a gallon of gas, less than a gallon of water.

That gasoline was probably produced somewhere in Saudi Arabia, refined, and shipped here in ships on which they spend billions to keep as safe as they possibly can. It is transported, 24 hours a day, to gas stations around the country. You take a gas pump nozzle, put it in the receptacle, and the gas goes into your tank. Nobody ever doubts the quality of the gasoline or likely gives much thought to where it came from. It is a remarkable thing that the oil industry can do that. Does anybody think a Government agency could do that? No, sir.

So what happened? When OPEC cut their production, it spiked the world price—and they have a world market for oil—a barrel of oil which was selling for $13, $12, has now hit $36 a barrel and it may be going higher because of price manipulation.

The price has gone up 50, 60, 70 cents a gallon. What does that really mean? It is not like an American tax on gasoline where we take that 40 cents with which to build roads and other things. It is a tax by OPEC on us. Foreign countries that are supplying us their oil are in effect charging us 40, 50 cents more for a gallon of gas which every American is paying. It is a drain on the wealth of this country. It threatens our economic vitality and growth.

You may say: ''Jeff, why didn't we do a better job of producing oil?'' There are some who say this administration has no energy policy. I don't agree. It has a policy. It is a no-growth, no-production policy. It has been that policy for the last 7½ years. If AL GORE is elected President, it will continue, and you ain't seen nothing yet when it comes to the price for fuel in this country. That is a plain fact.

We have tremendous reserves in Alaska for example. We voted on this floor—and the vote was vetoed by the administration—to produce oil and gas from the tremendous ANWR reserves. Oh, they said, it is a pristine area, and America will be polluted. The fact is, there are oil wells all around this country. People live right next to them. Oil wells do not pollute. But despite this plain fact, the Administration refused to allow production.

It has been reported, the ANWR reserves could be safely produced in an area less than the size of Dulles Airport serving the Washington, DC area. We would not destroy the Alaskan environment as we produce oil and gas there. Unfortunately, this administration would rather us pay Saudi Arabia, Kuwait and the sheiks for it rather than produce it in our own country, keeping the wealth here.

They say: ''Some of that Alaskan oil is sold to Japan''. Economically that does not make any difference. When you sell it to Japan, you get money from Japan. You can buy it from Saudi Arabia, or wherever you buy it from—Venezuela. It makes no difference in economic terms.

That is a bogus argument, as any person who thinks about it would understand. The more we produce here, the less wealth of our Nation is transferred outside our Nation.

Fundamentally, this increase in prices was not driven so much by supply and demand. It was driven by a cartel. If this administration wants to address antitrust crimes, maybe they ought to worry less about Microsoft and worry more about this cartel that has come together to drive up energy prices. They have driven it up through political means.

We, as American citizens, need to ask our Government: What political means are you using, Mr. Clinton, to overcome this threat? What are you proposing, Mr. Gore, to overcome that? Windmills? Eliminate the internal combustion engine? Is that your proposal? Are we going to use solar energy production?

I support various alternatives. I voted for ethanol. I voted for a pilot program to determine whether a switch grass could be utilized to produce energy, and it has potential. I supported the advanced vehicle technology programs and renewable energy research. But these technologies are a drop in the bucket compared to what we need to deal with our energy demands in this Nation.

Think about what we are doing. We are seeing major impacts on American consumers. If a family had an average monthly bill for gasoline of $60, when that gallon of gasoline went from $1 to $1.50, that means that the bill per month went from $60 to $90, a $30-a-month after tax draw on that family's budget for no other reason than an increase in gasoline prices. If the bill was $100 a month, and many families will pay more than that, it has become $150. It is a $50-a-month draw on their budget.

This is a matter of great national importance. It need not happen. The experts are in agreement. There are sufficient energy reserves in our country to increase the supply and meet demand. Our government could drive down these prices. But we have to have an administration that believes in producing oil and gas, not an administration that is systematically, repeatedly blocking attempts at more production.

For example, there is a procedure used in my home State of Alabama called hydraulic fracturing. It is used in the production of coalbed methane. In some areas, coal may not be of sufficient quality and quantity to mine, but it does have methane in it. What has been discovered is that you can drill into the coal and produce methane from it with almost no disruption of the environment.

