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Senate

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, show us enough of our real selves to expose our false pride and enough of Your grace to overcome our self-sufficiency. When we are tempted, fortify us with Your strength. Give us keen intellect to listen for Your voice in every difficulty. Be with us on the mountain peaks of success to remind us that You are the source of our talents and gifts and in the deep valleys of discouragement to help us receive Your courage to press on. You are our light. We were not meant to walk in darkness of fear or uncertainty. We trust You to use all of the victories and defeats of life to bring us closer to You.

Bless the women and men of this Senate that, laying aside the divisions of party spirit, they may be united in heart and mind to serve You together. May debate be a quest for greater truth and may the will simply to win arguments be replaced by the greater purpose of working together to discover and do what is best for our Nation. May a new team spirit overcome our separatism and may oneness in You make us loyal to one another as fellow Americans. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. GREGG. Mr. President, this morning there will be a period of morning business until the hour of 10 a.m., with Senator DASCHLE in control of the first 40 minutes and Senator COVERDELL in control of the remaining 20 minutes. At 10 a.m., the Senate will begin consideration of S. 1864, the Department of Defense appropriations bill. Amendments are expected to that appropriations bill. Therefore, all Senators can expect rollcalls throughout today's session. I anticipate that the Senate may be in session into the evening in order to make progress on the Defense appropriations bill. Senators should plan their schedules accordingly.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. The Chair would note that under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. Under that order, 40 minutes shall be under the control of the Democratic leader and 20 minutes under the control of the Senator from Georgia.

THE MINIMUM WAGE

Mr. DORGAN. Mr. President, I am going to begin a brief discussion along with two of my colleagues who will appear shortly, Senator BREAUX from Louisiana and Senator ROCKEFELLER from West Virginia, on what we have called the families-first agenda that we developed to lay out what we think we would like to accomplish in the months ahead and also in this and the following Congress.

Before I do that, however, I wanted to share with my colleagues something that I will share at greater length at a later time.

Yesterday, we voted on the minimum wage. There has been a lot of discussion back and forth on the issue of the minimum wage, and the opposition to the minimum wage from some is that it will cost jobs; from others, that there ought not be a minimum wage.

There has been a lot of controversy about it. The Congress I think in its good judgment decided after about 7 years that another adjustment should be made; the last adjustment was made in the latter part of 1989. But we will still have some discussion about it because there needs to be a conference and, I expect, more debate in the Chamber about the minimum wage.

Last evening, I found something that I want to share with my colleagues which I think contributes to the debate some. It is a piece written by Edward Filene. Some will remember, especially in Massachusetts and others around the country, the name Filene because Filene is the name that is attached to department stores, Filene's Basement among others.

Edward Filene, September 1923, a businessman of some significance at that time, wrote the following. And this is only the last paragraph. I intend to share this at greater length with my colleagues at a different time.

''The Minimum Wage,'' Edward Filene says in 1923.

In this connection, I will call attention to a result which cannot be ignored—to the man who has produced the best commodity for the price of its kind in the world, produced in quantities never before dreamed of

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

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and produced it so cheap that it can be sold in competition with the cheap labor of Europe—so cheap, indeed, that no country can make it to compete with him. I refer to Henry Ford. He has produced twelve hundred thousand automobiles a year—eight a minute—has financed his whole business from the profits, and has become the richest man in the world. And the minimum wage he pays is so high that if it were proposed in Massachusetts, those who advocated it would be set down as crazy. Even at his high minimum wage, he has been able to employ the lame, the crippled, the blind of the community not as a charity but at a profit. The statistics in his autobiography covering these facts are amazing. The demonstration of the possibility of the minimum wage speaks louder than my words and I hope it may be borne in mind in any decision of the minimum wage question.

This was September 1923, by Edward Filene, a businessman of some significance, then. I wanted to share this, which I think is a wonderful piece about the minimum wage written some 70 years ago, but I think it is still relevant today with respect to the questions that we face.

FAMILIES-FIRST AGENDA

Mr. DORGAN. Mr. President, I come to the floor today to talk about the agenda. We discussed it some yesterday. I want to discuss it additionally today. Senator REID, from Nevada, and myself were asked by the Democratic leader to begin work with our caucus to develop an agenda. It is easy to discern quickly in this Chamber what someone stands against, what someone opposes, what a party opposes. That takes very little skill, to oppose anything. It takes very little skill to be negative. So the political system and the give-and-take of politics has those who are proposing things and those who are opposing them.

Again, it is easy to discern quickly who opposes what. The question, however, for us in our country, is not what do we oppose; the question is, really, what do we support? What is it that we believe can be done to advance the interests of this country?

As I indicated yesterday, the standard by which we ought to judge that is, at the end of the day, have we done things in this country, in the public and private sector, to increase the standard of living in America? Do we have people who have an opportunity for better jobs at better pay? Are their children going to better schools? Are we driving on better roads? Are we able to acquire better products?

The most important ingredient in all of that, the thing that is the linchpin of opportunity, is: Do we have an economy that is growing? Do we have an economy that is producing new jobs and is capable of producing new jobs at a decent income at a sufficient pace to keep abreast of the increase in population and to keep the American people understanding there is an opportunity and hope ahead?

As I begin discussing the families-first agenda that we have put together, let me say the first and most important element of what we stand for as Democrats is economic opportunity and economic growth. It is the legacy of the Democratic Party. We have been the party that pushes insistently to expand this country's economy and therefore expand opportunities, not just for some, but for all in America.

I must say, my own view of the current economic situation is, while this administration has done a remarkable job in a range of areas, it has not had the kind of cooperation I would like to see from those who construct monetary policy at the Federal Reserve Board. It certainly has not seen much cooperation from Wall Street.

We have, it seems to me, an economic strategy, especially in the area of monetary policy, that shortchanges our country today. As Mr. Rohaytn from New York says, the minute you get some prevailing wind, we see a Federal Reserve Board decide to drop anchor.

It makes no sense to create a false choice, saying we must choose between either inflation or growth. It makes no sense to believe if we have decent growth that provides decent expansion and therefore more jobs at better income, that we will necessarily stoke the fires of inflation. That is nonsense. Inflation is down. It has been coming down 5 years in a row. If you believe Mr. Greenspan, that the CPI overstates inflation by a percent and a half, then you have to conclude there is almost no inflation in America today. If that is the case, why do we see this rate of economic growth targeted at an artificially low rate, which means the false choice is answered, by those who provide answers, that we will continue to fight an inflation that does not exist? The cost of fighting that inflation will be lost opportunity for American families and lost jobs and a less bright economic future.

I am going to talk about the families-first agenda, but I will come to the floor and talk about this at some length. Last week, what did we see? We saw a news report at the end of last week that said unemployment is going down again, unemployment has dropped. What did Wall Street do? What did the bond market do? What did the stock market do? It had an apoplectic seizure. Good economic news for Wall Street means bad times.

What on Earth is going on? Is there a cultural divide here somewhere, that good economic news, good news for American families, creates seizures on Wall Street? Do they not connect with this country at all? Dropping unemployment is good news. When unemployment goes down, you would expect people on Wall Street to celebrate a bit. When economic growth rates are up, you would expect Wall Street to believe that is good for our country.

Get a life, would you, in New York City. Get a life about these things. Why is it every time we get a piece of good news, the folks on Wall Street have a seizure? Why is there a chasm between Wall Street and Main Street about what Wall Street believes is a fundamentally unsound policy for them? I want to come and speak about that at some length, because it seems to me this is out of step with what we need for our country in terms of economic growth and opportunity. If every time we begin to see some progress in creating the kind of economic growth we need, not 2.2 percent a year, not 2.5 percent a year, but more robust economic growth that produces the jobs and opportunity—if every time that happens we see the bond market go into a pretzel stance and have a seizure of some sort, there is something fundamentally wrong with what is going on in this country. But if the first obligation and the first important fight for us as Democrats is to create an economy that expands and grows and provides opportunities for working families, we have a range of other policies that we believe are important that help accomplish that.

We put together, with the help of a lot of people over a period of a year in the Senate and then working together with Members of the U.S. House, and then with the White House, an agenda that is called ''families-first.'' It is called families-first because, when everything is settled, when all the dust begins to settle and the day is done, the question of whether we have been successful as a country is measured by whether we have done something that improves the lives of American families. Have we increased the standard of living in this country?

First, we believe, in a families-first agenda that there is a responsibility for Government. Government has a responsibility to balance the budget, pay for what it consumes, not leave a legacy for its grandchildren to pay for what their grandparents consume.

There is a right way and a wrong way to balance the budget. We believe the budget ought to be balanced with hard choices, the right way. The budget deficit has come down very, very substantially in the last 3 years, and that is because a lot of folks in this Chamber have been willing to make tough decisions. We would reach out and hope for cooperation with others, to say, yes, balancing the budget matters, and it is one of the first items on our agenda.

Second, economic opportunity: We stand for helping small businesses thrive and create jobs in our country, and pursue policies to make that happen. People who risk their economic livelihood, go to work in the morning, keep their businesses open all day, and who are trying to make a profit, they matter to this country. They provide jobs in this country. And we want policies that are friendly to that kind of investment and that kind of commitment that Americans make in creating jobs and building businesses.

Investing in our communities, in the infrastructure, building the roads, building the infrastructure this country needs, repairing the infrastructure,

building schools, those are the kinds of things that need to have attention as well, and that is in our families-first agenda.

We talk about individual responsibility: welfare reform. Senator BREAUX will speak this morning, and no one has worked harder or longer on welfare reform than the Senator from Louisiana. Our approach has been called work first. We believe those who are able-bodied have a responsibility to work. We want to put them from the welfare rolls over to the payrolls.

We also believe that deadbeat dads ought to take responsibility and pay for the care of their children. Why should the dads out there have children and then abandon them and then say to the other taxpayers of America, ''You take care of those kids.'' Our proposal says to deadbeat dads, ''It is your responsibility as well to take care of those kids.''

Our agenda calls for a national crusade to end teenage pregnancy in this country, which causes a whole series of other social problems. That is something Americans could and should unite against and decide, in a massive education program, that teenage pregnancy retards, rather than advances, the interests of this country.

Personal security. It is hard to feel like your country is advancing if you and your family do not feel safe. We believe putting more cops on the street is good public policy, and President Clinton's proposal is now in effect and there are more cops on the street, more police on the beat. We would continue to enhance that.

Keeping kids out of the streets and out of gangs and a whole series of policy initiatives to do that are important.

Cleaning drugs out of our schools is important. We believe that everyone on parole and probation in America ought to be drug tested while on parole and probation.

We propose in the families-first agenda retirement security, pension reform and protection, allowing people to take their pensions with them when they change jobs, stiffer penalties for those who abuse the pensions and crack down on companies who use pension money inappropriately, money people have saved for their retirement that the companies would then misuse. There would be tough penalties in those circumstances.

We would expand pension coverage, including expanding opportunities for IRA investments.

Health care security. The Kennedy-Kassebaum bill, which we have now passed 100 to 0 in the Senate but is not now law, is a central part of what we ought to do. And a kids first health plan which we believe ought to be advanced.

Educational opportunity. Our party has always stood for education: $10,000 tax deductions for college and job training and a Project Hope scholarship project, 2 years of college for kids with good grades.

Mr. President, the families-first agenda is an approach that talks about the requirements of all levels of government and all Americans to join together to do the things, the sensible things, that will make this a better country.

We are not talking about spending substantial amounts of new money. That is not what these programs are about. These programs are about trying to determine how we advance this country's interests so that at the end of the day, the American people can say our country is growing, it is moving, it is providing hope and opportunity for our family and, yes, for every family. That is what the families-first agenda is about.

Mr. President, I yield the floor and yield to my colleague from Louisiana, if he is ready to speak.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Chair. Mr. President, I will start by congratulating the Senator from North Dakota for his comments in outlining what I think is a realistic and doable agenda; that is, the families-first agenda. I think that we as Democratic Members can be very proud of putting forth an agenda that is realistic, it is doable, it is not slogans, it is not pie in the sky, it is not sound bites, it is not ideas that have been proposed by public relations firms after doing polling when they look forward to concentrating on the next election, as opposed to trying to look at the real needs of real Americans in the real world.

I think the families-first agenda is, in fact, an agenda that talks about real problems and coming up with real solutions that are achievable, because while we can talk about slogans and goals, our business in this body is to legislate in a way that has a real effect on people.

I think that some of the early statements we have had in this Congress about things that should be done have been received by many people with a great deal of concern as to whether they are really ever going to happen. As we move to the end of this Congress, I think a lot of Americans have said, ''Well, you know, I heard about contracts and I heard about proposals to amend the Constitution and to do all types of things, and it never happened.'' The reason it never happened is because they were unrealistic goals in the first place.

What we have to deal with is what is doable, what is accomplishable and how to take those step-by-step efforts to reach the goals that people expect us to achieve. That is why I think the agenda that the distinguished Senator from North Dakota has outlined is one that is realistic. It is one that the average family, when they sit around the dinner table at night talking about their concerns and what they would like to see happen, are items they talk about: security, a reasonable paycheck, reasonable health insurance, a reasonable opportunity to send their children to college.

They are not talking about philosophical ideas. They are not talking about major amendments to the Constitution, which has served us very well for over 200 years. They are talking about real-life problems that they face every day, and they just wish that Congress could work together in getting some of these things done.

I think progress is being made. The minimum wage legislation that was passed, I think, was very positive. We continue to work on the so-called Kennedy-Kassebaum health care program, which would be a major accomplishment and one that I think is very doable.

I am pleased to say that I think we can get something done on that legislation in this Congress. We are very, very close and optimistic about it. It is going to take some compromise on both sides, but I think the end result will be much better in having something done than it will be in not accomplishing it and just blaming the other side for failure, which we do far too often around here.

I would like to concentrate on one of the items that is part of the families-first agenda, and that is real welfare reform. One of the problems, I think, that has prevented us from accomplishing it so far is the insistence by many on the Republican side of trying to put together a piece of legislation that we basically are close to agreeing on, welfare reform, and tying it to something we do not agree on, and that is Medicaid. By doing so, we guarantee that nothing will happen on either one of the two bills, as far as getting something adopted.

I was encouraged to see this morning in Commerce Daily the fact that there has been what is reported as a general consensus by House Republicans to push ahead on welfare reform by itself. I think that is something that our colleagues in the Senate should also consider.

If we are very close to reaching an agreement on one major reform of an entitlement program, why not go ahead and accomplish it, why not go ahead and do it, why not give the American people a real welfare reform package that we all can say we joined hands and came up with an agreement that makes sense?

There are some, I think a diminishing minority, who say, ''No, we're going to have to tie welfare reform to Medicaid reform.'' Why? I do not know. Perhaps some want to do that just so they will have the President veto it and then have a political issue.

But I do not think there is a great deal more to be gained by blaming each other for our failures. I think most people in this country outside of Washington would like to see both sides work together and do what we can agree on, set aside what we cannot agree on for later debates and later

work, even into the next Congress, if necessary.

So I think that the suggestion by House Republicans in growing numbers and apparently being discussed by a number of Republican Senators on this side to do what we can do, that being welfare reform, and doing it separately makes a great deal of sense. I am absolutely convinced that if we are able to come to the Senate floor on a welfare reform package, that we can reach an agreement. I think we are very, very close, and I think that is something that clearly should be done.

We all know that Government cannot provide all the solutions to all of our problems all of the time. That is why I think that the consensus that is developed on welfare reform makes so much sense. We all agree that welfare reform requires work. The goal of welfare reform should be getting people off welfare. The goal of welfare reform should be ending welfare and putting people into jobs in the private sector and, when necessary, with some Government help and assistance.

First of all, we can all agree that real welfare reform is about work. We also, I think, all agree that welfare cannot be forever, that there has to be a time limit, there has to be a termination. I think we all understand that, if people think there is no end to what they may be receiving, in fact there will not be the incentives to move into the private sector in the work programs.

So, first, I think welfare has to have time limits. It has to be about work. But it also has to be, Mr. President, about protecting innocent children. I do not think there is anyone in this body who would say that we want to be so tough on work that we adversely affect innocent children who did not ask to be brought into this world. They are here in many cases as innocent victims. We ought to make sure that any reform also protects children while it is very tough on work requirements and very tough on the parents.

So I think we have a consensus that is right here. It is right at our fingertips. And there is no reason why we should not go ahead and do what is doable and what we can accomplish and then we can all take credit for it politically. This is an election year. I think that when we go back home and say that together Republicans and Democrats have worked out a plan to end welfare as we know it, the American people will say, ''Thank goodness. They have gotten something accomplished.''

I think there is a great deal of agreement on how to go about doing it. It is not total agreement. There are still major items that need to be worked out. But I think that it is very clear that we can accomplish this. I think every indication is that the President wants to sign a welfare reform bill but knows that the current Medicaid plan is not yet ready.

We have Republican Governors who just, apparently, yesterday, in talking with their Republican Senate colleagues, talked about the fact that they are very displeased with the Medicaid plan that has come out of the Senate Finance Committee, on which I serve. So if you have Democratic Governors saying, ''Look, I don't think this is ready yet. We don't like it,'' and you have Republican Governors who have to run the program saying, ''No, we don't think this product is what we want,'' that sends us a message. Let us set that aside, continue to work on it, but go forward with that which we can agree on. And that means the welfare plan.

I think, if we were able to separate it, we could get that accomplished. If we tie them together, we are dooming welfare reform to defeat. Maybe some people think that is a good idea politically because then we can blame the other side. They will blame us and everybody will blame each other. The American public outside Washington will say, ''What are they talking about? They should be talking about getting something done, not blaming the other side for failure.'' Failure is not politically acceptable in the area that I come from. I think we do much better when we get something accomplished.

The Work First Act that we have, as Democrats, offered as part of this package, I think, is a major step in the right direction. Can it be further improved? Probably. I am willing to work in that regard. But I think it makes some principal points that I think are the essence of real reform. Assistance is conditional. It is not really an entitlement. People have to be able to move into the work force or perform community service. That is real reform. It is limited. There is an actual time limit on how long a person or their family can be on welfare. The general consensus is that 5 years is an acceptable amount over a lifetime. We know it cannot be forever, and our bill says that.

It requires teen parents—which is a major problem—to live at home or live in an adult setting. Children who are having children cannot be left on their own without adult supervision. Our legislation requires a teen parent to live at home and to attend school as a condition to receiving welfare benefits. But we also say that to the innocent child, and many of them are babies out there, that we are going to guarantee that there be child care and health care for those children.

I want to be as tough as I possibly can on the parent because they are the ones who brought the child into the world. They have a responsibility. They have to live up to it. But there are the innocent children that we, as a society, have to say we are going to reach out to and make sure they are given child care so the parent can go to work and they are going to have health care so they can remain healthy and growing children.

We also want to make sure that at times when there is a recession they are not left high and dry, that funding will be available for child care and for health care. We want to give the States all the flexibility they need. What works in my State of Louisiana may not be acceptable in California or New York or Florida or any of the other States. What they do in their States may not fit my State. So we want to give the Governors in the States a tremendous amount of flexibility.

I think the bottom line in all of this is that we have a program that can change the welfare system in our country to bring about real reform and at the same time save a great deal of money. Our plan is projected to save nearly $50 billion. That is real reform. At the same time, it protects the needs of innocent children. So we have a good program.

So I urge today that as part of the family-first agenda that we have put out on the table—one ingredient is the welfare reform package—but my plea to our colleagues is to not let other issues doom welfare reform to defeat, do not tie welfare to things that we do not have an agreement on. I think that would be a very, very serious mistake.

I think our Finance Committee has done some good work, quite frankly, in a bipartisan fashion. The chairman of the committee, Senator ROTH, was able to work with those of us on the Democratic side to add some amendments to the package that make it a better package, one that is more acceptable to the administration and one that can actually become law with a few additional minor changes.

But the only way we can fail in this effort is to desire failure. I think, unfortunately, there are some in the Congress who would like to see that happen. I suggest that that is not the way to go. So let us get on with what we can accomplish, do what we can do, and then I think the American public will be able to say that Congress had the opportunity to do what was right, met that challenge, and did exactly that in welfare reform, a good place to start. Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent for 10 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. I reserve the right to object. Parliamentary inquiry. It is my understanding that at 9:40—no objection.

Mr. ROCKEFELLER. Mr. President, is it all right to proceed?

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

MINIMUM WAGE AND HEALTH INSURANCE LEGISLATION

Mr. ROCKEFELLER. I think our business is relatively easy here, or ought to be. I really think there are

only two things we ought to do from the side of the aisle that I represent. We are interested in paycheck security, health care security, retirement security. Those have a variety of things that go along with them which we think are important for family values, for family safety, and obviously family security.

I think there are two pieces of legislation that ought to be signed into law by the President, ought to be passed out of this body. There is no reason why they cannot be. I stand here this morning as the junior Senator from West Virginia in some sense of frustration and wonderment, really putting myself in the place of American citizens wondering why it is not more certain and why there is not a more clear course.