Methane is one of the cleanest burning fossil fuels we can have. It is far better for the environment than many competing fuels. Production of coalbed methane is something we ought to encourage. Hydraulic fracturing of coalbeds has never caused a single case of underground drinking water contamination. In fact, for years, the EPA did not bother to regulate it. Then somebody filed a lawsuit. Because the use of this technology for coalbed methane production is relatively new, Congress had never addressed it. The lawsuit argued that pumping water into the ground needed to be regulated in the same way as injecting hazardous waste

into the ground because there was no other statutory framework to apply. This has caused coalbed methane producers to go through all kinds of extensive regulatory procedures and generally depressed coalbed methane production activities. The EPA never really wanted to regulate, and in fact, argued that hydraulic fracturing did not need to be regulated at the federal level because it had caused no environmental problems and the state programs were working well. Unfortunately, the court ruled against the EPA because the law which governs this activity was written at a time this activity barely existed. I have introduced legislation which would allow the states to continue their successful regulatory programs. Yet we have been unable to get the kind of support from the administration and the EPA that would allow us to produce this clean form of gas all across America. It would be good for our country. That is an example of the no growth, no production policy of the administration.

We have taken out of the mix, the possibility of drilling in so many of our western lands that are Government owned. There are huge areas out there with very large reserves of gas and oil. Yet, this administration has systematically blocked production. They have vetoed legislation—which we almost overrode—to keep us from drilling in ANWR. They have refused to drill off the coast of California. They have refused to drill and are proposing to limit drilling in the Gulf of Mexico. In fact, Vice President GORE recently, stated he favored no more drilling in the Gulf of Mexico and in fact would limit, perhaps, leases that had already been let.

That is a big deal. Electric energy in America is being produced more and more through the use of natural gas. In addition to home heating, it is being increasingly used to generate electricity. It is generating it far cleaner than most any other source of energy. Almost every new electric-generating plant in this country has been designed to use natural gas. It comes through pipelines. Most of it is coming out of the Gulf of Mexico. There are huge reserves off the gulf coast of my home State of Alabama and throughout the gulf area. That ought to be produced.

It is unbelievable that we would not produce that clean natural gas, but instead continue to import our oil from the Middle East and allow a huge tax to be levied on American citizens by the OPEC cartel members. It makes no sense at all. As anybody who has been here knows, they know what the policy is. The policy of the extreme no-growth people in America is to drive up the price of gasoline. They figure if they drive it up high enough, you will have to ride your bicycle to work, I suppose. But most people don't live a few blocks or miles from work. A lot of people are elderly. A lot of people have children to take to school, and they have to take things with them when they go to work. They have errands to run and family obligations to meet. They cannot use bicycles or rely on windmills to do their work.

That is the policy of this administration, to drive up energy costs. That is the only way you can see it. Systematically, they have blocked effort after effort after effort to allow this country to increase production. We have to change that. Our current energy problems will only get worse if we do not.

We have tremendous energy reserves in America. If we insist on sound environmental protection but not excessive regulation, if we make sure that production in areas such as ANWR in Alaska is conducted as previous Alaskan oil and gas production has been conducted we can make great strides in controlling our energy prices. The Trans-Alaskan Pipeline, has been delivering oil for two decades now and has had a minimal impact on the environment and not destroyed anything. The caribou are still there. The tundra has not melted. America has benefited from the Trans-Alaskan Pipeline and the energy that has been produced there. We certainly cannot stop producing oil and gas in the Gulf of Mexico, as the Vice President has proposed. That idea is stunning. It is a radical proposal. It is a threat to our future. We cannot allow it.

We cannot assume, we cannot take for granted one moment the belief that this release of a supply equal to 1½ day's demand is going to deal with our long-term problem. We have an administration that is cheerfully accepting, increased prices American must pay for energy. Those prices are going to continue to increase unless we do something about it. It does not take a huge increase in supply to help better balance demand and supply. So if we can begin to make even modest progress toward increasing our domestic supply, I think we can begin to see the price fall in a relatively short term. However, we cannot do it with the kinds of no-growth policies this administration is talking about.

I do believe in improving the environment. I support the policies that do so. I support research in many alternative energy sources and hope we will see some break throughs. I hope we will continue to develop technologies to increase the quality of the energy sources, which could make the use of energy cleaner and more efficient. I think these are good prudent steps to take.

But with the world demand we are facing, these efforts have not yet led to a big step—a good step, but not a big step. We are going to see increased demand in the United States and around the world. The experts tell us there is energy here in the United States. We need to be able to produce it and not continue to allow the wealth of this Nation to be transferred across the ocean to a few nations that were lucky enough to be founded on pools of oil.

That must remain our goal. That is what I and others will continue to working for in this Congress.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

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

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ENERGY CRISIS

Mr. BROWNBACK. Mr. President, I join my colleague from Alabama in noting that what the President is doing on SPR, in my view, is a diversion. It is not solving the fundamental problem we have with the energy supply in this country—either the refining capacity that has been limited, as the Senator from Alaska, Mr. MURKOWSKI, has spoken of, or the supply of the raw resource, about which the Senator from Alaska and others have spoken. We need to be able to get access to that, and this administration has stopped that from taking place. They stopped it from taking place on our shores and stopped an expansion of biomass, biofuels, and ethanol production. They have not been supportive of expansion there as well. They stopped expansion in places such as in Central Asia, in which I have done a fair amount of work. There are large reserves of hydrocarbons and oil and gas there. They have done nothing to bring this online. Yet countries in that region of the world—many of which most people haven't heard of—have, I believe, the third largest pool of hydrocarbons in the world. They are seeking ways to get it out to the West in an oil and gas pipeline. This administration hasn't done anything to get that started.

So here we are today with high fuel prices, with no end in sight. Despite the President's diversion by using SPR and the misuse of this program—the way it was set up at least, the fundamental problem remains. We have to deal with the supply issue, and this administration hasn't done that. I applaud my colleague from Alabama for addressing that issue.

Mr. SESSIONS. Will the Senator yield?

Mr. BROWNBACK. Yes.

Mr. SESSIONS. Mr. President, the Senator has been here, as I have, for nearly 4 years now. I want to just ask him this: Has Senator MURKOWSKI, who chairs the Energy Committee, and others in this Congress, been warning for years about this, saying that we were denied American production, that it was going to come back to haunt us and prices would go up and it would drain our wealth? Have they been urging this administration for years to deal with it and support some production?

Mr. BROWNBACK. Absolutely. He has been stating that for a long period of time. The administration, each step along the way, has continued to thwart, stall, and say things that were positive but with no action. That is what I have seen taking place in pushing for marginal well tax credits for

small oil well production such as we have in Kansas. We need to encourage this domestic production. Let's have a tax credit for these marginal oil wells that produce less than 10 barrels a day. You get positive comments from the administration, but then nothing happens. On biofuels or Central Asia, there is enormous capacity in that region for oil and gas. Yes, this takes place, but what are you going to do to cause this to happen? What is your strategy? Nothing is put forward.

Here we are with high gas prices and high heating oil. My parents burn propane to heat their home. They are paying a significant premium price now. All of these things are taking place, and then their answer is to tap this 1½ day supply, instead of dealing with fundamentals which they have failed to do over a period of time. So we have been warned. I hope we can press the administration, and I hope this is something to which people pay attention.

Mr. SESSIONS. I thank the Senator for those comments, and I do think it is important for America. The average citizen doesn't have time to watch debate here and hear what goes on in committees, but this has been a matter of real contention for a number of years. There have been warnings by people such as Senator MURKOWSKI, who chairs the Energy Committee, and others, that this would occur, and it has now occurred. I think it is particularly a condemnation of the policy when you have been told about the consequences and warned about it publicly and still you have not acted. That, to me, is troubling. I appreciate the Senator's comments.

I yield the floor.