I think if either of these bills fails to pass this session of Congress, both Houses, and on to the President, then I think the American people have real reason to wonder why they put us here. I speak, of course, of two pieces of legislation which we have already passed. The first one was passed the other day, the minimum wage increase. There was a 74 to 24 vote on that. Some might say, well, that was not as strong as it appeared because minimum wage was encased in a small business package, had that title. But there cannot be any doubt about the fact that the minimum wage increase did pass. It has passed the Senate. So has the Kennedy-Kassebaum health insurance bill, more properly the Kassebaum-Kennedy health insurance bill that passed by 100 to 0.

I really think it is embarrassing to our body, to all 100 of us, that there is a real cloud of uncertainty as to whether or not these are going to become law. They have passed through here. The plot keeps thickening as we hear about efforts to delay, to entangle these pieces of legislation, to complicate them. Each of these pieces, of course, have enormous benefits for millions of hard-working American families. Therefore, it seems to me incontrovertible that the good will on both sides should prevail.

On our side, we talk about putting families first. I think they are three good words, it is a good phrase. It is clear. It is what we mean. It means enacting the minimum wage increase and it means enacting the Kassebaum-Kennedy bill.

In West Virginia tens of thousands of wage earners, in fact, 24 percent of all our wage earners in the State, will benefit from the minimum wage law. I am not necessarily happy to say that that many of them would be affected, but that is what I have to say because that is the fact. Over two-thirds of them are adults, and most of them are women, many of them, most of them, have responsibilities for children.

I had a remarkable conversation, at least to me, last week with one of these people who is a graduate, lives in a small community in West Virginia, who is a graduate of the University of Indiana, has a B.A. from the University of Indiana, and moved to West Virginia because she liked the lifestyle. She works as a waitress. She has a 10-year-old girl, her husband has left her, and child support is minimal. She can now earn $2.13 an hour because of the tipping matter under the present law we have passed here in the Senate. So her salary—as she said, tips do make up the difference. If you do allow that to happen, then, in fact, she could go from $8,500 a year to $10,700 a year. When you add on top of that the earned income tax credit for which she is eligible, she could make $3,000 plus from that, which would put her above the poverty level.

Now, that is a momentous fact, taking a program already existing, and the minimum wage which we passed, that we take a woman who lives in poverty, officially, a proud person, well-educated, interested in the arts, with a brilliant 10-year-old daughter, who I had a chance to talk with, who is an exceptional gymnast, for whom she can do nothing because there is no margin whatever in her life financially, being able to help her. She brings to mind, and many others who I have talked to who are working, who are not on welfare, who are working because of their desire to achieve self-esteem through work rather than being on welfare.

I cannot understand why there would be any reason to either block the appointment of conferees, or whatever it would be, to keep the minimum wage bill from passing. It means an enormous amount to people in my State and every single State, most of whom are adult, most of whom are women, most of whom have children.

Then, I think, finally, there is no excuse if the Congress fails to pass the Kassebaum-Kennedy bill. We said from the very beginning, after the failure of the Clinton health care bill, that we should concentrate on what we can agree on. That is what we started out with on Kassebaum-Kennedy, concentrating on what we can agree on. We have to do it incrementally. I understand that and I applaud that. This is a bill on which we so agreed. In fact, the vote was 100 to 0.

Then MSA's, medical savings accounts, was put in in the House and put in over here in a rather odd manner at the last moment. That we did not agree on. Everything else we did agree on. Now that is being, I think, sort of relegated to the possibility of a bill that will not pass this Congress because of the disagreement on that. On the other hand, there was an agreement at the beginning. The whole spirit of everything was that we would agree with what we could agree on, and we did so in such a magnificent form that we passed it 100 to 0 here.

We should do that, putting families first, which means getting back to the basics of the Kassebaum-Kennedy bill and getting this bill into law. If it means we have to take a moratorium on our August recess, I do not care what it takes, we ought to be able to pass the minimum wage bill and the Kassebaum-Kennedy health insurance bill.

It is a ''no brainer,'' Mr. President. I submit that with all sincerity, two pieces of legislation, and there are many more that I have in mind, but here are two pieces of legislation, both of which have passed by overwhelming margins in this body, both of which can be conferenced successfully, if we only have the will to do so, both of which would enormously help put American working families first.

I yield the floor.

Mr. COVERDELL. Mr. President, parliamentary inquiry. Is it appropriate for me to begin 20 minutes, which was to be under my control?

The PRESIDING OFFICER. Yes.

PUTTING PEOPLE FIRST

Mr. COVERDELL. Mr. President, I had an interesting presentation here this morning, built around what apparently is going to be a Presidential campaign theme, putting families first. Mr. President, we cannot but be reminded of a book written by President Clinton and Vice President GORE which was a prelude to the 1992 Presidential campaign. The book, Mr. President, was entitled ''Putting People First,'' very, very familiar to this new theme we have heard here this morning, putting families first.

I will read from this publication, ''Putting People First,'' now almost some 4 years old, a very interesting piece on page 15 of ''Putting People First.'' It says, ''Middle-class tax fairness.'' Now, this was the President's ''contract with America,'' putting people first.

He says, ''Middle-class tax fairness: We will lower the tax burden on middle-class Americans by asking the very wealthy to pay their fair share.'' I repeat, ''We will lower the tax burden on middle-class Americans * * * Middle-class taxpayers will have a choice between a children's tax credit or a significant reduction in their income tax rate.''

It goes on to say, on page 101 ''Treat families right,'' in this book entitled ''Put People First.'' It says, ''Grant additional tax relief to families with children.''

Mr. President, since the publication of the book and the election of President Clinton, the average American family is paying somewhere around $2,000 to $2,600 in additional taxes out of their checking account as a result of the election of President Clinton. Corporate taxes are up 55.4 percent and personal taxes are up 25.3 percent. In other words, the exact opposite has occurred since the publication of the President's book, ''Putting People First.''

It does begin to raise some pretty serious questions as to what do they mean when they say ''Put families first.'' If they mean the same thing

they meant when they published ''Putting People First,'' every American taxpayer better duck, because the promise to lower taxes became an action of increasing taxes to the highest level in American history.

I read from an editorial published by Bruce Bartlett: ''Last week I disclosed that total taxes, Federal, State, and local, as a share of gross domestic product were the highest in U.S. history in 1995 at 31.3 percent. In 1992, total taxes as a share of GDP equaled 30 percent. In other words, it is up 1.3 percent.'' That is just a huge, huge sum of money.

Mr. President, the Federal tax take is expected to shoot up this year by another 5.4 percent. Mr. President, the book ''Putting People First,'' promised to lower taxes, and resulted with the election. The American people elected President Clinton based on these promises, and what happened to them was that they were confronted with the highest tax increase in American history.

Over a 7-year period, it was almost $500 billion. That translates to an individual family, since President Clinton has been elected, in having to pay another $2,000 of Government costs. The cost of Government has been pushed out another 3 days. American families, today, work from January 1 to July 3, giving July 4 in America today an extraordinary meaning.

Mr. President, in 1992, we were promised, in ''Putting People First,'' that taxes would be lowered. As I have said here over and over, as have others, taxes were raised and the effect was to reduce the amount of income in families' checking accounts. Now we come forward this morning with a promise to put families first, and an outline of a series of programs that represent and policy goals that purport to say what putting families first means.

Mr. President, according to the House Budget Committee and the Congressional Budget Office, this new agenda of putting families first could cost another $500 billion. So if you combine putting people first with Families First, you are going to end up with families finding themselves with less and less resources in their own checking accounts to do the kinds of things they are supposed to do. Putting people first lowered their checking accounts by about $2,500, and now we are told we will put families first, and we are going to have another $2,500 out of your checking account.

Mr. President, you know, if you really want to put families first, or people first, it really is not all that complicated. Mr. President, what is a very simple and clean cut goal for everybody in the Congress, whether you are Republican, Democrat, or an Independent, it is pretty simple. We ought to set as a goal trying to leave in the neighborhood of around $7,000 in the families' checking accounts instead of pulling it and shipping it off to Washington. The Balanced Budget Act, which was passed by this congressional majority, went a long way toward accomplishing that goal. That act would have put between $2,000 and $4,000 into the checking accounts of every family, lower interest rates, lower payments, and tax savings. It would have accomplished about half of a meaningful goal. If we want to put families first, we ought to leave the money with the families who earn it. We ought to leave them the ability to do the kinds of things they want to do to set their own priorities.

Mr. President, let us take a look at this average family. I have a pretty good idea in the State of Georgia, and I think that is probably about the case all across the country. Mr. President, the average family in Georgia makes about $45,000 a year. Today, by the time they have paid their Federal taxes, by the time they have paid their State and local taxes, by the time they have paid their Social Security and Medicare taxes, by the time they have paid their share of the higher interest rates on the national debt, by the time they have paid their share of the cost of Government regulation, they end up with less than half the total income that they earn to take care of their families.

Mr. President, that is inexcusable—the fact that we have come to the point in the United States that the Government takes over half of the hard-earned wages of a working family.

Now, I argue that that policy has had a very negative effect on the American family. I argue that there is no force in America, including Hollywood, that has so affected the average family as their own Government. It is not complicated. If the Government is going to take half of everybody's paycheck and move it to Washington to be wonderwonked by the wizard bureaucrats here to decide what the priorities are, you have pushed the family to the wall. So the suggestion we are hearing from the other side is let us take more out of that paycheck, let us design a group of new programs that we will plan here in Washington to manage your family. I think families first needs a little asterisk that says, ''as designed by the Federal Government.''

Our argument would be to leave the wages earned by a family in the checking account of that family, and let them decide what the priorities of that family ought to be. A meaningful objective would be, if you really want to put families first, to leave the wages they earn in their checking accounts.

Now, Mr. President, the efforts on the part of the congressional majority, the Republican Congress, were to do just that. We did put families first. We did have tax credits for children. We did remove the tax penalty for being married. We did help people on Social Security. Every action we took was to leave more resources in the checking accounts of the families. That is how you put families first—leave the resources with them so that they can manage their affairs.

We read over and over that the American family is anxious today, that there is a deep anxiety in the families. Even at a time when we have a reasonably decent economy, they are still very worried, nervous, and bothered. Mr. President, it is because we are not leaving enough resources in that family. We are not leaving them the resources to do the things they are supposed to do. America counts on the American family to get the country up in the morning, to house it, to school it, to feed it and shelter it, to take care of its health, to provide for the spiritual growth necessary to take on and lead the country, and we have made it virtually impossible for the family to do the job that America asks of it.

The other side has come forward, as a follow-up of putting people first, which really meant we are going to tax you more. That is what this book ended up doing. It ended up reducing the resources in the average family by about $2,600. Now we get families first. We are told by the Congressional Budget Office that all that array of Government management of the American family will cost them yet another $2,500 to $3,000. That is going in the wrong direction. Every proposal we have had from the other side, whether it is under the label of putting people first, or the label of families first, the bottom line is that Washington is first. Washington is first. We are going to design the way you run your family. We are going to design a program that manages your health care. We are going to design a program that manages the relations between you and your employer. But most of all, we are going to tax you more. So we have come to the point, between putting people first and families first, of the highest tax level in American history, and the highest tax burden on families in American history.

So if you are going to put the family first, it is pretty simple: Lower their taxes, and leave more resources in their checking accounts. Look at the comparison, Mr. President. Just look at the comparison. They come up with putting people first, and every family pays an additional $2,500 in taxes. The Republican majority came up with the Balanced Budget Act. The Balanced Budget Act would have lowered the pressure on that family between by about $2,000 and $4,000, depending on who the family was. Lower interest payments and lower tax levels across the board, more resources in the family. We are coming to a new election. We have a new program entitled ''Put Families First,'' and we look at the tab of what that is going to cost—another $2,000 to $3,000 for each American family. I argue, Mr. President, that that has the exact reverse consequences.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. COVERDELL. Mr. President, in conclusion, I just wanted to underscore

that the only way we are going to relieve the burden on the American family today is to lower the tax level and allow them to keep the wages they earn, which allows them to fulfill the duties and responsibilities that they have.

I argue that both putting people first, which resulted in the largest tax increase in America history, and now followed by putting families first, which will call for yet another tax increase, is not the prescription for the American family.

If you look at the last 25 years and what has happened to the American family, as its tax level has pushed upward and upward, you have seen increasing behavior and increasing conditions in the American family that are the exact opposite of that which we would like to achieve.

If you really want to say put families first, then lower the economic burden, lower the economic pressure, and let the wage earner keep their wages, and let the wage earner and family do that which they set as their own priorities of the American family.

Mr. President, I yield back any remaining time.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 10, 1996, the Federal debt stood at $5,148,771,318,656.40.

On a per capita basis, every man, woman, and child in America owes $19,409.73 as his or her share of that debt.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice publishes proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notice be printed in the RECORD.

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

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: PROPOSED AMENDMENTS TO PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is publishing proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act (P.L. 104–1, 109 Stat. 3). The proposed amendments to the procedural rules have been approved by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this Notice in the Congressional Record.

Addresses: Submit written comments (an original and ten copies) to the Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile (''FAX'') machine to (202)426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724–9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224–2705.

SUPPLEMENTARY INFORMATION

I. Background

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance (''Office'') shall, subject to the approval of the Board of Directors (''Board'') of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 CONG. R. S 19239 (daily ed., Dec. 22, 1995)). The proposed revisions and additions that follow amend certain of the existing procedures by which the Office provides for the consideration and resolution of alleged violations of the laws made applicable under Part A of title II of the CAA, and establish procedures for consideration of matters arising under Part D of title II of the CAA, which is generally effective October 1, 1996.

A summary of the proposed amendments is set forth below in Section II; the text of the provisions that are proposed to be added or revised is found in Section III. The Executive Director invites comment from interested persons on the content of these proposed amendments to the procedural rules.

II. Summary of proposed amendments to the procedural rules

(A) A general reorganization of the rules is proposed to accommodate proposed new provisions, and, consequently, to re-order the rules in a clear and logical sequence. As a result, some sections will be moved and/or renumbered. Cross-references in appropriate sections will be modified accordingly. These organizational changes are listed in the following comparison table.

Former section No.	*New section No.*
§2.06 Complaints	§5.01
§2.07 Appointment of the Hearing Officer	§5.02
§2.08 Filing, Service and Size Limitations of Motions, Briefs, Responses and Other Documents	§9.01
§2.09 Dismissal of Complaint	§5.03
§2.10 Confidentiality	§5.04
§2.11 Filing of Civil Action	§2.06
§8.02 Compliance with Final Decisions, Requests for Enforcement	§8.03
§8.03 Judicial Review	§8.04
§9.01 Attorney's Fees and Costs	§9.03
§9.02 Ex Parte Communications	§9.04
§9.03 Settlement Agreements	§9.05
§9.04 Revocation, Amendment or Waiver of Rules	§9.06

(B) Several revisions are proposed to provide for consideration of matters arising under section 220 (Part D of title II) of the CAA, which applies certain provisions of chapter 71 of title 5, United States Code relating to Federal Service Labor-Management Relations (''chapter 71''). For example, technical changes in the procedural rules will be necessary in order to provide for the exercise by the General Counsel and labor organizations of various rights and responsibilities under section 220 of the Act. These proposed revisions are as follows:

Section 1.01. ''Scope and Policy'' is proposed to be amended by inserting in the first sentence a reference to Part D of title II of the CAA in order to clarify that the procedural rules now govern procedures under that Part of the Act.

Section 1.02(c) is proposed to be amended to make the definition of the term ''employee'' consistent with the definition contained in the substantive regulations to be issued by the Board under section 220 of the CAA.

Section 1.02(i) is proposed to be amended to redefine the term ''party'' to include, as appropriate, the General Counsel or a labor organization.

A new section 1.02(j) defining ''respondent'' is proposed to be added. (The addition of subsection (j) will result in the subsequent subsections being renumbered accordingly.)

Section 1.05 ''Designation of Representative'' is to be revised to allow for a labor organization to designate a representative.

Section 1.07(c), relating to confidentiality requirements, is proposed to be amended to include a labor organization as a participant within the meaning of that section.

Section 7.04(b) concerning the scheduling of the prehearing conference is modified to substitute the word ''parties'' for ''employee and the employing office''.

(C) Modifications to subsections 1.07(b) and (d), concerning confidentiality requirements, are proposed in order to clarify the requirements and restrictions set forth in these subsections, and to make clear that a party or its representative may disclose information obtained in confidential proceedings for limited purposes under certain conditions.

(D) Section 2.04 ''Mediation,'' is proposed to be amended in certain respects.

In section 204(a) the language ''including any and all possibilities'' would be modified to read ''including the possibility'' of reaching a resolution.

Section 204(e)(2) is proposed to be modified to allow parties jointly to request an extension of the mediation period orally, instead of permitting only written requests for such extensions.

Section 2.04(f)(2) is proposed to be revised to explain more fully the procedures involving the ''Agreement to Mediate''.

A new subsection 2.04(h) is proposed regarding informal resolutions and settlement agreements. (The subsections following the newly added subsection 2.04(h) would be renumbered accordingly.)

(E) Subpart E of the Procedural Rules had been reserved for the implementation of section 220 of the CAA. The Board has recently published proposed regulations pursuant to

section 220(d) (142 Cong. R. S5070 and H5153 (daily ed., May 15, 1996)) and section 220(e) (142 Cong. R.. S5552 and H5563 (daily ed., May 23, 1996)) to implement the applied provisions of chapter 71. In light of those proposed regulations and the proposed modifications of the procedural rules discussed herein, it is not necessary to reserve a subpart for procedures specific to the implementation of section 220.

(F) As discussed above, Subpart E is no longer reserved for procedural rules implementing section 220 of the CAA. However, as part of the general reorganization of the procedural rules, Subpart E will be entitled ''Complaints,'' and will consist of sections 206, 207, 209 and 210 moved from Subpart B and renumbered as shown in the comparison table, above.

In addition to proposed modifications to section 5.01 (formerly section 206) required by the implementation of section 220 (e.g. provision for the General Counsel to file or amend complaints and the addition of references to labor organizations as parties), section 5.01(e) is proposed to be amended to state how service of a complaint will be effectuated and section 501(f) is proposed to be amended to provide that a failure to file an answer or to raise a claim or defense as to any allegation(s) in a complaint or amended complaint shall constitute an admission of such allegation(s) and that affirmative defenses not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

Section 5.03 (formerly section 2.09) is proposed to be revised to reflect the General Counsel s role under section 220 of the CAA and to provide that a Hearing Officer, not the Executive Director, may approve the withdrawal of a complaint.

(G) Section 7.07, relating to the conduct of hearings, is proposed to be revised to include a new subsection (e), providing that ''[a]ny objection not made before a Hearing Officer shall be deemed waived in the absence of clear error.'' The current section 7.07(e) will be renumbered section 7.07(f), and it is proposed to be amended to provide that if the representative of a labor organization, as well as that of an employee or a witness, has a conflict of interest, that representative may be disqualified.

(H) Subpart H, relating to proceedings before the Board, is proposed to be amended in the following ways.

(1) A new subsection 8.01(i) is proposed to allow for amicus participation, as appropriate, in proceedings before the Board, in a manner consistent with section 416 of the CAA.

(2) A new section 8.02 ''Reconsideration'' is proposed to allow for a party to seek Board reconsideration of a final decision or order of the Board. The sections following section 8.02 in Subpart H would be renumbered accordingly.

(3) Section 8.04 ''Judicial Review'' is proposed to be revised to state that the United States Court of Appeals for the Federal Circuit shall have jurisdiction, as appropriate, over petitions under section 220(c)(3) and section 405(g) or 406(e) of the Act.

(I) A new section 9.02 ''Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions'' is proposed to be added.

(J) A section had been reserved in the procedural rules for a provision on ex parte communications. The text of the proposed rule, which will be found at section 9.04 of the amended rules, is set forth in Section III, below.

(K) It is proposed that the opening sentence of section 9.05(a) (formerly 9.03(a)), ''Informal Resolutions and Settlement Agreements'' be modified to make it clear that section 9.05 applies only where covered employees have initiated proceedings under the CAA.

III. Text of proposed amendments to procedural rules

§ 1.01 Scope and policy

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§ 1.02(c)

Employee. The term ''employee'' includes an applicant for employment and a former employee, except as provided in section 2421.3(b) of the Board's rules under section 220 of the Act.

§ 1.02(i)

Party. The term ''party'' means: (1) the employee or the employing office in a proceeding under Part A of title II of the Act; or (2) the labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§ 1.02(j)

Respondent. The term ''respondent'' means the party against which a complaint is filed.

§ 1.05 Designation of Representative.

(a) An employee, a witness, a labor organization, or an employing office wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

(b) *Service where there is a representative*. All service of documents shall be directed to the representative, unless the represented individual, labor organization, or employing office specifies otherwise and until such time as that individual, labor organization, or employing office notifies the Executive Director of an amendment or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials by the represented individual or entity shall be computed in the same manner as for unrepresented individuals or entities with service of the documents, however, directed to the representative, as provided.

§ 1.07(b)

Prohibition. Unless specifically authorized by the provisions of the CAA or by order of the Board, the Hearing Officer or a court, or by the procedural rules of the Office, no participant in counseling, mediation or other proceedings made confidential under section 416 of the CAA (''confidential proceedings'') may disclose the contents or records of those proceedings to any person or entity. Nothing in these rules prohibits a bona fide representative of a party under section 1.05 from engaging in communications with that party for the purpose of participation in the proceedings, provided that such disclosure is not made in the presence of individuals not reasonably necessary to the representative's representation of that party. Moreover, nothing in these rules prohibits a party or its representative from disclosing information obtained in confidential proceedings for the limited purposes of investigating claims, ensuring compliance with the Act or preparing its prosecution or defense, to the extent that such disclosure is reasonably necessary to accomplish the aforementioned purposes and provided that the party making the disclosure takes all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

§ 1.07(c)

Participant. For the purposes of this rule, participant means any individual, labor organization, employing office or party, including a designated representative, that becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.

§ 1.07(d)

Contents or records of confidential proceedings. For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by either the opposing party, witnesses or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

§ 2.04(a)

(a) *Explanation*. Mediation is a process in which employees, employing offices and their representatives, if any, meet separately and/or jointly with a neutral trained to assist them in resolving disputes. As parties to the mediation, employees, employing offices and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The neutral has no power to impose a specific resolution, and the mediation process, whether or not a resolution is reached, is strictly confidential, pursuant to section 416 of the Act.

§ 2.04(f)(2)

(2) *The Agreement to Mediate*. At the commencement of the mediation, the neutral will ask the parties to sign an agreement prepared by the Office (''the Agreement to Mediate'') . The Agreement to Mediate will set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process. The Agreement to Mediate will also provide that the parties to the mediation will not seek to have the counselor or the neutral participate, testify or

otherwise present evidence in any subsequent civil action under section 408 of the Act or any other proceeding.

§ 2.04(h)

Informal Resolutions and Settlement Agreements. At any time during mediation the parties may resolve or settle a dispute in accordance with section 9.05 of these rules.

§ 5.01 (formerly § 2.06) Complaints

(a) *Who may file.*

(1) An employee who has completed mediation under section 2.04 may timely file a complaint with the Office alleging any violation of sections 201 through 207 of the Act.

(2) The General Counsel may file a complaint alleging a violation of section 220 of the Act.

(b) *When to file.*

(1) A complaint may be filed by an employee no sooner than 30 days after the date of receipt of the notice under section 2.04(i), but no later than 90 days after receipt of that notice.

(2) A complaint may be filed by the General Counsel after the investigation of a charge filed under section 220 of the Act.

(c) *Form and Contents.*

(1) Complaints filed by covered employees. A complaint shall be written or typed on a complaint form available from the Office. All complaints shall be signed by the covered employee, or his or her representative, and shall contain the following information:

(i) the name, mailing address, and telephone number(s) of the complainant;

(ii) the name, address and telephone number of the employing office against which the complaint is brought;

(iii) the name(s) and title(s) of the individual(s) involved in the conduct that the employee claims is a violation of the Act;

(iv) a description of the conduct being challenged, including the date(s) of the conduct;

(v) a brief description of why the complainant believes the challenged conduct is a violation of the Act and the section(s) of the Act involved;

(vi) a statement of the relief or remedy sought; and

(vii) the name, address, and telephone number of the representative, if any, who will act on behalf of the complainant.

(2) Complaints filed by the General Counsel. A complaint filed by the General Counsel shall be typed, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of the employing office and/or labor organization alleged to have violated section 220 against which the complaint is brought;

(ii) notice of the charge filed alleging a violation of section 220;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

(d) *Amendments.* Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing or otherwise interfere with or impede the proceedings.

(e) *Service of Complaint.* Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent, or its designated representative, by hand delivery or certified mail, with a copy of the complaint or amended complaint and a copy of these rules. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) *Answer.* Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the complainant. The answer shall contain a statement of the position of the respondent on each of the issues raised in the complaint or amended complaint, including admissions, denials, or explanations of each allegation made in the complaint and any affirmative defenses or other defenses to the complaint.

Failure to file an answer or to raise a claim or defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

§ 5.03 (formerly § 2.09) Dismissal of complaints.

(a) A Hearing Officer may, after notice and an opportunity to respond, dismiss any claim that the Hearing Officer finds to be frivolous or that fails to state a claim upon which relief may be granted, including, but not limited to, claims that were not advanced in counseling or mediation.

(b) A Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under the Act or these rules.

(c) If the General Counsel or any complainant fails to proceed with an action, the Hearing Officer may dismiss the complaint with prejudice.

(d) *Appeal.* A dismissal by the Hearing Officer made under section 5.03(a)–(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01.

(e) *Withdrawal of Complaint by Complainant.* At any time a complainant may withdraw his or her own complaint by filing a notice with the Office for transmittal to the Hearing Officer and by serving a copy on the employing office or representative. Any such withdrawal must be approved by the Hearing Officer.

(f) *Withdrawal of Complaint by the General Counsel.* At any time prior to the opening of the hearing the General Counsel may withdraw his complaint by filing a notice with the Executive Director and the Hearing Officer and by serving a copy on the respondent. After opening of the hearing, any such withdrawal must be approved by the Hearing Officer.

§ 7.04(b)

Scheduling of the Prehearing Conference. Within 7 days after assignment, the Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference.

§ 7.07(e)

(e) Any objection not made before a Hearing Officer shall be deemed waived in the absence of clear error.

§ 7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a labor organization, or an employing office has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party will have a reasonable time to retain other representation.

§ 8.01(i)

The Board may invite amicus participation, in appropriate circumstances, in a manner consistent with the requirements of section 416 of the CAA.

§ 8.02 Reconsideration.

After a final decision or order of the Board has been issued, a party to the proceeding before the Board, who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not operate to stay the action of the Board unless so ordered by the Board.

§ 8.04 Judicial review.

Pursuant to section 407 of the Act,

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II, or

(2) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

§ 9.02 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions.

Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include the sanctions specified in section

7.02, for any other violation of these rules that does not result from reasonable error.

§ 9.04 Ex parte communications.

(a) *Definitions.*

(1) The term *person outside the Office* means any individual not an employee or agent of the office, any labor organization and agent thereof, and any employing office and agent thereof, and the General Counsel and any agent thereof when prosecuting a complaint proceeding before the Office pursuant to sections 210, 215, or 220 of the CAA. The term also includes any employee of the Office who becomes a party or a witness for a party other than the Office in proceedings as defined in these rules.

(2) The term *ex parte communication* means an oral or written communication (a) that is between an interested person outside the Office and a Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking; (b) that is related to a proceeding or a rulemaking; (c) that is not made on the public record; (d) that is not made in the presence of all parties to a proceeding or a rulemaking; and (5) that is made without reasonable prior notice to all parties to a proceeding or a rulemaking.

(3) For purposes of section 9.04, the term *proceeding* means the complaint and hearing proceeding under section 405 of the CAA, an appeal to the Board under section 406 of the CAA, a pre-election investigatory hearing under section 220 of the CAA, and any other proceeding of the Office established pursuant to regulations issued by the Board under the CAA.

(4) The term *period of rulemaking* means the period commencing with the issuance of an advance notice of proposed rulemaking or of a notice of proposed rulemaking, whichever issues first, and concluding with the issuance of a final rule.

(b) *Exception to Coverage.* The rules set forth in this section do not apply during periods that the Board designates as periods of negotiated rulemaking.

(c) *Prohibited Ex Parte Communications and Exceptions.*

(1) During a proceeding, it is prohibited knowingly to make or cause to be made:

(i) a written ex parte communication if copies thereof are not promptly served by the communicator on all parties to the proceeding in accordance with section 9.01 of these Rules; or

(ii) an oral ex parte communication unless all parties have received advance notice thereof by the communicator and have an adequate opportunity to be present.

(2) During the period of rulemaking, it is prohibited knowingly to make or cause to be made a written or an oral ex parte communication. During the period of rulemaking, the Office shall treat any written ex parte communication as a comment in response to the advance notice of proposed rulemaking or the notice of proposed rulemaking, whichever is pending, and such communications will therefore be part of the public rulemaking record.

(3) Notwithstanding the prohibitions set forth in (1) and (2), the following ex parte communications are not prohibited:

(i) those which relate solely to matters which the Board member or Hearing Officer is authorized by law, Office rules, or order of the Board or Hearing Officer to entertain or dispose of on an ex parte basis;

(ii) those which all parties to the proceeding agree, or which the responsible official formally rules, may be made on an ex parte basis;

(iii) those which concern only matters of general significance to the field of labor and employment law or administrative practice;

(iv) those from the General Counsel to the Office or the Board when the General Counsel is acting on behalf of the Office or the Board under any section of the CAA; and

(v) those which could not reasonably be construed to create either unfairness or the appearance of unfairness in a proceeding or rulemaking.

(4) It is prohibited knowingly to solicit or cause to be solicited any prohibited ex parte communication.

(d) *Reporting of Prohibited Ex Parte Communications.*

(1) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who determines that he or she is being asked to receive a prohibited ex parte communication shall refuse to do so and inform the communicator of this rule.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding who knowingly receives a prohibited ex parte communication shall

(a) notify the parties to the proceeding that such a communication has been received; and

(b) provide the parties with a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). If a proceeding is then pending before either the Board or a Hearing Officer, and if the Board or Hearing Officer so orders, these materials shall then be placed in the record of the proceeding. Upon order of the Hearing Officer or the Board, the parties may be provided with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(3) Any Board member involved in a rulemaking who knowingly receives a prohibited ex parte communication shall cause to be published in the Congressional Record a notice that such a communication has been received and a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). Upon order of the Board, these materials shall then be placed in the record of the rulemaking and the Board shall provide interested persons with a full opportunity respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(4) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly receives a prohibited ex parte communication and who fails to comply with the requirements of subsections (1), (2), or (3) above, is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

(e) *Penalties and Enforcement.*

(1) Where a person is alleged to have made or caused another to make a prohibited ex parte communication, the Board or the Hearing Officer (as appropriate) may issue to the person a notice to show cause, returnable within a stated period not less than seven days from the date thereof, why the Board or the Hearing Officer should not determine that the interests of law or justice require that the person be sanctioned by, where applicable, dismissal of his or her claim or interest, the striking of his or her answer, or the imposition of a some other appropriate sanction, including but not limited to the award of attorneys' fees and costs incurred in responding to a prohibited ex parte communication.

(2) Upon notice and hearing, the Board may censure or suspend or revoke the privilege of practice before the Office of any person who knowingly and willfully makes, solicits, or causes the making of any prohibited ex parte communication. Before formal proceedings under this subsection are instituted, the Board shall first provide notice in writing that it proposes to take such action and that the person or persons may show cause within a period to be stated why the Board should not take such action. Any hearings under this section shall be conducted by a Hearing Officer subject to Board review under section 8.01 of these Rules.

(3) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly makes or causes to be made a prohibited ex parte communication is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

§ 9.05(a)

(a) *Informal Resolution.* At any time before a covered employee who has filed a formal request for counseling files a complaint under section 405, a covered employee and the employing office, on their own, may agree voluntarily and informally to resolve a dispute, so long as the resolution does not require a waiver of a covered employee's rights or the commitment by the employing office to an enforceable obligation.

Signed at Washington, D.C., on this 10th day of July, 1996.

R. GAULL SILBERMAN,
Executive Director,
Office of Compliance.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1894, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997.

The Senate proceeded to consider the bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I call the Senate to order, under the previous order, pursuant to the provisions of rule 19, paragraph 1(b), and ask that the proceedings be in accordance thereof for the purposes of consideration of the appropriations bill.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the Chair explain the rule? I could not hear. The Senator's microphone was not on.

The PRESIDING OFFICER. The rule requires that the debate be germane to the pending question for next 3 hours.

Mr. REID. Pursuant to the Pastore rule?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am saddened that this bill has been delayed so far. There are inquiries now coming from Members who are in the area affected by Hurricane Bertha. So I am quite hopeful that the Senate will proceed to consider this bill expeditiously.

I think Senator INOUYE, who is the cochairman managing this bill, agrees with me that we could finish this bill today with the cooperation of the Senate. It is going to be my intention to urge the Senate to do that.

AMENDMENT NO. 4439

(Purpose: A technical amendment to realign funds from Army and Defense Wide Operations and Maintenance accounts to the Overseas Contingency Operations Transfer Fund)

Mr. STEVENS. I, at this time, Mr. President, send to the desk a technical amendment to realign funds from the Army and Defense operation maintenance account, and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4439.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 8, line 1, strike the number ''$17,700,859,000'' and insert in lieu thereof ''$17,696,659,000''.

On page 9, line 11, strike the number ''$9,953,142,000'' and insert in lieu thereof ''$9,887,142,000''.

On page 12, line 22, strike the number ''$1,069,957,000'' and insert in lieu thereof ''1,140,157,000''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside so that we can proceed with our opening statements.

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

Mr. STEVENS. Mr. President, with the passage of Senate bill 1745 yesterday, the National Defense Authorization Act for 1997, we are now turning to the consideration of the defense appropriations bill for next year.

As I said, I believe the Senate can quickly dispose of this bill, which is Senate bill 1894. We have, in nearly every case, followed the initiatives that have been adopted by the Senate in the authorization bill.

I know there are some individual objections to portions of the bill, but as in the case last year when Senator INOUYE and I presented an original bill to the Senate due to the need to complete preparations on this bill prior to the July 4th recess, we could not be sure that the House version of the bill would pass in time for the Defense Subcommittee to take up that bill. This Senate bill passed the subcommittee and full Appropriations Committee with only one minor adjustment, and reflects bipartisan work effort and total support by our Appropriations Committee.

Before turning to some of the details of the bill, I want to once again this year express my appreciation to my good friend from Hawaii, Senator INOUYE. We have been partners in bringing this bill to the floor of the Senate for many years. And, as I said, this bill again reflects our joint judgment.

In total, the bill accommodates the 602(b) allocations provided pursuant to the joint budget resolution. The amount is $244.74 billion in new budget authority and $242.98 billion in outlays. Our bill before the Senate, Mr. President, exactly meets those limits. The bill provides for about $1 billion more than the level of appropriations for 1996. But I call to the attention of the Senate that this bill includes all estimated funding for contingency operations such as Bosnia.

Again, that is another footnote to this bill. We have men and women in the field. We cannot afford to not get this bill passed by the deadline of September 30. In order to get this bill through conference and back to the Senate in time that it can be presented to the President and hopefully have him sign it, and then have time to act before September 30 in the event that he does not decide to sign it, we have to get this bill done. We have to get it to conference before the August recess.

We have worked to accommodate many of the priorities presented in the Armed Services bill. As I said, there are a few differences, however, that I should note.

The bill provides $475 million for shortfalls in defense health programs. Our subcommittee conducted a hearing in May on this subject. The additions we have made fully cover the failure of the administration to fully budget for health care for our military personnel, their families and retirees.

Second, we provide an additional $180 million for the Bosnia operation through December 20 of this year. As I said, that is the estimate that reflects the DOD's current best estimate for the charges which will be incurred through the Presidential deadline for withdrawal of those troops.

Third, we provide $150 million for the Army's peer review breast cancer research program and $100 million for a new peer review prostate cancer research program. In both instances, we have substantial involvement of military personnel in those two dread diseases, and we propose to commit some of the Defense Department's money to proceed with research to try to deal with those scourges.

We have proposed to continue the Department's support for the defense missions of the Coast Guard and propose to transfer $300 million of the funds involved, or at least the services that would be funded by that money, to the Coast Guard. This is the same level as is the case under this current year, 1996. The transfer was $300 million.

We have included an additional $119 million in the counterdrug program. This was specifically requested by Gen. Barry McCaffrey, the new administration coordinator of the counterdrug program.

We have considered closely as well the statement of administration policy concerning the House bill. The House bill was reviewed by the administration. They have given us their comments, and this bill reflects a genuine effort on the part of our committee to address the concerns raised by the President's senior advisers concerning provisions of the House bill. We worked in preparing this bill to assess the real funding problems of the military and have sought to allocate the increase afforded by the congressional budget resolution to the most urgent personnel and operational requirements.

We next worked to fund the priorities identified by each of the service chiefs. We took their counsel seriously, and this bill reflects their input. The statement of administration policy on this bill which we received last night is really from the OMB, and it notes that some of the items in the bill are not included in the President's defense plan, and that is correct. Congress rejected for 1996 and again in 1997 the reductions to defense spending proposed by the administration. The resolution adopted by Congress earlier this year provides $30 billion more than President Clinton's budget for the fiscal years 1997, 1998, 1999, and 2000.

In testimony before our subcommittee, each of the service chiefs highlighted the shortfalls in their budget and provided the committee with their priorities at our request. While not every item in this bill is included in the Clinton 5-year plan, virtually every major increase specifically funds priorities identified by one of the service chiefs. Again, I want to point out that was our request. It was not a volunteered statement by the service chiefs, but we asked them to identify their priorities, and we have funded, to the best of our ability, the priorities identified by each of the service chiefs.

There are two specific increases not in the President's 5-year plan that I want to highlight. First, we provided an additional $759 million to continue the modernization of the National Guard and Reserve. This annual bipartisan effort to meet the needs of the Reserve components should be in this budget. It is right to do so. We need these funds to assure that we have an active Guard and Reserve component. We rely very heavily, more than at any

time in the past, on our Guard and Reserves.

Second, I joined Senator DOLE, Senator THURMOND, Senator LOTT, and many others in recommending a significant increase in spending for national missile defense. Now, the proposed increase in this bill reflects a balanced effort to accelerate these systems to counter the theater and national threats, threats that our military and our Nation face today. For my State of Alaska, and I believe Hawaii also, deploying a capable defense missile system is a pressing and immediate priority. A recent national intelligence estimate exempted Alaska and Hawaii from its consideration of a national missile defense requirement and specifically stated that their estimate concerning the threat to the United States could not be applied to Alaska and Hawaii. We are within the threat from existing systems now.

Senator INOUYE and I have looked for opportunities to save the taxpayers money in this bill, and let me point out that we have included new multiyear procurement authority for several systems, including the DTG–51 destroyer program. The Navy estimates that we will save nearly $1 billion over the next 4 years on that destroyer alone. We fully funded the C–17 multiyear contract which was authorized earlier this year.

Those and many more details of the bill are explained in our report which has been available to every Member of the Senate since June 21. These were our objectives, and I hope the bill will enjoy support of a large bipartisan majority.

Again, I urge the Senate to proceed expeditiously on this bill. Let us finish it today. We have a series of amendments we are prepared to accept, and I think we can move along very quickly if we have the cooperation of the Senate to do so.

Let me turn now, Mr. President, to my good friend. I might state for the information of the Senate that Senator GRAHAM of Florida wished to make a statement to introduce a bill. We wanted to lay down our bill as indicated under the agreement, but it is my intention to yield such time, following the comments of the Senator from Hawaii, to Senator GRAHAM so he might make a statement, introduce a bill, on the condition we recover the floor as soon he has completed his statement.

Let me, if I may, yield the floor to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. I thank the Chair.

I begin by commending our subcommittee chairman, the senior Senator from the State of Alaska [Mr. STEVENS], for putting together what I consider to be a very good bill, a bill that all of us should and could support.

As the chairman indicated, last month the Senate adopted the conference report on the budget resolution, and that measure directed the Appropriations Committee to increase defense budget authority by $11.2 billion. The subcommittee's share of that increase is $10.1 billion. Chairman STEVENS, acting in conjunction with the subcommittee, was tasked to determine how this increase should be allocated. I believe, as my colleagues review the bill, they will see that the subcommittee, under the leadership of Senator STEVENS, used this increase very judiciously.

The bill provides many improvements to the administration's budget requests. For example, the bill increases funding for operation and maintenance by $500 million to protect readiness. We speak of readiness, Mr. President. This is necessary if we are to implement readiness. It includes such items as $280 million for barracks renovation and repair; $150 million for ship depot maintenance and to fund 95 percent of the Navy's identified requirements; $148 million for identified contingency costs, as the chairman clearly pointed out, in the case of Bosnia; and $119 million for the President's counterdrug initiative; $50 million to clean up the environment, protect endangered species.

We also add $590 million, Mr. President, to fully fund health care costs identified by the Surgeon General and DOD Health Affairs Secretary. This will allow our men and women in uniform access to health care that they deserve.

Third, as the chairman pointed out, we recommend $150 million for breast cancer research, $100 million for prostate cancer research, and $15 million for AIDS research. I think all of us can be very proud of what the Army Institute of Research has done in the area of AIDS.

The bill also provides $300 million for the defense missions of the Coast Guard.

Fifth, the chairman has added $40 million to examine alternative technologies to dispose of chemical weapons. Mr. President, this bill has fully provided for the pay and allowances of our military personnel, including a 3-percent pay raise and a 4-percent increase in quarters allowances.