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THE PACKERS AND STOCKYARDS ENFORCEMENT IMPROVEMENT ACT OF 2000

Mr. BROWNBACK. Mr. President, I rise to address something about which the occupant of the chair has a great deal of concern. A bill was introduced recently by Senator GRASSLEY from Iowa. I support his bill, the Packers and Stockyards Enforcement Improvement Act of 2000. I think this is a commonsense approach to a very difficult agricultural antitrust concern taking place. I applaud Senator GRASSLEY's approach and endorse his Stockyards Enforcement Act of 2000.

Concerns about concentration and market monopolization have risen in recent years, with the remaining low prices that farmers have received and the struggle that we have had to adopt and adapt to the globalized commerce that we see taking place.

I was visiting yesterday with my dad, who farms full time in Kansas, and my brother who farms with him, about concerns regarding the concentration and the low prices taking place and what is happening around them.

What Senator GRASSLEY has done is request a GAO study, and he found that the USDA has not adequately put forward efforts of enforcement in the packers and stockyards field, and that needs to take place. He is taking the GAO study and putting it into legislative language. I believe it would be prudent and wise for this Congress to pass that language.

Senator GRASSLEY's bill spells out specific reforms that will make a direct difference in the way antitrust issues and anticompetitive practices are dealt with. Specifically, the bill will require USDA to formulate and improve investigation and case methods for competition-related allegations in consultation with the Department of Justice and the Federal Trade Commission; integrate attorney and economist teams, with attorney input from the very beginning of an investigation, rather than merely signing off at the end of the inquiry.

It turns out that the GAO study reports that the economists are looking at the cases early on but the attorneys are not. The attorneys need to be involved at the very outset. By the nature of these charges, they are legal issues and should be looked at by attorneys at the very outset. It would establish specific training programs for attorneys and investigators involved in antitrust investigations. It would require a report to Congress on the state of the market and concerns about anticompetitive practices.

Senator GRASSLEY, today, chaired a hearing that further illuminated the problems, needs, and solutions.

Senator GRASSLEY's bill comes after a thorough examination of USDA's enforcement of the Packer's and Stockyards Act by the GAO. That report, released last week, found numerous problems in the way the agency approaches these investigations. I have to say, as somebody whose family is directly involved in farming, who has been secretary of agriculture for the State of Kansas, it troubles me when the Department is having difficulties enforcing this very important area of the law.

This bill simply puts into law these GAO recommendations for USDA reform. This bill is necessary because USDA has been struggling to address many of these concerns raised by the GAO in terms of antitrust enforcement over the past 3 years. This issue has been raised in the Kansas State Legislature this last session with a great deal of concern about really who is watching. Are they properly prepared and adequately staffed to look into these antitrust investigations and allegations? This bill gets reforms done within a year and ensures that the law is being enforced.

Today's agricultural markets are in tough shape. Prices are too low. We cannot, however, make assumptions about concentration as the cause without having accurate information and thorough investigations. Under Senator GRASSLEY's bill, this process will be greatly improved because it requires USDA to retool and devote more resources to the area of antitrust enforcement.

This bill avoids the pitfalls of lumping the innocent in with the guilty and instead sorts out anticompetitive practices where they occur. These reforms are necessary to restore producer confidence in the Packers and Stockyards Act and USDA's ability to police this increasingly concentrated industry.

Again, I thank Senator GRASSLEY for his wise approach on this tough issue and his continued sincere concern for the farmers of this Nation. This has been an excellent effort to move forward by Senator GRASSLEY.

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THE VETERANS CLAIMS ASSISTANCE ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4864, 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. 4864) to amend title 48, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

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

AMENDMENT NO. 4189

Mr. BROWNBACK. Mr. President, there is a substitute amendment at the desk submitted by Senators SPECTER and ROCKEFELLER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) for Mr. SPECTER and Mr. ROCKEFELLER proposes an amendment numbered 4189.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mr. SPECTER. Mr. President, I have sought recognition to explain briefly an action that I, as chairman of the Senate Committee on Veterans' Affairs, propose to take today with respect to a House-passed bill, H.R. 4864. I take this action with the concurrence and support of the committee's ranking member, Senator JAY ROCKEFELLER and Senator PATTY MURRAY, the original sponsor of Senate legislation, S. 1810, to reinstate VA's duty to assist claimants in the preparation of their claims.