One can gain an appreciation from these few examples that the committee has responded to the needs of our men and women in uniform. The bill also provides $44.1 billion for procurement of equipment, which is an increase of $6 billion above the request of the President. This increase will provide for many of the high-priority needs identified by our commanders in the field. But the total is still $1.7 billion below the level recommended by the Senate Armed Services Committee.

As the committee reported the bill, this bill adds $525 million to initiate a 4-year multiyear contract for the Navy's Aegis destroyer program. According to the Navy, this recommendation will save our taxpayers $1 billion.

This bill also adds $163 million to improve the Navy's EA–6B electronic jamming aircraft, and this will allow the Air Force to retire the EF–111, saving hundreds of millions of dollars.

Funding of $759 million is included for equipment for our National Guard and Reserve forces to the level authorized by the Armed Services Committee. Our Guard and Reserve commanders will decide what specific equipment to purchase.

The funding added by the committee for modernization responds to the concerns expressed by many of our military leaders that action is needed to ensure our forces are equipped with the world's best equipment. This bill also provides the level approved by the Senate for ballistic missile defense, $3.4 billion. While some of my colleagues may oppose this, I note that the Senate voted for this level last month.

The administration identified several issues in the House bill that it opposes. The committee has responded to nearly all of its concerns, rejecting restrictive legislative provisions and funding administrative priorities.

Chairman STEVENS has done a masterful job in keeping this bill clean. It safeguards our national defense and the priorities of the Senate, and rejects controversial riders. As I indicated in my opening, this is a very good bill and I am strongly in favor of his recommendations. I sincerely believe it should have the bipartisan support of the Senate.

In closing, may I note the following. I am certain there are many in this Chamber who will criticize the fact that we have appropriated funds over and above the amount requested by the administration. For that matter, I should note if it were not for this subcommittee, the C–17 program would be dead. Today it is hailed by all as being the big working ship, the ship that is necessary, the plane that will carry the cargo for us. If it were not for Chairman STEVENS and this subcommittee, the V–22 Osprey would be a dead bird. It is now considered the highest priority by the Marines.

The great hero of Desert Storm was the F–117, the Stealth fighter, the fighter that was able to knock out all the radar stations that made it possible for our bombers to come in. If it were not for this subcommittee, the F–117 would not have been operating in Desert Storm.

I would say we can take full credit for insisting upon modernizing the National Guard airlift with the C–130–H after the Air Force canceled that. Here is another historic footnote. If it were not for the action of this subcommittee, in all likelihood the central command would have been wiped out in 1990, just before Desert Storm. And we would have retired General Schwarzkopf just before Desert Storm.

I think we can take credit for saving the Uniformed Services University of the Health Sciences.

This subcommittee was instrumental in upgrading the Patriot missile program, a program that we were ready to wipe out. It was not perfect, but the

Patriot saved many American lives during Desert Storm.

So I just wanted to note a few of these items to indicate that, yes, we have taken the initiative to recommend items over and above that requested by the administration because, in our judgment, we felt these steps had to be taken. With that, once again I congratulate my chairman for having done a tremendous job.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following persons assisting the defense subcommittee be afford the privilege of access to Senate floor during consideration of this bill, S. 1894: Susan Hogan, Darryl Roberson, Candice Rogers, Mike Gilmore. There will be another list I will submit. If I can get consent for all of those, too?

Mr. INOUYE. May I add Tina Holmlund to that, too.

Mr. STEVENS. There are others coming, from specific Members. I would like permission to add those.

Mr. REID. Reserving the right to object, I wish to add to the unanimous-consent request a congressional fellow in my office, Bob Perret, who will be here during consideration of the Defense appropriations bill.

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

Mr. STEVENS. If I can inquire of the Senator from Florida how much time he would like to have to make the statement he wishes to make?

Mr. GRAHAM. Mr. President, I request 15 minutes as in morning business, for purposes of introduction of the bill.

Mr. STEVENS. I ask unanimous consent it be in order for the Senator from Florida to proceed as in morning business for 15 minutes, with the provision be allowed to recover the floor when he is completed.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM and Mr. REID pertaining to the introduction of S. 1943 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have been asked to perform a couple of tasks for the leader.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1004, a bill to authorize appropriations for the U.S. Coast Guard, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1004) entitled ''An Act to authorize appropriations for the United States Coast Guard, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act For Fiscal Year 1996''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Quarterly reports on drug interdiction.
Sec. 104. Ensuring maritime safety after closure of small boat station or reduction to seasonal status.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

Sec. 201. Hurricane Andrew relief.
Sec. 202. Exclude certain reserves from end-of-year strength.
Sec. 203. Provision of child development services.
Sec. 204. Access to national driver register information on certain Coast Guard personnel.
Sec. 205. Officer retention until retirement eligible.

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

Sec. 301. Foreign passenger vessel user fees.
Sec. 302. Florida Avenue Bridge.
Sec. 303. Renewal of Houston-Galveston Navigation Safety Advisory Committee and Lower Mississippi River Waterway Advisory Committee.
Sec. 304. Renewal of the Navigation Safety Advisory Council.
Sec. 305. Renewal of Commercial Fishing Industry Vessel Advisory Committee.
Sec. 306. Nondisclosure of port security plans.
Sec. 307. Maritime drug and alcohol testing program civil penalty.
Sec. 308. Withholding vessel clearance for violation of certain Acts.
Sec. 309. Increased civil penalties.
Sec. 310. Amendment to require emergency position indicating radio beacons on the Great Lakes.
Sec. 311. Extension of Towing Safety Advisory Committee.

TITLE IV—MISCELLANEOUS

Sec. 401. Transfer of Coast Guard property in Traverse City, Michigan.
Sec. 402. Transfer of Coast Guard property in Ketchikan, Alaska.
Sec. 403. Electronic filing of commercial instruments.
Sec. 404. Board for correction of military records deadline.
Sec. 405. Judicial sale of certain documented vessels to aliens.
Sec. 406. Improved authority to sell recyclable material.
Sec. 407. Recruitment of women and minorities.
Sec. 408. Limitation of certain State authority over vessels.
Sec. 409. Vessel financing.
Sec. 410. Sense of Congress; requirement regarding notice.
Sec. 411. Special selection boards.
Sec. 412. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.
Sec. 413. Implementation of water pollution laws with respect to vegetable oil.
Sec. 414. Certain information from marine casualty investigations barred in legal proceedings.
Sec. 415. Report on LORAN–C requirements.
Sec. 416. Limited double hull exemptions.
Sec. 417. Oil spill response vessels.
Sec. 418. Offshore facility financial responsibility requirements.
Sec. 419. Manning and watch requirements on towing vessels on the Great Lakes.
Sec. 420. Limitation on application of certain laws to Lake Texoma.
Sec. 421. Limitation on consolidation or relocation of Houston and Galveston marine safety offices.
Sec. 422. Sense of the Congress regarding funding for Coast Guard.
Sec. 423. Conveyance of Light Station, Montauk Point, New York.
Sec. 424. Conveyance of Cape Ann Lighthouse, Thachers Island, Massachusetts.
Sec. 425. Amendments to Johnson Act.
Sec. 426. Transfer of Coast Guard property in Gosnold, Massachusetts.
Sec. 427. Transfer of Coast Guard property in New Shoreham, Rhode Island.
Sec. 428. Vessel deemed to be a recreational vessel.
Sec. 429. Requirement for procurement of buoy chain.
Sec. 430. Cruise vessel tort reform.
Sec. 431. Limitation on fees and charges with respect to ferries.

TITLE V—COAST GUARD REGULATORY REFORM

Sec. 501. Short title.
Sec. 502. Safety management.
Sec. 503. Use of reports, documents, records, and examinations of other persons.
Sec. 504. Equipment approval.
Sec. 505. Frequency of inspection.
Sec. 506. Certificate of inspection.
Sec. 507. Delegation of authority of Secretary to classification societies.

TITLE VI—DOCUMENTATION OF VESSELS

Sec. 601. Authority to issue coastwise endorsements.
Sec. 602. Vessel documentation for charity cruises.
Sec. 603. Extension of deadline for conversion of vessel M/V TWIN DRILL.
Sec. 604. Documentation of vessel RAINBOW'S END.
Sec. 605. Documentation of vessel GLEAM.
Sec. 606. Documentation of various vessels.
Sec. 607. Documentation of 4 barges.
Sec. 608. Limited waiver for ENCHANTED ISLE and ENCHANTED SEAS.
Sec. 609. Limited waiver for MV PLATTE.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 701. Amendment of inland navigation rules.
Sec. 702. Measurement of vessels.
Sec. 703. Longshore and harbor workers compensation.
Sec. 704. Radiotelephone requirements.
Sec. 705. Vessel operating requirements.
Sec. 706. Merchant Marine Act, 1920.
Sec. 707. Merchant Marine Act, 1956.
Sec. 708. Maritime education and training.
Sec. 709. General definitions.
Sec. 710. Authority to exempt certain vessels.
Sec. 711. Inspection of vessels.
Sec. 712. Regulations.
Sec. 713. Penalties—inspection of vessels.
Sec. 714. Application—tank vessels.
Sec. 715. Tank vessel construction standards.
Sec. 716. Tanker minimum standards.
Sec. 717. Self-propelled tank vessel minimum standards.
Sec. 718. Definition—abandonment of barges.
Sec. 719. Application—load lines.
Sec. 720. Licensing of individuals.
Sec. 721. Able seamen—limited.
Sec. 722. Able seamen—offshore supply vessels.
Sec. 723. Scale of employment—able seamen.

Sec. 724. General requirements—engine department.
Sec. 725. Complement of inspected vessels.
Sec. 726. Watchmen.
Sec. 727. Citizenship and naval reserve requirements.
Sec. 728. Watches.
Sec. 729. Minimum number of licensed individuals.
Sec. 730. Officers' competency certificates convention.
Sec. 731. Merchant mariners' documents required.
Sec. 732. Certain crew requirements.
Sec. 733. Freight vessels.
Sec. 734. Exemptions.
Sec. 735. United States registered pilot service.
Sec. 736. Definitions—merchant seamen protection.
Sec. 737. Application—foreign and intercoastal voyages.
Sec. 738. Application—coastwise voyages.
Sec. 739. Fishing agreements.
Sec. 740. Accommodations for seamen.
Sec. 741. Medicine chests.
Sec. 742. Logbook and entry requirements.
Sec. 743. Coastwise endorsements.
Sec. 744. Fishery endorsements.
Sec. 745. Clerical amendment.
Sec. 746. Repeal of Great Lakes endorsements.
Sec. 747. Convention tonnage for licenses, certificates, and documents.

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

Sec. 801. Administration of the Coast Guard Auxiliary.
Sec. 802. Purpose of the Coast Guard Auxiliary.
Sec. 803. Members of the Auxiliary; status.
Sec. 804. Assignment and performance of duties.
Sec. 805. Cooperation with other agencies, States, territories, and political subdivisions.
Sec. 806. Vessel deemed public vessel.
Sec. 807. Aircraft deemed public aircraft.
Sec. 808. Disposal of certain material.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,618,316,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,500,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $16,200,000, to remain available until expended.

(6) For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions, other than parts and equipment associated with operations and maintenance, under chapter 19 of title 14, United States Code, at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1996, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

SEC. 104. ENSURING MARITIME SAFETY AFTER CLOSURE OF SMALL BOAT STATION OR REDUCTION TO SEASONAL STATUS.

(a) MARITIME SAFETY DETERMINATION.—None of the funds authorized to be appropriated under this Act may be used to close Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

(b) TRANSITION PLAN REQUIRED.—None of the funds appropriated under the authority of this Act may be used to close or reduce to seasonal status a small boat station, unless the Secretary of Transportation, in cooperation with the community affected by the closure or reduction, has developed and implemented a transition plan to ensure that the maritime safety needs of the community will continue to be met.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to Coast Guard personnel.

SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

''(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.''.

SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.

Section 93 of title 14, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (t)(2), by striking the period at the end of paragraph (u) and inserting ''; and'', and by adding at the end the following new paragraph:

''(v) make child development services available to members of the armed forces and Federal civilian employees under terms and conditions comparable to those under the Military Child Care Act of 1989 (10 U.S.C. 113 note).''.

SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting ''; and''; and

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

''(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.''.

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

''(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.''.

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking the last sentence; and

(3) by adding at the end the following:

''(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

''(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

''(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

''(C) if, on the date specified for the officer's discharge in this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.''.

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking ''(a) Except as'' and inserting ''Except as''; and

(2) by striking subsection (b).

SEC. 302. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary of Transportation shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended—

(1) in section 18 by adding at the end the following:

''(h) The Committee shall terminate on October 1, 2000.''; and

(2) in section 19 by adding at the end the following:

''(g) The Committee shall terminate on October 1, 2000.''.

SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

(a) RENEWAL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''September 30, 1995'' and inserting ''September 30, 2000''.

(b) CLERICAL AMENDMENT.—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''Rules of the Road Advisory Council'' and inserting ''Navigation Safety Advisory Council''.

SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking ''September 30, 1994'' and inserting ''October 1, 2000''.

SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

''(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.''.

SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) PENALTY IMPOSED.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

''§2115. Civil penalty to enforce alcohol and dangerous drug testing

''Any person who fails to comply with or otherwise violates the requirements prescribed by the Secretary under this subtitle for chemical testing for dangerous drugs or for evidence of alcohol use is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following new item:

''2115. Civil penalty to enforce alcohol and dangerous drug testing.''.

SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.''.

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

''(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

''(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

''(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

SEC. 309. INCREASED CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

(b) OPERATION OF UNINSPECTED VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION INDICATING RADIO BEACONS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting ''or beyond three nautical miles from the coastline of the Great Lakes'' after ''high seas''.

SEC. 311. EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

Subsection (e) of the Act to establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)), is amended by striking ''September 30, 1995'' and inserting ''October 1, 2000''.

TITLE IV—MISCELLANEOUS

SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''Former Marine Safety Detachment'' as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States

Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

''(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.''.

SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) EXISTING DEADLINE MANDATORY.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225, 103 Stat. 1914) is mandatory.

(c) APPLICATION.—This section applies to all applications filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990. For applications that were pending on June 12, 1990, the 10-month deadline referred to in subsection (b) shall be calculated from June 12, 1990.

SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) This section does not apply to a documented vessel that has been operated only—

''(1) as a fishing vessel, fish processing vessel, or fish tender vessel; or

''(2) for pleasure.''.

SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: '', except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant''.

SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.

Not later than January 31, 1996, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY OVER VESSELS.

(a) SHORT TITLE.—This section may be cited as the ''California Cruise Industry Revitalization Act''.

(b) LIMITATION.—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the ''Johnson Act'', is amended by adding at the end the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

''(i) that begins and ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.''.

SEC. 409. VESSEL FINANCING.

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of 31322(a)(1)(D)(v) and inserting ''or'' at the end of 31322(a)(1)(D)(vi); and

(2) by adding at the end a new subparagraph as follows:

''(vii) a person eligible to own a documented vessel under chapter 121 of this title.''.

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of 31328(a)(3) and inserting ''or'' at the end of 31328(a)(4); and

(2) by adding at the end a new subparagraph as follows:

''(5) is a person eligible to own a documented vessel under chapter 121 of this title.''.

(c) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

''(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

''(A) the vessel is eligible for documentation under section 12102;

''(B) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is engaged in lease financing;

''(C) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

''(D) the demise charter is for—

''(i) a period of at least 3 years; or

''(ii) a shorter period as may be prescribed by the Secretary; and

''(E) the vessel is otherwise qualified under this section to be employed in the coastwise trade.

''(2) Upon default by a bareboat charterer of a demise charter required under paragraph (1)(D), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on terms and conditions as the Secretary may prescribe.

''(3) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of subsection is deemed to be owned exclusively by citizens of the United States.''.

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by inserting ''12106(e),'' after the word ''sections'' and before 31322(a)(1)(D).

SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 411. SPECIAL SELECTION BOARDS.

(a) REQUIREMENT.—Chapter 21 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 747. Special selection boards

''(a) The Secretary shall provide for special selection boards to consider the case of any officer who is eligible for promotion who—

''(1) was not considered for selection for promotion by a selection board because of administrative error; or

''(2) was considered for selection for promotion by a selection board but not selected because—

''(A) the action of the board that considered the officer was contrary to law or involved a material error of fact or material administrative error; or

''(B) the board that considered the officer did not have before it for its consideration material information.

''(b) Not later than 6 months after the date of the enactment of the Coast Guard Authorization Act For Fiscal Year 1996, the Secretary shall issue regulations to implement this section. The regulations shall conform, as appropriate, to the regulations and procedures issued by the Secretary of Defense for special selection boards under section 628 of title 10, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 21 of title 14, United States Code, is amended by adding after the item for section 746 the following:

''747. Special selection boards.''.

SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking ''mortgage may'' and inserting ''mortgagee may'';

(2) in paragraph (1) by—

(A) striking ''perferred'' and inserting ''preferred''; and

(B) striking ''; and'' and inserting a semicolon; and

(3) by adding at the end the following:

''(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

''(A) the remedy is allowed under applicable law; and

''(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).''.

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

''(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

''(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

''(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) DIFFERENTIATION AMONG FATS, OILS, AND GREASES.—

(1) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i)(I) animal fats; and

(II) vegetable oils; and

(ii) other oils, including petroleum oil; and

(B) apply different standards to different classes of fat and oil as provided in paragraph (2).

(2) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of a Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) FINANCIAL RESPONSIBILITY.—

(1) LIMITS ON LIABILITY.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking ''for a tank vessel,'' and inserting ''for a tank vessel carrying oil in bulk as cargo or cargo residue (except a tank vessel on which the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996),''.

(2) FINANCIAL RESPONSIBILITY.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking '', in the case of a tank vessel, the responsible party could be subject under section 1004(a)(1) or (d) of this Act, or to which, in the case of any other vessel, the responsible party could be subjected under section 1004(a)(2) or (d)'' and inserting ''the responsible party could be subjected under section 1004(a) or (d) of this Act''.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ANIMAL FAT.—The term ''animal fat'' means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term ''vegetable oil'' means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 414. CERTAIN INFORMATION FROM MARINE CASUALTY INVESTIGATIONS BARRED IN LEGAL PROCEEDINGS.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting after section 6307 the following new section:

''§ 6308. Information barred in legal proceedings

''(a) Notwithstanding any other provision of law, any opinion, recommendation, deliberation, or conclusion contained in a report of a marine casualty investigation conducted under section 6301 of this title with respect to the cause of, or factors contributing to, the casualty set forth in the report of the investigation is not admissible as evidence or subject to discovery in any civil, administrative, or State criminal proceeding arising from a marine casualty, other than with the permission and consent of the Secretary of Transportation, in his or her sole discretion. Any employee of the United States or military member of the Coast Guard investigating a marine casualty or assisting in any such investigation conducted pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify or give information in such proceedings relevant to a marine casualty investigation, without the permission and consent of the Secretary of Transportation in his or her sole discretion. In exercising this discretion in cases where the United States is a party, the Secretary shall not withhold permission for an employee to testify solely on factual matters where the information is not available elsewhere or is not obtainable by other means. Nothing in this section prohibits the United States from calling an employee as an expert witness to testify on its behalf.

''(b) The information referred to in subsection (a) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item related to section 6307 the following:

''6308. Information barred in legal proceedings.''.

SEC. 415. REPORT ON LORAN–C REQUIREMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, prepared in consultation with users of the LORAN–C radionavigation system, defining the future use of and funding for operations, maintenance, and upgrades of the LORAN–C radionavigation system. The report shall address the following:

(1) An appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation.

(2) The need to ensure that LORAN–C technology purchased by the public before the year 2000 has a useful economic life.

(3) The benefits of fully utilizing the compatibilities of LORAN–C technology and satellite-based technology by all modes of transportation.

(4) The need for all agencies in the Department of Transportation and other relevant Federal agencies to share the Federal Government's costs related to LORAN–C technology.

SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.

Section 3703a(b) of title 46, United States Code, is amended by—

(1) striking ''or'' at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) adding at the end the following new paragraphs:

''(4) a vessel equipped with a double hull before August 12, 1992;

''(5) a barge of less than 2,000 gross tons that is primarily used to carry deck cargo and bulk fuel to Native villages (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1601)) located on or adjacent to bays or rivers above 58 degrees north latitude; or

''(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).''.

SEC. 417. OIL SPILL RESPONSE VESSELS.

(a) DEFINITION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

''(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.''.

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) This chapter does not apply to an oil spill response vessel if—

''(1) the vessel is used only in response-related activities; or

''(2) the vessel is—

''(A) not more than 500 gross tons;

''(B) designated in its certificate of inspection as an oil spill response vessel; and

''(C) engaged in response-related activities.''.

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

''(p) The Secretary may prescribe the watchstanding requirements for an oil spill response vessel.''.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

''(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.''.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.''.

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.''.

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(14) oil spill response vessels.''.

SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) DEFINITION OF RESPONSIBLE PARTY.—Section 1001(32)(C) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(C)) is amended by striking ''applicable State law or'' and inserting ''applicable State law relating to exploring for, producing, or transporting oil on submerged lands on the Outer Continental Shelf in accordance with a license or permit issued for such purpose, or under''.

(b) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), each responsible party with respect to an offshore facility described in section 1001(32)(C) located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters that is—

''(i) used for exploring for, producing, or transporting oil; and

''(ii) has the capacity to transport, store, transfer, or otherwise handle more than 1,000 barrels of oil at any one time,

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), applicable.

''(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), for purposes of subparagraph (A) the amount of financial responsibility required is $35,000,000.

''(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility greater than the amount required by subparagraph (B) is necessary for an offshore facility, based on an assessment of the risk posed by the facility that includes consideration of the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is transported, stored, transferred, or otherwise handled by the facility, the amount of financial responsibility required shall not exceed $150,000,000 determined by the President on the basis of clear and convincing evidence that the risks posed justify the greater amount.

''(D) MULTIPLE FACILITIES.—In a case in which a person is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

''(E) GUARANTEE METHOD.—Except with respect of financial responsibility established by the guarantee method, subsection (f) shall not apply with respect to this subsection.''.

SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking ''or permitted''; and

(2) by inserting after ''day'' the following: ''or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period''.

(b) Section 8104(e) of title 46, United States Code, is amended by striking ''subsections (c) and (d)'' and inserting ''subsection (d)''.

(c) Section 8104(g) of title 46, United States Code, is amended by striking ''(except a vessel to which subsection (c) of this section applies)''.

SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS TO LAKE TEXOMA.

(a) LIMITATION.—The laws administered by the Coast Guard relating to documentation or inspection of vessels or licensing or documentation of vessel operators do not apply to any small passenger vessel operating on Lake Texoma.

(b) DEFINITIONS.—In this section:

(1) The term ''Lake Texoma'' means the impoundment by that name on the Red River, located on the border between Oklahoma and Texas.

(2) The term ''small passenger vessel'' has the meaning given that term in section 2101 of title 46, United States Code.

SEC. 421. LIMITATION ON CONSOLIDATION OR RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate or relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 422. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 423. CONVEYANCE OF LIGHT STATION, MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Montauk Light Station shall immediately revert to the United States if the Montauk Light Station ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history.

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Montauk Light Station'' means the Coast Guard light station known as the Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights-of-way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term ''Montauk Lighthouse'' means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 424. CONVEYANCE OF CAPE ANN LIGHTHOUSE, THACHERS ISLAND, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term ''Cape Ann Lighthouse'' means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

SEC. 425. AMENDMENTS TO JOHNSON ACT.

For purposes of section 5(b)(1)(A) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly known as the Johnson Act, a vessel on a voyage that begins in the territorial jurisdiction of the State of Indiana and that does not leave the territorial jurisdiction of the State of Indiana shall be considered to be a vessel that is not within the boundaries of any State or possession of the United States.

SEC. 426. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''United States Coast Guard Cuttyhunk Boathouse and Wharf'', as described in subsection (c).

(b) CONDITIONS.—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. 427. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

(d) INDEMNIFICATION FOR PREEXISTING ENVIRONMENTAL LIABILITIES.—Notwithstanding any conveyance of property under this section, after such conveyance the Secretary of Transportation shall indemnify the town of New Shoreham, Rhode Island, for any environmental liability arising from the property, that existed before the date of the conveyance.

SEC. 428. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October 1993 (to be named the LIMITLESS), is deemed to be a recreational vessel under chapter 43 of title 46, United States Code.

SEC. 429. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 96. Procurement of buoy chain

''(a) The Coast Guard may not procure buoy chain—

''(1) that is not manufactured in the United States; or

''(2) substantially all of the components of which are not produced or manufactured in the United States.

''(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components thereof which are produced or manufactured in the United States is greater than the aggregate cost of the components thereof which are produced or manufactured outside the United States.

''(c) In this section—

''(1) the term 'buoy chain' means any chain, cable, or other device that is—

''(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

''(B) not more than 4 inches in diameter; and

''(2) the term 'manufacture' includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''96. Procurement of buoy chain.''.

SEC. 430. CRUISE VESSEL TORT REFORM.

(a) Section 4283 of the Revised Statutes of the United States (46 App. 183), is amended by adding a new subsection (g) to read as follows:

''(g) In a suit by any person in which a shipowner, operator, or employer of a crew member is claimed to have direct or vicarious liability for medical malpractice or other tortious conduct occurring at a shoreside facility, or in which the damages sought are alleged to result from the referral to or treatment by any shoreside doctor, hospital, medical facility, or other health care provider, the shipowner, operator, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State in which the shoreside medical care was provided.''.

(b) Section 4283b of the Revised Statutes of the United States (46 App. 183c) is amended by adding a new subsection to read as follows:

''(b) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit liability if the emotional distress, mental suffering, or psychological injury was—

''(1) the result of substantial physical injury to the claimant caused by the negligence or fault of the manager, agent, master, owner, or operator;

''(2) the result of the claimant having been at actual risk of substantial physical injury, which risk was caused by the negligence or fault of the manager, agent, master, owner, or operator; or

''(3) intentionally inflicted by the manager, agent, master, owner, or operator.''.

(c) Section 20 of chapter 153 of the Act of March 4, 1915 (46 App. 688) is amended by adding a new subsection to read as follows:

''(c) LIMITATION FOR CERTAIN ALIENS IN CASE OF CONTRACTUAL ALTERNATIVE FORUM.—

''(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent legal resident alien of the United States at the time of the incident giving rise to the action, if the incident giving rise to the action occurred while the person was employed on board a vessel documented other than under the laws of the United States, which vessel was owned by an entity organized other than under the laws of the United States or by a person who is not a citizen or permanent legal resident alien.

''(2) The provisions of paragraph (1) shall only apply if—

''(A) the incident giving rise to the action occurred while the person bringing the action was a party to a contract of employment or was subject to a collective bargaining agreement which, by its terms, provided for an exclusive forum for resolution of all such disputes or actions in a nation other than the United States, a remedy is available to the person under the laws of that nation, and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident; or

''(B) a remedy is available to the person bringing the action under the laws of the nation in which the person maintained citizenship or permanent residency at the time of the incident giving rise to the action and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident.

''(3) The provisions of paragraph (1) of this subsection shall not be interpreted to require a court in the United States to accept jurisdiction of any actions.''.

SEC. 431. LIMITATION ON FEES AND CHARGES WITH RESPECT TO FERRIES.

The Secretary of the department in which the Coast Guard is operating may not assess or collect any fee or charge with respect to a ferry. Notwithstanding any other provision of this Act, the Secretary is authorized to reduce expenditures in an amount equal to the fees or charges which are not collected or assessed as a result of this section.

TITLE V—COAST GUARD REGULATORY REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the ''Coast Guard Regulatory Reform Act of 1995''.

SEC. 502. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

''CHAPTER 32—MANAGEMENT OF VESSELS

''Sec.
''3201. Definitions.
''3202. Application.
''3203. Safety management system.
''3204. Implementation of safety management system.
''3205. Certification.

''§ 3201. Definitions

''In this chapter—

''(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

''(2) 'responsible person' means—

''(A) the owner of a vessel to which this chapter applies; or

''(B) any other person that has—

''(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

''(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter;

''(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

''(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

''(B) making a voyage between places outside the United States; or

''(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

''§ 3202. Application

''(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

''(1) Beginning July 1, 1998—

''(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

''(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

''(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

''(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

''(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

''(1) a barge;

''(2) a recreational vessel not engaged in commercial service;

''(3) a fishing vessel;

''(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

''(5) a public vessel.

''§ 3203. Safety management system

''(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

''(1) a safety and environmental protection policy;

''(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

''(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

''(4) procedures for reporting accidents and nonconformities with this chapter;

''(5) procedures for preparing for and responding to emergency situations; and

''(6) procedures for internal audits and management reviews of the system.

''(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

''§ 3204. Implementation of safety management system

''(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

''(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

''(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

''§ 3205. Certification

''(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

''(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

''(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

''(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

''(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

''(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

''32. Management of vessels ..... 3201''.

(c) STUDY.—

(1) STUDY.—The Secretary of Transportation shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

''§ 3103. Use of reports, documents, and records

''The Secretary may rely, as evidence of compliance with this subtitle, on—

''(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

''(2) other methods the Secretary has determined to be reliable.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

''3103. Use of reports, documents, and records.''.

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting ''or have examined'' after ''examine''.

SEC. 504. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

''(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

''(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

''(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

''(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

''(C) for lifesaving equipment, the foreign government—

''(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

''(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.''.

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking ''clauses (1)–(3)'' and inserting ''paragraphs (1), (2), and (3)''.

SEC. 505. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''nautical school vessel'' and inserting '', nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage''; and

(B) by adding ''and'' after the semicolon at the end;

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

(3) in paragraph (2) (as so redesignated), by striking ''2 years'' and inserting ''5 years''.

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking ''24 months'' and inserting ''5 years''.

SEC. 506. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking ''(but not more than 60 days)''.

SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

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

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

''(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection required by this part;

''(B) conduct inspections and examinations; and

''(C) issue a certificate of inspection required by this part and other related documents.

''(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

''(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

''(B) if the foreign classification society has offices and maintains records in the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

''§ 3316. Classification societies''.

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

''3316. Classification societies.''.

TITLE VI—DOCUMENTATION OF VESSELS

SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSEMENTS.

Section 12106 of title 46, United States Code, is further amended by adding at the end the following new subsection:

''(g) A coastwise endorsement may be issued for a vessel that—

''(1) is less than 200 gross tons;

''(2) is eligible for documentation;

''(3) was built in the United States; and

''(4) was—

''(A) sold foreign in whole or in part; or

''(B) placed under foreign registry.''.

SEC. 602. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the ''owner''), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under section (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF VESSEL M/V TWIN DRILL.

Section 601(d) of Public Law 103–206 (107 Stat. 2445) is amended—

(1) in paragraph (3), by striking ''1995'' and inserting ''1996''; and

(2) in paragraph (4), by striking ''12'' and inserting ''24''.

SEC. 604. DOCUMENTATION OF VESSEL RAINBOW'S END.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade, Great Lakes trade, and the fisheries for the vessel RAINBOW'S END (official number 1026899; hull identification number MY13708C787).

SEC. 605. DOCUMENTATION OF VESSEL GLEAM.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GLEAM (United States official number 921594).

SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ANNAPOLIS (United States official number 999008).

(2) CHESAPEAKE (United States official number 999010).

(3) CONSORT (United States official number 999005).

(4) CURTIS BAY (United States official number 999007).

(5) HAMPTON ROADS (United States official number 999009).

(6) JAMESTOWN (United States official number 999006).

(7) 2 barges owned by Roen Salvage (a corporation organized under the laws of the State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(8) RATTLESNAKE (Canadian registry official number 802702).

(9) CAROLYN (Tennessee State registration number TN1765C).

(10) SMALLEY (6808 Amphibious Dredge, Florida State registration number FL1855FF).

(11) BEULA LEE (United States official number 928211).

(12) FINESSE (Florida State official number 7148HA).

(13) WESTEJORD (Hull Identification Number X–53–109).

(14) MAGIC CARPET (United States official number 278971).

(15) AURA (United States official number 1027807).

(16) ABORIGINAL (United States official number 942118).

(17) ISABELLE (United States official number 600655).

(18) 3 barges owned by the Harbor Marine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth.

(19) SHAMROCK V (United States official number 900936).

(20) ENDEAVOUR (United States official number 947869).

(21) CHRISSY (State of Maine registration number 4778B).

(22) EAGLE MAR (United States official number 575349).

SEC. 607. DOCUMENTATION OF 4 BARGES.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are 4 barges owned by McLean Contracting Company (a corporation organized under the laws of the State of Maryland) and numbered by that company as follows:

(1) Barge 76 (official number 1030612).

(2) Barge 77 (official number 1030613).

(3) Barge 78 (official number 1030614).

(4) Barge 100 (official number 1030615).

SEC. 608. LIMITED WAIVER FOR ENCHANTED ISLE AND ENCHANTED SEAS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessels ENCHANTED ISLE (Panamanian official number 14087–84B) and ENCHANTED SEAS (Panamanian official number 14064–84D), except that the vessels may not operate between or among islands in the State of Hawaii.

SEC. 609. LIMITED WAIVER FOR MV PLATTE.

Notwithstanding any other law or any agreement with the United States Government, the vessel MV PLATTE (ex-SPIRIT OF TEXAS) (United States official number 653210) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

''(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).'';

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting ''power-driven'' after ''Secretary, a'';

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after ''masthead light forward''; by striking ''except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;'';

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

''(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

''(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

''(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

''(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.'';

(5) in Rule 26 (33 U.S.C 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking ''a vessel of less than 20 meters in length may instead of this shape exhibit a basket;''; and

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

''(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.''; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

''(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.''.

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

''(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. The alternate tonnage shall, to the maximum extent possible, be equivalent to the statutorily established tonnage. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.''.

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after ''1,600 tons gross'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after ''one hundred gross tons'' the following ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883–1), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after ''1,000 gross tons or more'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in paragraph (13a), by inserting after ''3,500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in paragraph (19), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in paragraph (22), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in paragraph (30)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(6) in paragraph (32), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(7) in paragraph (33), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(8) in paragraph (35), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(9) in paragraph (42), by inserting after ''100 gross tons'' each place it appears, the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in paragraph (5), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (c)(3), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (c)(4)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in subsection (d)(1), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(6) in subsection (i)(1)(A), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(7) in subsection (j), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (i), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section

14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (j)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(3) in subsection (d), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(2), by inserting after ''5,000 gross tons'' each place it appears the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (c)(3)(A), by inserting after ''15,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (c)(3)(B), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (c)(3)(C), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (b), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in paragraph (5), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(3) in paragraph (10), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (d), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (f)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (f)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (d), by inserting after ''100 gross tons'' and after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (l)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (m)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in subsection (o)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(6) in subsection (o)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after ''1,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (a)(3), by inserting after ''at least 200 gross tons but less than 1,000 gross

tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (a)(4), by inserting after ''at least 100 gross tons but less than 200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (a)(5), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (b), by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after ''4,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after ''50 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after ''20 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 745. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking ''or 12107''.

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking ''coastwise, Great Lakes endorsement'' and all that follows through ''foreign ports,'' and inserting ''registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,''; and

(B) by striking '', as if from or to foreign ports''.

SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7506. Convention tonnage for licenses, certificates, and documents

''Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

''(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

''(2) issue the license, certificate, or document based on that service.''.

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

''7506. Convention tonnage for licenses, certificates, and documents.''.

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

''§ 821. Administration of the Coast Guard Auxiliary

''(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

''(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of—

''(1) chapter 26 of title 28 (popularly known as the Federal Tort Claims Act);

''(2) section 2733 of title 10 (popularly known as the Military Claims Act);

''(3) the Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act);

''(4) the Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act);

''(5) the Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act); and

''(6) other matters related to noncontractual civil liability.

''(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

''821. Administration of the Coast Guard Auxiliary.''.

SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

''§ 822. Purpose of the Coast Guard Auxiliary

''The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

''822. Purpose of the Coast Guard Auxiliary.''.

SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended—

(1) in the heading by adding **'', and status''** after **''enrollments''**;

(2) by inserting ''(a)'' before ''The Auxiliary''; and

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

''(b) A member of the Coast Guard Auxiliary is not a Federal employee except for the following purposes:

''(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

''(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

''(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessel Act).

''(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

''(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

''(6) Other matters related to noncontractual civil liability.

''(7) Compensation for work injuries under chapter 81 of title 5.

''(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under section 3721 of title 31 (popularly known as the Military Personnel and Civilian Employees' Claims Act of 1964).

''(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

''823. Eligibility, enrollments, and status.''.

SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking ''specific''.

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking ''specific'' each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking ''specific'' each place it appears.

SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 141. Cooperation with other agencies, States, territories, and political subdivisions'';

(2) in the first sentence of subsection (a), by inserting after ''personnel and facilities'' the following: ''(including members of the Auxiliary and facilities governed under chapter 23)''; and

(3) by adding at the end of subsection (a) the following new sentence: ''The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

''141. Cooperation with other agencies, States, territories, and political subdivisions.''.

SEC. 806. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows:

''§ 827. Vessel deemed public vessel

''While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.''.

SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

Section 828 of title 14, United States Code, is amended to read as follows:

''§ 828. Aircraft deemed public aircraft

''While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.''.

SEC. 808. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting after ''with or without charge,'' the following: ''to the Coast Guard Auxiliary, including any incorporated unit thereof,''; and

(2) by striking ''to any incorporated unit of the Coast Guard Auxiliary,''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House, agree to the request for a conference, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The Chair appointed from the Committee on Commerce Mr. PRESSLER, Mr. STEVENS, Mr. GORTON, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. KERRY of Massachusetts, Mr. BREAUX, Mr. DORGAN and Mr. WYDEN, from the Committee on Environment and Public Works for all Oil Pollution Act issues under their jurisdiction Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. BAUCUS, Mr. LAUTENBERG, Mr. LIEBERMAN and Mrs. BOXER conferees on the part of the Senate.

WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 227, S. 640.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 1995''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Project deauthorizations.
Sec. 104. Studies.

TITLE II—PROJECT-RELATED PROVISIONS

Sec. 201. Heber Springs, Arkansas.
Sec. 202. Morgan Point, Arkansas.
Sec. 203. White River Basin Lakes, Arkansas and Missouri.
Sec. 204. Central and southern Florida.
Sec. 205. West Palm Beach, Florida.
Sec. 206. Periodic maintenance dredging for Greenville Inner Harbor Channel, Mississippi.
Sec. 207. Sardis Lake, Mississippi.
Sec. 208. Libby Dam, Montana.
Sec. 209. Small flood control project, Malta, Montana.
Sec. 210. Cliffwood Beach, New Jersey.
Sec. 211. Fire Island Inlet, New York.
Sec. 212. Buford Trenton Irrigation District, North Dakota and Montana.
Sec. 213. Wister Lake project, LeFlore County, Oklahoma.
Sec. 214. Willamette River, McKenzie Subbasin, Oregon.
Sec. 215. Abandoned and wrecked barge removal, Rhode Island.
Sec. 216. Providence River and Harbor, Rhode Island.
Sec. 217. Cooper Lake and Channels, Texas.
Sec. 218. Rudee Inlet, Virginia Beach, Virginia.
Sec. 219. Virginia Beach, Virginia.

TITLE III—GENERAL PROVISIONS

Sec. 301. Cost-sharing for environmental projects.
Sec. 302. Collaborative research and development.
Sec. 303. National inventory of dams.
Sec. 304. Hydroelectric power project uprating.
Sec. 305. Federal lump-sum payments for Federal operation and maintenance costs.

Sec. 306. Cost-sharing for removal of existing project features.
Sec. 307. Termination of technical advisory committee.
Sec. 308. Conditions for project deauthorizations.
Sec. 309. Participation in international engineering and scientific conferences.
Sec. 310. Research and development in support of Army civil works program.
Sec. 311. Interagency and international support authority.
Sec. 312. Section 1135 program.
Sec. 313. Environmental dredging.
Sec. 314. Feasibility studies.
Sec. 315. Obstruction removal requirement.
Sec. 316. Levee owners manual.
Sec. 317. Risk-based analysis methodology.
Sec. 318. Sediments decontamination technology.
Sec. 319. Melaleuca tree.
Sec. 320. Faulkner Island, Connecticut.
Sec. 321. Designation of lock and dam at the Red River Waterway, Louisiana.
Sec. 322. Jurisdiction of Mississippi River Commission, Louisiana.
Sec. 323. William Jennings Randolph access road, Garrett County, Maryland.
Sec. 324. Arkabutla Dam and Lake, Mississippi.
Sec. 325. New York State canal system.
Sec. 326. Quonset Point-Davisville, Rhode Island.
Sec. 327. Clouter Creek disposal area, Charleston, South Carolina.
Sec. 328. Nuisance aquatic vegetation in Lake Gaston, Virginia and North Carolina.
Sec. 329. Capital improvements for the Washington Aqueduct.
Sec. 330. Chesapeake Bay environmental restoration and protection program.
Sec. 331. Research and development program to improve salmon survival.
Sec. 332. Recreational user fees.
Sec. 333. Shoreline erosion control demonstration.
Sec. 334. Technical corrections.

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.

Except as otherwise provided in this section, 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 the respective reports designated in this section:

(1) MARIN COUNTY SHORELINE, SAN RAFAEL CANAL, CALIFORNIA.—The project for hurricane and storm damage reduction, Marin County Shoreline, San Rafael Canal, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $27,200,000, with an estimated Federal cost of $17,700,000 and an estimated non-Federal cost of $9,500,000.

(2) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $16,100,000, with an estimated Federal cost of $8,100,000 and an estimated non-Federal cost of $8,000,000 and the habitat restoration, at a total cost of $4,050,000, with an estimated Federal cost of $3,040,000 and an estimated non-Federal cost of $1,010,000.