In 1999, the United States Court of Appeals for Veterans claims issued a ruling, *Morton* v. *West*, 12 Vet. App. 477 (1999), which had the effect of barring the Department of Veterans Affairs (VA) from offering its assistance to

veterans and other claimants in preparing and presenting their claims to VA prior to the veteran first accumulating sufficient evidence to show that his or her claim is ''well grounded.'' This decision overturned a long history of VA practice under which VA had taken upon itself a duty to assist veterans in gathering evidence and otherwise preparing their claims for VA adjudication. That practice was grounded in a long VA tradition of non-adversarial practice in the administrative litigation of veterans' claims.

For over a year, the Senate Committee on Veterans' Affairs has worked to craft, and then to develop VA and veterans service organization support for, a legislative solution that returns VA to the pre-Morton status quo ante, and reinstates VA's duty to assist veterans and other claimants in the preparation of their claims. The product of the Senate committee's work is contained in section 101 of S. 1810, a bill which was approved by the Senate on September 21, 2000. Since S. 1810 was reported, however, committee staff has worked with the staff of the House Veterans' Affairs Committee to reconcile the provisions of section 101 of S. 1810 and a similar bill, H.R. 4864, which passed the House of Representatives on July 25, 2000.

The Senate and House committees have now reached such an agreement, and have reconciled the differences between the Senate- and House-passed provisions. Those differences—which are, principally, matters of tone and emphasis, not substance—are contained in the proposed amendment to H.R. 4864 which I present to the Senate today and which is explained in detail in the staff-prepared joint explanatory statement which I have filed with the amendment's text. This compromise agreement has been reached after extensive consultation with VA's general counsel and the major veterans service organizations.

I now ask that the Senate approve this compromise agreement by approving the proposed amendments to H.R. 4864. The House will then be in a position to approve the Senate-passed amendments to the House bill and send this legislation to the President for his signature.

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

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

The amendment (No. 4189) was agreed to.

The bill (H.R. 4864), as amended, was passed.

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate has passed this bill to reestablish the Department of Veterans Affairs' duty to assist veterans in developing their claims for benefits from the Department. Senator MURRAY, who introduced the original Senate bill, S. 1810, that led to this compromise bill should be praised for her leadership on this issue.

The ''duty to assist,'' along with other principles such as giving the veteran the benefit of the doubt in benefits' determinations, are parts of what make the relationship between the Department of Veterans Affairs (VA) and the claimant unique in the Federal Government. Congress has long recognized that this Nation owes a special obligation to its veterans. The system to provide benefits to veterans was never intended to be adversarial or difficult for the veteran to navigate. That is why Congress codified, in the Veterans Judicial Review Act of 1988 (Public Law 100–687), these longstanding practices of the VA to help claimants develop their claims for veterans benefits.

Over time, the U.S. Court of Appeals for Veterans Claims attempted to give meaning to loosely defined, but well-ingrained concepts of law. In Caluza v. Brown, the Court identified three requirements that would be necessary to establish a well-grounded claim, which the Court viewed as a prerequisite to VA's duty to assist. These requirements were: (1) a medical diagnosis of a current disability; (2) medical or lay evidence of the inservice occurrence or aggravation of a disease or injury; and (3) medical evidence of a nexus or link between an inservice injury or disease and the current disability. Through a series of cases, which culminated in Morton v. West, the Court ruled that VA has no authority to develop claims that are not ''well-grounded.'' This resulted in a change of practice where VA no longer sought records or offered medical examinations and opinions to assist the veteran in ''grounding'' the claim.

Veterans advocates, VA, and Congress grew very concerned over this situation and the resulting potential unfairness to veterans. Veterans may be required to submit records that are in the government's possession (e.g., VA medical records, military service records, etc.). Also, veterans who could not afford medical treatment and did not live near or did not use a VA medical facility (and thus had no medical records to submit) would not be provided a medical exam. Many veterans claims were denied as not well-grounded.

Therefore, Congress, with significant input from the veterans service organizations and VA, developed legislation to correct this problem. H.R. 4864, as amended, reflects the compromise language developed jointly by the staff of the House and Senate Committees on Veterans' Affairs. I believe that this bill restores VA to its pre-Morton duty to assist, as well as enhances VA's obligation to notify claimants of what is necessary to establish a claim and what evidence VA has not been able to obtain before it makes its decision on the claim.