(3) SANTA BARBARA HARBOR, SANTA BARBARA COUNTY, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, Santa Barbara, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,720,000, with an estimated Federal cost of $4,580,000 and an estimated non-Federal cost of $1,140,000.

(4) PALM VALLEY BRIDGE REPLACEMENT, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Palm Valley Bridge, County Road 210, over the Atlantic Intracoastal Waterway in St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,312,000. As a condition of receipt of Federal funds, St. Johns County shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(5) ILLINOIS SHORELINE EROSION, INTERIM III, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for storm damage reduction and shoreline erosion protection from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000, and the breakwater near the South Water Filtration Plant, a separable element of the project at a total cost of $8,539,000, with an estimated Federal cost of $5,550,000 and an estimated non-Federal cost of $2,989,000. The operation, maintenance, repair, replacement, and rehabilitation of the project after construction shall be the responsibility of the non-Federal interests.

(6) KENTUCKY LOCK ADDITION, KENTUCKY.—The project for navigation, Kentucky Lock Addition, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $467,000,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(7) WOLF CREEK HYDROPOWER, CUMBERLAND RIVER, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $50,230,000. Funds derived by the Tennessee Valley Authority from the power program of the Authority and funds derived from any private or public entity designated by the Southeastern Power Administration may be used for all or part of any cost-sharing requirements for the project.

(8) PORT FOURCHON, LOUISIANA.—The project for navigation, Port Fourchon, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of $2,812,000, with an estimated Federal cost of $2,211,000 and an estimated non-Federal cost of $601,000.

(9) WEST BANK HURRICANE PROTECTION LEVEE, JEFFERSON PARISH, LOUISIANA.—The West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana project, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to authorize the Secretary to extend protection to areas east of the Harvey Canal, including an area east of the Algiers Canal: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of $217,000,000, with an estimated Federal cost of $141,400,000 and an estimated non-Federal cost of $75,600,000.

(10) STABILIZATION OF NATCHEZ BLUFFS, MISSISSIPPI.—The project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi: Natchez Bluffs Study, dated September 1985, Natchez Bluffs Study: Supplement I, dated June 1990, and Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in the reports designated in this paragraph as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4, at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000.

(11) WOOD RIVER AT GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River at Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $10,500,000, with an estimated Federal cost of $5,250,000 and an estimated non-Federal cost of $5,250,000.

(12) WILMINGTON HARBOR, CAPE FEAR-NORTHEAST CAPE FEAR RIVERS, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear-Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,290,000, with an estimated Federal cost of $16,955,000 and an estimated non-Federal cost of $6,335,000.

(13) DUCK CREEK, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,408,000, with an estimated Federal cost of $11,556,000 and an estimated non-Federal cost of $3,852,000.

(14) POND CREEK, OHIO.—The project for flood control, Pond Creek, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,865,000, with an estimated Federal cost of $11,243,000 and an estimated non-Federal cost of $5,622,000.

(15) COOS BAY, OREGON.—The project for navigation, Coos Bay, Oregon: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $14,541,000, with an estimated Federal cost of $10,777,000 and an estimated non-Federal cost of $3,764,000.

(16) BIG SIOUX RIVER AND SKUNK CREEK AT SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek at Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $31,600,000, with an estimated Federal cost of $23,600,000 and an estimated non-Federal cost of $8,000,000.

(17) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,680,000, with an estimated Federal cost of $20,341,000 and an estimated non-Federal cost of $3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(18) MARMET LOCK REPLACEMENT, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock Replacement, Marmet Locks and Dam, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $257,900,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

SEC. 102. PROJECT MODIFICATIONS.

(a) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4092), are modified to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated for the projects in the section, except that the non-Federal share of project cost and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project. The total cost of the combined project is $102,600,000, with an estimated Federal cost of $64,120,000 and an estimated non-Federal cost of $38,480,000.

(b) BROWARD COUNTY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall provide periodic beach nourishment for the Broward County, Florida, Hillsborough Inlet to Port Everglades (Segment II), shore protection project, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat.

1090), through the year 2020. The beach nourishment shall be carried out in accordance with the recommendations of the section 934 study and reevaluation report for the project carried out under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) and approved by the Chief of Engineers by memorandum dated June 9, 1995.

(2) COSTS.—The total cost of the activities required under this subsection shall not exceed $15,457,000, of which the Federal share shall not exceed $9,846,000.

(c) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features of the project subject to cost sharing in accordance with section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)). The Secretary may reimburse the non-Federal interests for such costs incurred by the non-Federal interests in connection with the removal and replacement as the Secretary determines are in excess of the non-Federal share of the costs of the project required under the section.

(d) FORT PIERCE, FLORIDA.—The Secretary shall provide periodic beach nourishment for the Fort Pierce beach erosion control project, St. Lucie County, Florida, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1092), through the year 2020.

(e) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood control for the North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change report for the project dated March 1994, at a total cost of $34,800,000, with an estimated Federal cost of $20,774,000 and an estimated non-Federal cost of $14,026,000.

(f) ARKANSAS CITY, KANSAS.—The project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated June 1994, at a total cost of $35,700,000, with an estimated Federal cost of $26,600,000 and an estimated non-Federal cost of $9,100,000.

(g) HALSTEAD, KANSAS.—The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated March 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

(h) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide for the extension of the 16-foot deep (mean low gulf) by 250-foot wide Baptiste Collette Bayou entrance channel to approximately mile 8 of the Mississippi River Gulf Outlet navigation channel at a total estimated Federal cost of $80,000, including $4,000 for surveys and $76,000 for Coast Guard aids to navigation.

(i) MANISTIQUE HARBOR, MICHIGAN.—

(1) SAND AND STONE CAP.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls, in accordance with an administrative order of the Environmental Protection Agency.

(2) PROJECT DEPTH.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the project described in paragraph (1) is modified to provide for an authorized depth of 18 feet.

(B) EXCEPTION.—The authorized depth shall be 12.5 feet in the areas where the sand and stone cap described in paragraph (1) will be placed within the following coordinates: 4220N–2800E to 4220N–3110E to 3980N–3260E to 3190N–3040E to 2960N–2560E to 3150N–2300E to 3680N–2510E to 3820N–2690E and back to 4220N–2800E.

(3) HARBOR OF REFUGE.—The project described in paragraph (1), including the breakwalls, pier, and authorized depth of the project (as modified by paragraph (2)), shall continue to be maintained as a harbor of refuge.

(j) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861) for the purpose of evaluating the Federal interest in construction of the project for flood control and determining the most feasible alternative. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the most feasible alternative at a total cost of not to exceed $11,600,000. The Federal share of the cost shall be 75 percent.

(k) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4118–4119), is modified to authorize the Secretary to carry out the project, including the implementation of nonstructural measures, at a total cost of $44,700,000, with an estimated Federal cost of $32,600,000 and an estimated non-Federal cost of $12,100,000.

(l) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the general design memorandum for the project dated April 1990 and the general design memorandum supplement for the project dated February 1994, at a total cost of $50,921,000, with an estimated Federal cost of $25,128,000 and an estimated non-Federal cost of $25,793,000.

(m) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change and general reevaluation report for the project, dated April 1994, at a total cost of $12,780,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

(n) ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.—The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of $350,000, with an estimated Federal cost of $262,500 and an estimated non-Federal cost of $87,500.

(o) INDIA POINT BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The project for the removal and demolition of the India Point Railroad Bridge, Seekonk River, Rhode Island, authorized by section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4258), is modified to authorize the Secretary to demolish and remove the center span of the bridge, at a total cost of $1,300,000, with an estimated Federal cost of $650,000, and an estimated non-Federal cost of $650,000.

(p) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—

(1) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091), is modified to provide that, notwithstanding the last sentence of section 104(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2214(c)), the Secretary shall credit the cost of work performed by the non-Federal interests in constructing flood protection works for Rochester Park and the Central Wastewater Treatment Plant against the non-Federal share of the cost of the project or any revision of the project.

(2) DETERMINATION OF AMOUNT.—The amount to be credited under paragraph (1) shall be determined by the Secretary. In determining the amount, the Secretary shall include only the costs of such work performed by the non-Federal interests as is—

(A) compatible with the project described in paragraph (1) or any revision of the project; or

(B) required for construction of the project or any revision of the project.

(3) CASH CONTRIBUTION.—Nothing in this subsection limits the applicability of the requirement specified in section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(1)(A)) to the project described in paragraph (1).

(q) MATAGORDA SHIP CHANNEL, PORT LAVACA, TEXAS.—The project for navigation, Matagorda Ship Channel, Port Lavaca, Texas, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 298), is modified to require the Secretary to assume responsibility for the maintenance of the Point Comfort Turning Basin Expansion Area to a depth of 36 feet, as constructed by the non-Federal interests. The modification described in the preceding sentence shall be considered to be in the public interest and to be economically justified.

(r) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the general design memorandum for the project dated March 1994, and the post authorization change report for the project dated April 1994, at a total cost of $12,370,000, with an estimated Federal cost of $8,220,000 and an estimated non-Federal cost of $4,150,000.

(s) GRUNDY, VIRGINIA.—The Secretary shall proceed with planning, engineering, design, and construction of the Grundy, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), in accordance with Plan 3A as set forth in the preliminary draft detailed project report of the Huntington District Commander, dated August 1993.

(t) HAYSI LAKE, VIRGINIA AND KENTUCKY.—The Secretary shall expedite completion of the flood damage reduction plan for the Levisa Fork Basin in Virginia and Kentucky, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), in a manner that is consistent with the Haysi Lake component of the plan for flood control and associated water resource features identified by the non-Federal interests.

(u) PETERSBURG, WEST VIRGINIA.—The project for flood control, Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (Public Law

101–640; 104 Stat. 4611), is modified to authorize the Secretary to construct the project at a total cost of not to exceed $26,600,000, with an estimated Federal cost of $19,195,000 and an estimated non-Federal cost of $7,405,000.

(v) TETON COUNTY, WYOMING.—Section 840 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4176) is amended—

(1) by striking ''Secretary: Provided, That'' and inserting the following: ''Secretary. In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsors permitting the non-Federal sponsors to perform operation and maintenance for the project on a cost-reimbursable basis. The'';

(2) by inserting '', through providing in-kind services or'' after ''$35,000''; and

(3) by inserting a comma after ''materials''.

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) BRIDGEPORT HARBOR, CONNECTICUT.—

(1) ANCHORAGE AREA.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam, is deauthorized.

(2) JOHNSONS RIVER CHANNEL.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77, is deauthorized.

(b) GUILFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Sluice Creek and that is not included in the description of the realigned channel set forth in paragraph (2) is deauthorized.

(2) DESCRIPTION OF REALIGNED CHANNEL.—The realigned channel referred to in paragraph (1) is described as follows: starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(c) NORWALK HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of projects for navigation, Norwalk Harbor, Connecticut, are deauthorized:

(A) The portion authorized by the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96.

(B) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in paragraph (2).

(2) DESCRIPTION OF REALIGNED CHANNEL AND ANCHORAGE.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in paragraph (1)(B) is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(3) DESIGNATION OF REALIGNED CHANNEL AND ANCHORAGE.—All of the realigned channel shall be redesignated as an anchorage, with the exception of the portion of the channel that narrows to a width of 100 feet and terminates at a line the coordinates of which are N96456.81, E419260.06 and N96390.37, E419185.32, which shall remain as a channel.

(d) SOUTHPORT HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), are deauthorized:

(A) The 6-foot deep anchorage located at the head of the project.

(B) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(2) REMAINDER.—The portion of the project referred to in paragraph (1) that is remaining after the deauthorization made by the paragraph and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

(e) EAST BOOTHBAY HARBOR, MAINE.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the first section of the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly referred to as the ''River and Harbor Act of 1910''), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone, is deauthorized:

Beginning at a point noted as point number 6 and shown as having plan coordinates of North 9, 722, East 9, 909 on the plan entitled, ''East Boothbay Harbor, Maine, examination, 8-foot area'', and dated August 9, 1955, Drawing Number F1251 D–6–2, said point having Maine State Coordinate System, West Zone coordinates of Northing 74514, Easting 698381; and

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point; and

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point; and

Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point; and

Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point; and

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point; and

Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point; and

Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

(f) YORK HARBOR, MAINE.—The following portions of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), are deauthorized:

(1) The portion located in the 8-foot deep anchorage area beginning at coordinates N109340.19, E372066.93, thence running north 65 degrees, 12 minutes, 10.5 seconds east 423.27 feet to a point N109517.71, E372451.17, thence running north 28 degrees, 42 minutes, 58.3 seconds west 11.68 feet to a point N109527.95, E372445.56, thence running south 63 degrees, 37 minutes, 24.6 seconds west 422.63 feet to the point of beginning.

(2) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

(g) FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.—The project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide that alteration of the drawspan of the Brightman Street Bridge to provide a channel width of 300 feet shall not be required after the date of enactment of this Act.

(h) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge, upstream to the northernmost alignment of the Lake Street bridge, is deauthorized.

(i) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFER OF PROPERTY.—

(A) IN GENERAL.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in subparagraph (B), including all works, structures, and other improvements on the lands.

(B) LAND DESCRIPTION.—The lands to be transferred pursuant to subparagraph (A) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(C) TERMS AND CONDITIONS.—The transfer under subparagraph (A) shall be made on the

condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer.

(D) DEADLINES.—Not later than July 1, 1996, the Secretary shall transmit to the State of Wisconsin an offer to make the transfer under this paragraph. The offer shall provide for the transfer to be made in the period beginning on November 1, 1996, and ending on December 31, 1996.

(E) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfer under this paragraph.

(F) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of project referred to in paragraph (1) until the date of the transfer under this paragraph.

SEC. 104. STUDIES.

(a) BEAR CREEK DRAINAGE, SAN JOAQUIN COUNTY, CALIFORNIA.—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, flood control project, authorized by section 10 of 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 (58 Stat. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(b) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Lake Elsinore, Riverside County, California, flood control project, for water conservation storage up to an elevation of 1,249 feet above mean sea level; and

(2) report to Congress on the study, including making recommendations concerning the advisability of so modifying the project.

(c) LONG BEACH, CALIFORNIA.—The Secretary shall review the feasibility of navigation improvements at Long Beach Harbor, California, including widening and deepening of the navigation channel, as provided for in section 201(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091). The Secretary shall complete the report not later than 1 year after the date of enactment of this Act.

(d) MORMON SLOUGH/CALAVERAS RIVER, CALIFORNIA.—The Secretary shall conduct a review of the Mormon Slough/Calaveras River, California, flood control project, authorized by section 10 of 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 (58 Stat. 902), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(e) MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.—The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

(f) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—The Secretary shall study the feasibility of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

(g) WEST DADE, FLORIDA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to increase the supply of surface water to the Everglades in order to enhance fish and wildlife habitat.

(h) SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

(2) SCOPE.—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works missions of the Army Corps of Engineers.

(3) COORDINATION.—Notwithstanding paragraph (2), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study by the Agency of the Savannah River Basin.

(i) BAYOU BLANC, CROWLEY, LOUISIANA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in the construction of a bulkhead system, consisting of either steel sheet piling with tiebacks or concrete, along the embankment of Bayou Blanc, Crowley, Louisiana, in order to alleviate slope failures and erosion problems in a cost-effective manner.

(j) HACKBERRY INDUSTRIAL SHIP CHANNEL PARK, LOUISIANA.—The Secretary shall incorporate the area of Hackberry, Louisiana, as part of the overall study of the Lake Charles ship channel, bypass channel, and general anchorage area in Louisiana, to explore the possibility of constructing additional anchorage areas.

(k) CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in channel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Nevada, for the purpose of flood control.

(l) LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a study to determine the feasibility of the restoration of wetlands in the Lower Las Vegas Wash, Nevada, for the purposes of erosion control and environmental restoration.

(m) NORTHERN NEVADA.—The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

(1) the Humboldt River, and the tributaries and outlets of the river;

(2) the Truckee River, and the tributaries and outlets of the river;

(3) the Carson River, and the tributaries and outlets of the river; and

(4) the Walker River, and the tributaries and outlets of the river;

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

(n) BUFFALO HARBOR, NEW YORK.—The Secretary shall determine the feasibility of excavating the inner harbor and constructing the associated bulkheads in Buffalo Harbor, New York.

(o) COEYMANS, NEW YORK.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in reopening the secondary channel of the Hudson River in the town of Coeymans, New York, which has been narrowed by silt as a result of the construction of Coeymans middle dike by the Army Corps of Engineers.

(p) SHINNECOCK INLET, NEW YORK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the Federal interest in constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in the natural east-to-west pattern of the sand and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

(q) KILL VAN KULL AND NEWARK BAY CHANNELS, NEW YORK AND NEW JERSEY.—The Secretary shall continue engineering and design in order to complete the navigation project at Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized to be constructed in the Supplemental Appropriations Act, 1985 (Public Law 99–88; 99 Stat. 313), and section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), described in the general design memorandum for the project, and approved in the Report of the Chief of Engineers dated December 14, 1981.

(r) COLUMBIA SLOUGH, OREGON.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon, as reported in the August 1993 Revised Reconnaissance Study. The study shall be a demonstration study done in coordination with the Environmental Protection Agency.

(s) OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.—The Secretary shall—

(1) conduct a study to determine the feasibility of sediment removal and control in the area of the Missouri River downstream of Oahe Dam through the upper reaches of Lake Sharpe, including the lower portion of the Bad River, South Dakota; and

(2) develop a comprehensive sediment removal and control plan for the area—

(A) based on the assessment by the study of the dredging, estimated costs, and time required to remove sediment from affected areas in Lake Sharpe;

(B)(i) based on the identification by the study of high erosion areas in the Bad River channel; and

(ii) including recommendations and related costs for such of the areas as are in need of stabilization and restoration; and

(C)(i) based on the identification by the study of shoreline erosion areas along Lake Sharpe; and

(ii) including recommended options for the stabilization and restoration of the areas.

(t) ASHLEY CREEK, UTAH.—The Secretary is authorized to study the feasibility of undertaking a project for fish and wildlife restoration at Ashley Creek, near Vernal, Utah.

TITLE II—PROJECT-RELATED PROVISIONS

SEC. 201. HEBER SPRINGS, ARKANSAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Heber Springs, Arkansas, to provide 3,522 acre-feet of water supply storage in Greers Ferry Lake, Arkansas, for municipal and industrial purposes, at no cost to the city.

(b) NECESSARY FACILITIES.—The city of Heber Springs shall be responsible for 100 percent of the costs of construction, operation, and maintenance of any intake, transmission, treatment, or distribution facility necessary for utilization of the water supply.

(c) ADDITIONAL WATER SUPPLY STORAGE.—Any additional water supply storage required after the date of enactment of this Act shall be contracted for and reimbursed by the city of Heber Springs, Arkansas.

SEC. 202. MORGAN POINT, ARKANSAS.

The Secretary shall accept as in-kind contributions for the project at Morgan Point, Arkansas—

(1) the items described as fish and wildlife facilities and land in the Morgan Point Broadway Closure Structure modification report for the project, dated February 1994; and

(2) fish stocking activities carried out by the non-Federal interests for the project.

SEC. 203. WHITE RIVER BASIN LAKES, ARKANSAS AND MISSOURI.

The project for flood control and power generation at White River Basin Lakes, Arkansas and Missouri, authorized by section 4 of the Act

entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project.

SEC. 204. CENTRAL AND SOUTHERN FLORIDA.

The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), is modified, subject to the availability of appropriations, to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled ''Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C–111), South Dade County, Florida'', dated May 1994 (including acquisition of such portions of the Frog Pond and Rocky Glades areas as are needed for the project), at a total cost of $121,000,000. The Federal share of the cost of implementing the plan of improvement shall be 50 percent. The Secretary of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project, which amount shall be included in the Federal share. The non-Federal share of the operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent, except that the Federal Government shall reimburse the non-Federal interest in an amount equal to 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in Everglades National Park.

SEC. 205. WEST PALM BEACH, FLORIDA.

The project for flood protection of West Palm Beach, Florida (C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled ''Everglades Protection Project, Palm Beach County, Florida, Conceptual Design'', prepared by Burns and McDonnell, and as further described in detailed design documents to be approved by the Secretary. The additional work authorized by this section shall be accomplished at full Federal cost in recognition of the water supply benefits accruing to the Loxahatchee National Wildlife Refuge and the Everglades National Park and in recognition of the statement in support of the Everglades restoration effort set forth in the document signed by the Secretary of the Interior and the Secretary in July 1993. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, with all costs of the operation and maintenance work borne by non-Federal interests.

SEC. 206. PERIODIC MAINTENANCE DREDGING FOR GREENVILLE INNER HARBOR CHANNEL, MISSISSIPPI.

The Greenville Inner Harbor Channel, Mississippi, is deemed to be a portion of the navigable waters of the United States, and shall be included among the navigable waters for which the Army Corps of Engineers maintains a 10-foot navigable channel. The navigable channel for the Greenville Inner Harbor Channel shall be maintained in a manner that is consistent with the navigable channel to the Greenville Harbor and the portion of the Mississippi River adjacent to the Greenville Harbor that is maintained by the Army Corps of Engineers, as in existence on the date of enactment of this Act.

SEC. 207. SARDIS LAKE, MISSISSIPPI.

The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis to the maximum extent practicable in the management of existing and proposed leases of land consistent with the master tourism and recreational plan for the economic development of the Sardis Lake area prepared by the city.

SEC. 208. LIBBY DAM, MONTANA.

(a) IN GENERAL.—In accordance with section 103(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

(2) remove the partially constructed haul bridge over the Kootenai River, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $16,000,000, to remain available until expended.

SEC. 209. SMALL FLOOD CONTROL PROJECT, MALTA, MONTANA.

Not later than 1 year after the date of enactment of this Act, the Secretary is authorized to expend such Federal funds as are necessary to complete the small flood control project begun at Malta, Montana, pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 210. CLIFFWOOD BEACH, NEW JERSEY.

(a) IN GENERAL.—Notwithstanding any other provision of law or the status of the project authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1180) for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, the Secretary shall undertake a project to provide periodic beach nourishment for Cliffwood Beach, New Jersey, for a 50-year period beginning on the date of execution of a project cooperation agreement by the Secretary and an appropriate non-Federal interest.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project authorized by this section shall be 35 percent.

SEC. 211. FIRE ISLAND INLET, NEW YORK.

For the purpose of replenishing the beach, the Secretary shall place sand dredged from the Fire Island Inlet on the shoreline between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

SEC. 212. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) ACQUISITION OF EASEMENTS.—

(1) IN GENERAL.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T–152–N, R–104–W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the Buford Trenton Irrigation District described in subparagraph (A) that has been affected by rising ground water and surface flooding.

(2) SCOPE.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) PAYMENT.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands subject to the easements. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands prior to being affected by rising ground water and surface flooding.

(b) CONVEYANCE OF DRAINAGE PUMPS.—Notwithstanding any other law, the Secretary may—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) may provide a lump sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $34,000,000, to remain available until expended.

SEC. 213. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 214. WILLAMETTE RIVER, MCKENZIE SUBBASIN, OREGON.

The Secretary is authorized to carry out a project to control the water temperature in the Willamette River, McKenzie Subbasin, Oregon, to mitigate the negative impacts on fish and wildlife resulting from the operation of the Blue River and Cougar Lake projects, McKenzie River Basin, Oregon. The cost of the facilities shall be repaid according to the allocations among the purposes of the original projects.

SEC. 215. ABANDONED AND WRECKED BARGE REMOVAL, RHODE ISLAND.

Section 361 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—In order to alleviate a hazard to navigation and recreational activity, the Secretary shall remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of $1,900,000, with an estimated Federal cost of $1,425,000, and an estimated non-Federal cost of $475,000. The Secretary shall not remove the barge until title to the barge has been transferred to the United States or the non-Federal interest. The transfer of title shall be carried out at no cost to the United States.''.

SEC. 216. PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

The Secretary shall incorporate a channel extending from the vicinity of the Fox Point hurricane barrier to the vicinity of the Francis Street bridge in Providence, Rhode Island, into the navigation project for Providence River and Harbor, Rhode Island, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1089). The channel shall have a depth of up to 10 feet and a width of approximately 120 feet and shall be approximately 1.25 miles in length.

SEC. 217. COOPER LAKE AND CHANNELS, TEXAS.

(a) ACCEPTANCE OF LANDS.—The Secretary is authorized to accept from a non-Federal interest additional lands of not to exceed 300 acres that—

(1) are contiguous to the Cooper Lake and Channels Project, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091) and section 601(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4145); and

(2) provide habitat value at least equal to the habitat value provided by the lands authorized to be redesignated under subsection (b).

(b) REDESIGNATION OF LANDS TO RECREATION PURPOSES.—Upon the acceptance of lands under

subsection (a), the Secretary is authorized to redesignate mitigation lands of not to exceed 300 acres to recreation purposes.

(c) FUNDING.—The cost of all work under this section, including real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent required, shall be borne by the non-Federal interest.

SEC. 218. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

Notwithstanding the limitation set forth in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), Federal participation in the maintenance of the Rudee Inlet, Virginia Beach, Virginia, project shall continue for the life of the project. Nothing in this section shall alter or modify the non-Federal cost sharing responsibility as specified in the Rudee Inlet, Virginia Beach, Virginia Detailed Project Report, dated October 1983.

SEC. 219. VIRGINIA BEACH, VIRGINIA.

Notwithstanding any other law, the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4136), shall be reduced by $3,120,803, or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

TITLE III—GENERAL PROVISIONS

SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.

Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) environmental protection and restoration: 25 percent.''.

SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.

Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

''(1) PRE-AGREEMENT.—If the Secretary determines that information developed as a result of a research or development activity conducted by the Army Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years after the development of the information, and that the information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of—

''(A) the date on which the Secretary enters into such an agreement with respect to the information; or

''(B) the last day of the 2-year period beginning on the date of the determination.

''(2) POST-AGREEMENT.—Any information subject to paragraph (1) that becomes the subject of a cooperative research and development agreement shall be subject to the protections provided under section 12(c)(7)(B) of the Act (15 U.S.C. 3710a(c)(7)(B)) as if the information had been developed under a cooperative research and development agreement.''.

SEC. 303. NATIONAL INVENTORY OF DAMS.

Section 13 of Public Law 92–367 (33 U.S.C. 467l) is amended by striking the second sentence and inserting the following: ''There are authorized to be appropriated to carry out this section $500,000 for each fiscal year.''.

SEC. 304. HYDROELECTRIC POWER PROJECT UPRATING.

(a) IN GENERAL.—In carrying out the 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 is authorized to take such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—

(1) is economically justified and financially feasible;

(2) will not result in any significant adverse effect on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operational changes in the project.

(b) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).

SEC. 305. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OPERATION AND MAINTENANCE COSTS.

(a) IN GENERAL.—In the case of a water resources project under the jurisdiction of the Department of the Army for which the non-Federal interests are responsible for performing the operation, maintenance, replacement, and rehabilitation of the project, or a separable element (as defined in section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)) of the project, and for which the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs of the project or separable element, the Secretary may make, in accordance with this section and under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of the costs to the non-Federal interests after completion of construction of the project or separable element.

(b) AMOUNT OF PAYMENT.—The amount that may be paid by the Secretary under subsection (a) shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Federal Government, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

(c) AGREEMENT.—The Secretary may make a payment under this section only if the non-Federal interests have entered into a binding agreement with the Secretary to perform the operation, maintenance, replacement, and rehabilitation of the project or separable element. The agreement shall—

(1) meet the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(2) specify—

(A) the terms and conditions under which a payment may be made under this section; and

(B) the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section if a non-Federal interest suspends or terminates the performance by the non-Federal interest of the operation, maintenance, replacement, and rehabilitation of the project or separable element, or fails to perform the activities in a manner that is satisfactory to the Secretary.

(d) EFFECT OF PAYMENT.—Except as provided in subsection (c), a payment provided to the non-Federal interests under this section shall relieve the Federal Government of any obligation, after the date of the payment, to pay any of the operation, maintenance, replacement, or rehabilitation costs for the project or separable element.

SEC. 306. COST-SHARING FOR REMOVAL OF EXISTING PROJECT FEATURES.

After the date of enactment of this Act, any proposal submitted to Congress by the Secretary for modification of an existing authorized water resources development project (in existence on the date of the proposal) by removal of one or more of the project features that would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal interests shall provide 50 percent of the cost of any such modification, including the cost of acquiring any additional interests in lands that become necessary for accomplishing the modification.

SEC. 307. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking ''(b) PUBLIC PARTICIPATION.—''; and

(B) by striking ''subsection'' each place it appears and inserting ''section''.

SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) in the first sentence, by striking ''10'' and inserting ''5'';

(2) in the second sentence, by striking ''Before'' and inserting ''Upon official''; and

(3) in the last sentence, by inserting ''the planning, design, or'' before ''construction''.

(b) CONFORMING AMENDMENTS.—Section 52 of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4044) is amended—

(1) by striking subsection (a) (33 U.S.C. 579a note);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) in subsection (d) (as so redesignated), by striking ''or subsection (a) of this section''.

SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEERING AND SCIENTIFIC CONFERENCES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u) is repealed.

SEC. 310. RESEARCH AND DEVELOPMENT IN SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, and cooperative agreements with, and grants to, non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—In the case of a contract for research or development, or both, the Secretary may—

(1) require that the research or development, or both, have potential commercial application; and

(2) use the potential for commercial application as an evaluation factor, if appropriate.

SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States. The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State. The Secretary may use the technical and managerial expertise of the Army Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(b) FUNDING.—There are authorized to be appropriated $1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

SEC. 312. SECTION 1135 PROGRAM.

(a) EXPANSION OF PROGRAM.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''and to determine if the operation of the projects has contributed to the degradation of the quality of the environment'';

(2) in subsection (b), by striking the last two sentences;

(3) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (b) the following:

''(c) MEASURES TO RESTORE ENVIRONMENTAL QUALITY.—If the Secretary determines under subsection (a) that operation of a water resources project has contributed to the degradation of the quality of the environment, the Secretary may carry out, with respect to the project, measures for the restoration of environmental quality, if the measures are feasible and consistent with the authorized purposes of the project.

''(d) FUNDING.—The non-Federal share of the cost of any modification or measure carried out pursuant to subsection (b) or (c) shall be 25 percent. Not more than $5,000,000 in Federal funds may be expended on any 1 such modification or measure.''.

(b) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—In accordance with section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(b)), the Secretary shall carry out the construction of a turbine bypass at Pine Flat Dam, Kings River, California.

(c) LOWER AMAZON CREEK RESTORATION, OREGON.—In accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary may carry out justified environmental restoration measures with respect to the flood reduction measures constructed by the Army Corps of Engineers, and the related flood reduction measures constructed by the Natural Resources Conservation Service, in the Amazon Creek drainage. The Federal share of the restoration measures shall be jointly funded by the Army Corps of Engineers and the Natural Resources Conservation Service in proportion to the share required to be paid by each agency of the original costs of the flood reduction measures.

SEC. 313. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (Public Law 101–640; 33 U.S.C. 1252 note) is amended by striking subsection (f).

SEC. 314. FEASIBILITY STUDIES.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking ''during the period of such study'';

(2) by inserting after the first sentence the following: ''During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j).''; and

(3) in the last sentence, by striking ''such non-Federal contribution'' and inserting ''the non-Federal share required under this paragraph''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost sharing agreement entered into by the Secretary and non-Federal interests, and the Secretary shall amend any feasibility cost sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments. Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 411), is amended—

(1) by striking ''sections thirteen, fourteen, and fifteen'' and inserting ''section 13, 14, 15, 19, or 20''; and

(2) by striking ''not exceeding twenty-five hundred dollars nor less than five hundred dollars'' and inserting ''of not more than $25,000 for each day that the violation continues''.

(b) GENERAL AUTHORITY.—Section 20 of the Act (33 U.S.C. 415) is amended—

(1) in subsection (a)—

(A) by striking ''Under emergency'' and inserting ''SUMMARY REMOVAL PROCEDURES.—Under emergency''; and

(B) by striking ''expense'' the first place it appears and inserting ''actual expense, including administrative expenses,'';

(2) in subsection (b)—

(A) by striking ''cost'' and inserting ''actual cost, including administrative costs,''; and

(B) by striking ''(b) The'' and inserting ''(c) LIABILITY OF OWNER, LESSEE, OR OPERATOR.—The''; and

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

''(b) REMOVAL REQUIREMENT.—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal in accordance with the preceding sentence or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).''.

SEC. 316. LEVEE OWNERS MANUAL.

Section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n), is amended by adding at the end the following:

''(c) LEVEE OWNERS MANUAL.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

''(2) PROHIBITION ON DELEGATION.—The preparation of the manual shall be carried out under the personal direction of the Secretary.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this subsection.

''(4) DEFINITIONS.—In this subsection:

''(A) MAINTENANCE AND UPKEEP.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

''(B) REPAIR AND REHABILITATION.—The term 'repair and rehabilitation'—

''(i) except as provided in clause (ii), means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; and

''(ii) does not include—

''(I) any improvement to the structure; or

''(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

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

SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall obtain the services of an independent consultant to evaluate—

(1) the relationship between—

(A) the Risk-Based Analysis for Evaluation of Hydrology/Hydraulics and Economics in Flood Damage Reduction Studies established in an Army Corps of Engineers engineering circular; and

(B) minimum engineering and safety standards;

(2) the validity of results generated by the studies described in paragraph (1); and

(3) policy impacts related to change in the studies described in paragraph (1).

(b) TASK FORCE.—

(1) IN GENERAL.—In carrying out the independent evaluation under subsection (a), the Secretary, not later than 90 days after the date of enactment of this Act, shall establish a task force to oversee and review the analysis.

(2) MEMBERSHIP.—The task force shall consist of—

(A) the Assistant Secretary of the Army having responsibility for civil works, who shall serve as chairperson of the task force;

(B) the Administrator of the Federal Emergency Management Agency;

(C) the Chief of the Natural Resources Conservation Service of the Department of Agriculture;

(D) a State representative appointed by the Secretary from among individuals recommended by the Association of State Floodplain Managers;

(E) a local government public works official appointed by the Secretary from among individuals recommended by a national organization representing public works officials; and

(F) an individual from the private sector, who shall be appointed by the Secretary.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the task force shall serve without compensation.

(B) EXPENSES.—Each member of the task force shall be allowed—

(i) travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the task force; and

(ii) other expenses incurred in the performance of services for the task force, as determined by the Secretary.

(4) TERMINATION.—The task force shall terminate 2 years after the date of enactment of this Act.

(c) LIMITATION ON USE OF METHODOLOGY.—During the period beginning on the date of enactment of this Act and ending 2 years after that date, if requested by a non-Federal interest, the Secretary shall refrain from using any risk-based technique required under the studies described in subsection (a) for the evaluation and design of a project carried out in cooperation with the non-Federal interest unless the Secretary, in consultation with the task force, has provided direction for use of the technique after consideration of the independent evaluation required under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section.

SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.

Section 405 of the Water Resources Development Act of 1992 (Public Law 102–580; 33 U.S.C. 2239 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: ''The goal of the program shall be to make possible the development, on an operational scale, of 1 or more sediment decontamination technologies, each of which demonstrates a sediment decontamination capacity of at least 2,500 cubic yards per day.''; and

(B) by adding at the end the following:

''(3) REPORT TO CONGRESS.—Not later than September 30, 1996, and September 30 of each year thereafter, the Administrator and the Secretary shall report to Congress on progress made toward the goal described in paragraph (2).''; and

(2) in subsection (c)—

(A) by striking ''$5,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''1992'' and inserting ''1996''.

SEC. 319. MELALEUCA TREE.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting ''melaleuca tree,'' after ''milfoil,''.

SEC. 320. FAULKNER ISLAND, CONNECTICUT.

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of $4,500,000.

SEC. 321. DESIGNATION OF LOCK AND DAM AT THE RED RIVER WATERWAY, LOUISIANA.

(a) DESIGNATION.—Lock and Dam numbered 4 of the Red River Waterway, Louisiana, is designated as the ''Russell B. Long Lock and Dam''.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the ''Russell B. Long Lock and Dam''.

SEC. 322. JURISDICTION OF MISSISSIPPI RIVER COMMISSION, LOUISIANA.

The jurisdiction of the Mississippi River Commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641 et seq.), is extended to include all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico.

SEC. 323. WILLIAM JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND.

The Secretary shall transfer up to $600,000 from the funds appropriated for the William Jennings Randolph Lake, Maryland and West Virginia, project to the State of Maryland for use by the State in constructing an access road to the William Jennings Randolph Lake in Garrett County, Maryland.

SEC. 324. ARKABUTLA DAM AND LAKE, MISSISSIPPI.

The Secretary shall repair the access roads to Arkabutla Dam and Arkabutla Lake in Tate County and DeSoto County, Mississippi, at a total cost of not to exceed $1,400,000.

SEC. 325. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—In order to make capital improvements to the New York State canal system, the Secretary, with the consent of appropriate local and State entities, shall enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State canal system and related facilities, including trailside facilities and other recreational projects along the waterways referred to in subsection (c).

(b) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent. The total cost is $14,000,000, with an estimated Federal cost of $7,000,000 and an estimated non-Federal cost of $7,000,000.

(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term ''New York State canal system'' means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals in New York.

SEC. 326. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The Secretary shall replace the bulkhead between piers 1 and 2 at the Quonset Point-Davisville Industrial Park, Rhode Island, at a total cost of $1,350,000. The estimated Federal share of the project cost is $1,012,500, and the estimated non-Federal share of the project cost is $337,500. In conjunction with this project, the Secretary shall install high mast lighting at pier 2 at a total cost of $300,000, with an estimated Federal cost of $225,000 and an estimated non-Federal cost of $75,000.

SEC. 327. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) USE OF TRANSFERRED LAND.—The land transferred under subsection (a) shall be used by the Department of the Army as a dredge material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

(c) COST SHARING.—Nothing in this section modifies any non-Federal cost-sharing requirement established under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 328. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

Section 339(b) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4855) is amended by striking ''1993 and 1994'' and inserting ''1995 and 1996''.

SEC. 329. CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.

(a) AUTHORIZATIONS.—

(1) AUTHORIZATION OF MODERNIZATION.—Subject to approval in, and in such amounts as may be provided in appropriations Acts, the Chief of Engineers of the Army Corps of Engineers is authorized to modernize the Washington Aqueduct.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Army Corps of Engineers borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct. The borrowing authority shall be provided by the Secretary of the Treasury, under such terms and conditions as are established by the Secretary of the Treasury, after a series of contracts with each public water supply customer has been entered into under subsection (b).

(b) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(1) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Acts, and in accordance with paragraphs (2) and (3), the Chief of Engineers of the Army Corps of Engineers is authorized to enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share of the principal and interest owed by the Army Corps of Engineers to the Secretary of the Treasury under subsection (a). Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(2) OFFSETTING OF RISK OF DEFAULT.—Each contract under paragraph (1) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(3) OTHER CONDITIONS.—Each contract entered into under paragraph (1) shall—

(A) provide that the public water supply customer pledges future income from fees assessed to operate and maintain the Washington Aqueduct;

(B) provide the United States priority over all other creditors; and

(C) include other conditions that the Secretary of the Treasury determines to be appropriate.

(c) BORROWING AUTHORITY.—Subject to an appropriation under subsection (a)(2) and after entering into a series of contracts under subsection (b), the Secretary, acting through the Chief of Engineers of the Army Corps of Engineers, shall seek borrowing authority from the Secretary of the Treasury under subsection (a)(2).

(d) DEFINITIONS.—In this section:

(1) PUBLIC WATER SUPPLY CUSTOMER.—The term ''public water supply customer'' means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.

(2) VALUE TO THE GOVERNMENT.—The term ''value to the Government'' means the net present value of a contract under subsection (b) calculated under the rules set forth in subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), excluding section 502(5)(B)(i) of the Act, as though the contracts provided for the repayment of direct loans to the public water supply customers.

(3) WASHINGTON AQUEDUCT.—The term ''Washington Aqueduct'' means the water supply system of treatment plans, raw water intakes, conduits, reservoirs, transmission mains, and pumping stations owned by the Federal Government located in the metropolitan Washington, District of Columbia, area.

SEC. 330. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) DEMONSTRATION PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 331. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) SALMON SURVIVAL ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall accelerate ongoing research and development activities, and is authorized to carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

(A) impacts from water resources projects and other impacts on salmon life cycles;

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out research and development activities under subparagraphs (A) through (C) of paragraph (3).

(b) ADVANCED TURBINE DEVELOPMENT.—

(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower turbines, including design of ''fish-friendly'' turbines, for use on the Columbia River hydro system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $12,000,000 to carry out this subsection.

(c) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

SEC. 332. RECREATIONAL USER FEES.

(a) IN GENERAL.—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) is amended by inserting before the period at the end the following: ''and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of the Act at the water resources development project at which the fees were collected''.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal year 1995, on—

(1) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)) at each water resources development project; and

(2) the administrative costs associated with the collection of the day-use fees at each water resources development project.

SEC. 333. SHORELINE EROSION CONTROL DEMONSTRATION.

(a) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—The Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e et seq.), is amended by adding at the end the following:

"SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) EROSION CONTROL PROGRAM.—The term 'erosion control program' means the national shoreline erosion control development and demonstration program established under this section.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers.

''(b) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 8 years beginning on the date that funds are made available to carry out this section.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—The erosion control program shall include provisions for—

''(A) demonstration projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 5 years of the erosion control program;

''(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

''(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

''(D) technology transfers to private property owners and State and local entities.