In developing this compromise, it was very important to me to ensure that veterans will get all the assistance that is necessary and relevant to their claim for benefits. This assistance should include obtaining records, providing medical examinations to determine the veteran's disability or opinions as to whether the disability is related to service, or any other assistance that VA needs to decide the claim. On the other hand, it was also important to balance this duty against the futility of requiring VA to develop claims where there is no reasonable possibility that the assistance would substantiate the claim. For example, wartime service is a statutory requirement for VA non-service-connected pension benefits. Therefore, if a veteran with only peacetime service sought pension, no level of assistance would help the veteran prove the claim; and if VA were to spend time developing such a claim, some other veteran's claim where assistance would be helpful would be delayed. However we need to ensure that the bar is no longer set so high that veterans with meritorious claims will be turned away without assistance.

H.R. 4864, as amended, does specify certain types and levels of assistance for compensation claims. The majority of VA's new casework is in making these initial disability determinations. If the record could be developed properly the first time the veteran submits an application for benefits, subsequent appeals or claims for rating increases or for service connection for additional conditions would be much more accurate and efficient.

The compromise bill provides that VA shall provide a veteran a medical examination or a medical opinion when such an exam or opinion is necessary to make a decision on the claim. The bill specifies one instance when an exam or opinion is necessary—when there is competent evidence that the veteran has a disability or symptoms that may be related to service, but there is not sufficient evidence to make a decision. This determination may be based upon a lay statement by the veteran on a subject that he or she is competent to speak about. That is, if a veteran comes to VA claiming that she or he has a pain in his leg that may be related to service—and there is no evidence that the veteran, for example, was awarded a workers compensation claim for a leg disability last month—VA must provide an examination or opinion. The veteran can probably not provide evidence that the pain is due to traumatic arthritis; that would requires a doctor's expertise. H.R. 4864 does recognize that there are many other instances when a medical examination or opinion would be appropriate or necessary.

Again, by specifying certain types of assistance for compensation claims,

the bill does not limit VA's assistance to those types of claims or to a specific type of assistance. It expressly provides that nothing in the bill prevents the Secretary from rendering whatever assistance is necessary. It also does not undo some of the complementary Court decisions that require the VA to render certain additional types of assistance, such as those required in McCormick v. Gober.

Although VA is moving its claims adjudication system toward a team-based, case management system that will result in better service and communication with claimants, I felt that it was critical to include requirements that VA explain to claimants what information and evidence will be needed to prove their claim. VA will also be required to explain what information and evidence it would secure (e.g., medical records, service medical records, etc.) and what information the claimant should submit (e.g., marriage certificate, Social Security number, etc.). Currently, many veterans are asked for information in a piecemeal fashion and don't know what VA is doing to secure other evidence. Better communication will lead to expedited decisionmaking and higher satisfaction in the process.

H.R. 4864, as amended, provides for retroactive applications of the bill's duty to assist provisions, as well as the enhanced notice procedures. Now, claimants that were denied due to the Morton decision will be able to have their claims readjudicated in accordance with the provisions of this bill and receive VA's full duty to assist. This will also ensure an earlier effective date if their claim is successful.

It is critical that we honor our commitment to veterans and their families. We should not create technicalities and bureaucratic hoops for them to jump through. I am pleased that Congress is able to move this provision and begin the restoration of VA's duty to assist claimants in developing the evidence and information necessary to establish their claims for veterans benefits.

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RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:53 p.m., recessed until Tuesday, September 26, 2000, at 9:30. a.m.

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NOMINATIONS

Executive nominations received by the Senate September 25, 2000:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DONALD L. FIXICO, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE ALAN CHARLES KORS, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

PAULETTE H. HOLAHAN, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2004, VICE MARY S. FURLONG, TERM EXPIRED.

MARILYN GELL MASON, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2003, VICE JOEL DAVID VALDEZ, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JOHN J. WILSON, OF MARYLAND, TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, VICE SHELDON C. BILCHIK.