''(2) EMPHASIS.—The demonstration projects carried out under the erosion control program shall emphasize, to the extent practicable—

''(A) the development and demonstration of innovative technologies;

''(B) efficient designs to prevent erosion at a shoreline site, taking into account the life-cycle cost of the design, including cleanup, maintenance, and amortization;

''(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

''(D) the avoidance of negative impacts to adjacent shorefront communities;

''(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

''(F) the potential for long-term protection afforded by the technology; and

''(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (section 54 of Public Law 93–251; 42 U.S.C. 1962d–5 note), including—

''(i) adequate consideration of the subgrade;

''(ii) proper filtration;

''(iii) durable components;

''(iv) adequate connection between units; and

''(v) consideration of additional relevant information.

''(3) SITES.—

''(A) IN GENERAL.—Each demonstration project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

''(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the demonstration projects, including—

''(i) a variety of geographical and climatic conditions;

''(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

''(iii) the rate of erosion;

''(iv) significant natural resources or habitats and environmentally sensitive areas; and

''(v) significant threatened historic structures or landmarks.

''(C) AREAS.—Demonstration projects under the erosion control program shall be carried out at not fewer than 2 sites on each of the shorelines of—

''(i) the Atlantic, Gulf, and Pacific coasts;

''(ii) the Great Lakes; and

''(iii) the State of Alaska.

''(d) COOPERATION.—

''(1) PARTIES.—The Secretary shall carry out the erosion control program in cooperation with—

''(A) the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established under the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) university research facilities.

''(2) AGREEMENTS.—The cooperation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (c)(1) when appropriate.

''(e) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

''(f) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a demonstration project under the erosion control program shall be determined in accordance with section 3.

''(2) RESPONSIBILITY.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.''.

(b) CONFORMING AMENDMENT.—Subsection (e) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(e)), is amended by striking ''section 3'' and inserting ''section 3 or 5''.

SEC. 334. TECHNICAL CORRECTIONS.

(a) CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b)) is amended by striking ''(8662)'' and inserting ''(8862)''.

(b) CHALLENGE COST-SHARING PROGRAM.—The second sentence of section 225(c) of the Act (33 U.S.C. 2328(c)) is amended by striking ''(8662)'' and inserting ''(8862)''.

Mr. CHAFEE. Mr. President, today the Senate will consider S. 640, the Water Resources Development Act of 1996. This measure, similar to water resources legislation enacted in 1986, 1988, 1990, and 1992, is comprised of water resources project and study authorizations and policy modifications for the U.S. Army Corps of Engineers Civil Works Program.

S. 640 was introduced on March 28, 1995, and was reported by the Environment and Public Works Committee to the full Senate on November 9, 1995.

Since that time, additional project and policy requests have been presented to the committee. Some have come from our Senate colleagues—many have come from the administration.

We have carefully reviewed each such request and include those that are consistent with the committee's criteria in the manager's amendment being considered along with S. 640 today. Mr. President, let me take a few moments here to discuss these criteria—that is—the criteria used by the committee to judge project authorization requests.

On November 17, 1986, almost 10 years ago, President Reagan enacted the Water Resources Development Act of 1986. Importantly, the 1986 act marked an end to the 16-year deadlock between Congress and the executive branch regarding authorization of the Army Corps Civil Works program.

In addition to authorizing numerous projects, the 1986 act resolved longstanding disputes relating to cost-sharing between the Army Corps and non-Federal sponsors, waterway user fees, environmental requirements and, importantly, the types of projects in which Federal involvement is appropriate and warranted.

The criteria used to develop the legislation before us are consistent with the reforms and procedures established in the landmark Water Resources Development Act of 1986.

Is a project for flood control, navigation, or some other purpose cost-shared in a manner consistent with the 1986 act?

Have all of the requisite reports and studies on economic, engineering and environmental feasibility been completed for a project?

Is a project consistent with the traditional and appropriate mission of the Army Corps?

Should the Federal Government be involved?

These, Mr. President, are the fundamental questions that we have applied to each and every project included here for authorization.

As I noted at the outset, water resources legislation has been enacted on a biennial basis since 1986, with the exception of 1994. As such, we have a 4-year backlog of projects reviewed by the Army Corps and submitted to Congress for authorization. Since 1993, the committee has received more than 250 project and study requests totaling an estimated $6.5 billion.

This legislation authorizes the Secretary of the Army to construct 32 projects for flood control, port development, inland navigation, storm damage reduction and environmental restoration. The bill also modifies 39 existing Army Corps projects, authorizes 27 project studies, and eliminates portions of 15 projects from consideration for future funding.

Also included are other project-specific and general provisions related to Army Corps operations. Among them is a provision to authorize borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct water treatment facility. In total, this bill authorizes an estimated Federal cost of $3.3 billion.

Mr. President, S. 640 contains important policy changes. First, we have included a provision proposed by the administration to clarify the cost-sharing for dredged material disposal associated with the operation and maintenance of Federal channels.

Currently, Federal and non-Federal responsibilities for construction of dredged material disposal facilities vary from project to project, depending on when the project was authorized, and the method or site selected for disposal.

For some projects, the costs of providing dredged material disposal facilities are all Federal. For others, the non-Federal sponsor bears the entire cost of constructing disposal facilities. This arrangement is inequitable for numerous ports.

In addition, the failure to identify economically and environmentally acceptable disposal options has reduced operations and increased cargo costs in many port cities. Regrettably, this is the case for the Port of Providence in Rhode Island.

Under this provision, the costs of constructing dredged material disposal facilities will be shared in accordance with the cost-sharing formulas established for general navigation features by section 101(a) of the 1986 Water Resources Development Act. This would apply to all methods of dredged material disposal including open water, upland and confined.

We have also expanded section 1135 of the 1986 Act in this bill. Currently, section 1135 authorizes the Secretary of the Army to review the structure and operation of existing projects for possible modifications—at the project itself—which will improve the quality of the environment. The 1986 act authorizes a $5 million Federal cost-sharing cap for each such project and a $25 million annual cap for the entire program.

The provision included in this bill does not increase the existing dollar limits. Instead, it authorizes the Secretary to implement small fish and wildlife habitat restoration projects in cooperation with non-Federal interests in those situations where mitigation is required off of project lands.

Third, we have included a provision to shift certain dam safety responsibilities from the Army Corps to the Federal Emergency Management Agency [FEMA]. This change, proposed by Senator BOND and supported by the two agencies, authorizes a total of $22 million over 5 years for FEMA to conduct

dam safety inspections and to provide technical assistance to the States.

Also included here is a provision which addresses the administration's proposal to discontinue Army Corps involvement with shore protection projects. The provision amends existing law to specifically include beach protection, restoration and renourishment among shoreline protection activities traditionally performed by the Army Corps. I plan to work with Senators MACK, BRADLEY, and others to build on this provision as S. 640 advances.

Mr. President, this legislation includes Everglades restoration provisions. On June 11 of this year, the administration submitted its proposal to restore and protect the Everglades.

While I join Senators MACK, GRAHAM and many others in support of Army Corps efforts to reverse damage done to this important natural resource, I was unable to support certain elements of the administration's proposal.

In particular, I am unable to endorse a blanket authorization for future projects needed to restore water flows and water quality. It is not responsible to leap blindly into this important initiative, by authorizing unlimited funding, without knowing what the overall costs will be.

Instead, we have provided an expedited process for project development, consistent with all applicable laws and regulations, that will preserve the current momentum for restoration. I look forward to working with the Florida delegation and the administration on this initiative as the bill advances.

Finally, Mr. President, let me state clearly that a provision submitted by the administration to modify cost-sharing for the construction of flood control projects has not been included.

In summary, the administration has proposed that the current cost-sharing ratio of 75 percent Federal and 25 percent non-Federal be changed to an even 50–50 cost-share.

This proposal has been made for budgetary reasons. However, we have not been presented with any estimates on resulting budget savings in the outyears. We do not know how much money, if any, this proposal would save in the long run.

Moreover, we do not know what impact this cost-sharing change would have on the flood control program. While I support the general notion of increasing non-Federal involvement for these types of projects, I cannot support this significant change to the 1986 act without knowing the long-range effects.

Mr. President, this legislation is vitally important for countless States and communities across the country.

For economic and life-safety reasons, we must maintain our harbors, ports and inland waterways, our flood control levees and shorelines, and the environment.

Despite the fact that this package represents a 4-year backlog of project authorizations, it is consistent with the overall funding levels authorized in previous water resources measures.

I urge my colleagues to support the bill.

Mr. BAUCUS. Mr. President, the Senate is about to consider the Water Resources Development Act of 1996. This is an important bill. A great deal of work has been done to get this legislation to the floor today. Everyone involved in this process has been diligent in assuring that only worthy projects are included. Sound criteria have been consistently applied so that each project has a Federal interest and a good benefit to cost ratio.

But I have a larger concern about this bill. It is the issue of our spending priorities. Briefly stated, at a time when we are trying to cut spending in order to balance the budget, we should not be authorizing so much new spending on water resource projects.

This legislation authorizes more than $3.3 billion in new Federal spending. And while investing in our infrastructure, including navigation, flood control, coastal and storm protection, is important, it is not the only demand being made on our taxpayers.

We are in the midst of one of the most critical balancing acts in our Nation's history—balancing the budget. We are facing some very tough choices. The question facing us is whether modernizing an existing lock is more important than protecting Medicare, or whether deepening an existing channel will be of greater benefit to the people of this country than promoting education programs?

Less than a month ago, the Senate passed a budget resolution that would cut funding for the Army Corps of engineers by nearly $1 billion over the next 5 years. Yet this bill adds more than $3 billion in new spending for the corps.

How can we ever get the budget in balance if we continue to say yes to projects we do not have the money to build? How will we ever get to balance if one day we vote to cut spending and the next day we vote to increase spending?

In my judgment, while the projects in this bill are largely worthy ones, we simply cannot afford them.

FINDING A SOLUTION TO THE FLOODING OF THE JAMES RIVER IN SOUTH DAKOTA

Mr. DASCHLE. Mr. President, since 1993 the James River has flooded nearly 3 million acres of valuable farmland in my State. This flooding has cost South Dakota producers millions of dollars in lost revenue and greatly diminished the value of their land by washing away valuable topsoil.

Clearly, the extreme wet conditions of the last 4 years have contributed to these floods. However, Mother Nature does not bear sole responsibility for the flooding. The problem has been exacerbated by the James River management policy of the U.S. Army Corps of Engineers.

Mr. President, it is unfair and unacceptable to ask producers to continue to bear economic losses that could be mitigated by a more reasonable corps river management policy. In recognition of this fact, I recently introduced legislation that, among other things, would ensure that South Dakotans are included in the revision process of the Jamestown dam and Pipestem dam operations manuals. By assuring consideration of down river interests in South Dakota, this legislation would provide landowners along the James River with a measure of security against future high water flows and induce the Federal Government to assume greater responsibility for the damaging effects of its river management policies.

Specifically, this legislation would give landowners the opportunity to sell easements on their land to the U.S. Army Corps of Engineers if they so desire. Local producers who wish to grant these easements not only will be reimbursed for the loss of productivity on their flooded land, but also will retain their haying and grazing rights. Thus, the land will continue to provide value to farmers in relatively dry years. Those who do not wish to grant the corps these easements will be under no obligation to do so.

It was my intention to attach this legislation to the Water Resources Development Act, which was developed by the Senate Environment and Public Works Committee. While receptive to this approach, the committee expressed its desire to allow the corps to examine a range of solutions, including structural and nonstructural efforts, to reduce the flooding and/or mitigate the damage suffered by landowners. I appreciate the desire to examine all options before settling on a final solution, as long as this evaluation is accomplished in a reasonable period of time and includes a review of the use of easements.

During committee deliberations, Senator PRESSLER objected to the inclusion of language explicitly directing the corps to evaluate the purchase of easements from willing sellers. While I would have preferred to include such language in the bill, the compromise provision directs the corps to examine all options, including the purchase of easements from willing sellers. It is my expectation and understanding that the corps will assess the feasibility of allowing South Dakotans to sell easements, and thus gain some financial relief, as one means of mitigating the damage caused by the flooding, as part of its evaluation of structural and nonstructural solutions to the flooding and its associated damage.

The Water Resources Development Act should set in motion a process that will lead to the corps providing relief to landowners affected by the frequent flooding of the James River in South Dakota. This problem will only be solved through a number of actions, including, I hope, both allowing the landowners along the river to sell easements to the corps and changing the

overall management of the Jamestown and Pipestem dams. I will continue to urge the corps to take seriously the concerns of South Dakotans as this process continues.

Mr. WARNER. Mr. President, I wish to discuss a specific provision in the Water Resources Development Act of 1996 which addresses the Washington Aqueduct—the public water system for the Metropolitan Washington area that is owned by the Federal Government and administered by the Corps of Engineers.

As my colleagues may recall, the conditions at the Washington Aqueduct gained national attention when the Environmental Protection Agency issued a boil-water order in December 1993 for the Metropolitan Washington region. There was significant concern that the water supply for the Nation's Capital was contaminated. Thankfully, extensive testing conducted by the EPA and independent authorities concluded equipment failure followed by human error affected the results of the water quality testing. While, there was no contamination, it was a loud wake-up call for the region.

I commend the Environmental Protection Agency for their precautionary steps and quick response to this situation. This incident brought to light the significant capital improvements that are needed at the facility to meet current Federal drinking water standards.

While the Washington Aqueduct provides a local service to the District of Columbia and northern Virginia jurisdictions, this system is owned by the Federal Government and it is critical to providing services to the Congress and other Federal facilities in the region. Since 1853, all activities relating to the maintenance and operation of the system have been administered by the U.S. Army Corps of Engineers.

In an effort to accelerate the needed capital improvements to the system, I authored legislation to grant the Corps of Engineers access to borrowing from the Treasury to underwrite the cost of these improvements. This approach did not relieve the local water customers of any of their existing responsibilities. The customers of the Washington Aqueduct—the District of Columbia, and the Virginia jurisdictions of Arlington and Falls Church—would continue to bear all the costs of these improvements through higher water rates. This additional revenue would be used to repay the loans from the Treasury over a reasonable period of time.

Mr. President, that is a description of my earlier proposal to respond to the situations at the Washington Aqueduct. I regret that in the 2 years that I have been pursuing this approach the administration continues to oppose this solution. The administration's proposal is simply to dispose of this antiquated facility.

I strongly reject that position because it fails to address any of the legitimate issues at hand. First, I believe the Federal Government has a responsibility to ensure an uninterrupted, safe supply of drinking water to the Federal community, including the Congress. Second, if the corps and the customers decide to explore the potential for non-Federal ownership, we must devise a workable approach that enables the capital improvement program to go forward.

Although I have serious reservations about transferring ownership to a non-Federal entity because of the potential to expose the system to terrorist actions, I want to move forward with modernizing the system. This legislation ensures that critically needed capital improvements are made and sets forth a framework which allows the corps and the aqueduct customers to reach agreement on the future of the Washington Aqueduct. Again, at no cost to the Federal Government.

The approach in the Chairman's amendment accomplishes that goal and I appreciate his support.

Mr. SIMON. Is the chairman aware that the U.S. Army Corps of Engineers Division Restructuring Plan calls for the closure of the North Central Division Office, in Chicago, IL? My colleague and I are particularly concerned that the Great Lakes region is losing skilled personnel at a time when waterway issues are requiring the increased attention of the corps.

Ms. MOSELEY-BRAUN. I might add that it simply does not make sense to have Great Lakes, Lake Michigan, and Upper Mississippi River issues handled by an office that not only has no institutional knowledge and expertise in these areas, but also is not even located in the Great Lakes basin.

Mr. CHAFEE. I have indeed seen a draft of the Army corps restructuring plan. I believe it is true that the restructuring plan involves closure of the North Central Division Office.

Mr. SIMON. The chairman is also aware that in response to the restructuring plan we sought to include language in the Senate version of the Water Resources Development Act, S. 640, to preclude the closure of the North Central Division Office.

Mr. CHAFEE. Indeed, you both have been diligent in that regard. I have been reluctant to include the proposed amendment here because I believe it is a matter better dealt with on the relevant appropriations legislation. It is my understanding, however, that there are plans to include similar language in the House version of the WRDA bill.

Ms. MOSELEY-BRAUN. Should similar language be adopted in the House, will you commit to giving it your close and careful consideration in conference?

Mr. CHAFEE. Indeed. I would, however, like to work carefully with the chairman of the Energy and Water Development Appropriations Subcommittee, Senator DOMENICI, as his subcommittee had jurisdiction over the original language that mandated the restructuring plan.

Mr. SIMON. I sympathize with your concerns over the jurisdictional issue. It is my understanding, however, that Senator DOMENICI does not object to our addressing this problem on the WRDA bill.

Ms. MOSELEY-BRAUN. I am pleased we could work together. My colleague and I appreciate your assistance on a matter of critical importance to the State of Illinois.

DAM SAFETY AMENDMENT TO WRDA

Mr. BOND. Mr. President, I congratulate the chairman and ranking member of the Environment and Public Works Committee, Chairman CHAFEE and Senator BAUCUS, and Senator WARNER, chairman of the subcommittee of jurisdiction for their efforts to put together this very difficult legislation. Flood damage prevention and navigation are of particular importance to the people of Missouri given our unique reliance on the inland waterway system. Both the benefits of this system and its shortfalls have been highlighted by the recent record flood events in 1993 and again this spring. Though substantial progress has been made, there remains much hard work to be completed.

Of considerable concern to me are the crippling effects the President's budget is placing on our Nation's effort to protect lives and property from flooding. Clearly, the President does not consider the missions of flood control and navigation to be a priority and through various policy positions and inadequate funding requests, our inland waterway system, the economic activity that depends on it, and the people who live near it are at risk. Those of us who represent regions that rely on flood protection and the competitive international trade advantages provided by the critical corps navigation programs must continue to oppose the administration's intention to let them wither on the vine.

This legislation includes an important Missouri project and many others. Since 1928, the corps has spent $33 billion for flood control projects. In that time, $275 billion in damages have been prevented. This does not account for the massive economic development that flood protection permits. I would have thought the political leadership of the administration would be trying to promote these important missions of safety, economic development, and international competitiveness instead of trying to undermine the successful mission and efforts of the Corps of Engineers.

The cheapest way to move a ton of grain in the world is by barge on the Mississippi River. Senators who are concerned about competitiveness, promoting trade opportunities, protecting jobs, and growing the economy recognize the benefits of promoting water resources on our inland waterway system. Half our Nation's grain is shipped by barge and this cost advantage contributes to the fact that we are expecting a record $60 billion in agricultural exports this year with a $30 billion trade surplus. As I have said before,

trying to update our water infrastructure to capture the growing Asian market is not pork as OMB would suggest—''its the economy, stupid.''

On another matter, I am very proud to have included in the managers package of amendments language I drafted to encourage more effective approaches to dam safety. As people in Missouri know well, the power of water and its potential for causing loss of life and property is a profound reality. The National Inventory of Dams includes roughly 75,000 dams. Over 95 percent of these dams are State regulated. Of these dams, over 9,000 are considered ''State high hazard'' dams which means that dam failure may result in significant loss of life or property. Many of these dams are considered ''unsafe'', or susceptible to failure due to deficiencies.

Thousands of citizens in every State are dependent on dams for water supply, flood control, irrigation, and recreation. High safety standards for these dams can keep them from failing and causing devastating environmental and property damage, economic hardships, and, in the worst case, loss of life. My State of Missouri has 3,500 dams on the inventory of which 650 are high hazard.

Deterioration of the infrastructure is a major concern and problems increase as dams decay with age. It has been determined that the life of a dam is 50 years. The majority of dams in this country are quickly approaching this age and rehabilitation of these structures is a major concern. In 1994 alone, 273 documented failures occurred across the Nation. This included 250 during the Georgia flood where lives were lost and where States reported downstream repair costs of over $50 million. In the 1970's, a dam failure in Idaho cost 11 lives and a West Virginia dam failure was responsible for killing 125 people.

Recent studies by the Association of State Dam Safety Officials show that about half the States have shown program improvement progress while half have either remained constant or regressed in the last 10 years. With the recent economic climate, even those State programs showing improvement are struggling to keep up with growing responsibilities.

There is currently no statutory national dam safety program. Two laws enacted by previous Congresses have since expired. The Federal Emergency Management Agency coordinates the implementation of guidelines pursuant to Executive order to implement a program to encourage coordination among Federal and State dam safety personnel and activities but a more aggressive partnership is needed.

The legislation reauthorizes several previously enacted provisions and codifies the interagency working groups who have expertise in issues of dam safety. The lead agency will be FEMA, whose stated goal is ''to make mitigation the cornerstone of the Federal multi-hazard emergency management system.'' This approach promotes a focus on taking relatively inexpensive preventative approaches that can preclude expensive and fatal disasters.

The legislation authorizes matching funds of up to $4 million per year over 5 years as an incentive for States to adopt dam safety programs. It further authorizes research in dam safety technology to discover methods to make new dams more reliable; to assess more reliably the condition of existing dams; and to prolong the reliable life of existing dams. Also included are funds to train State dam inspectors. In short, this program is meant to share the considerable level of Federal expertise and modest dollars to maximize the effectiveness of States to improve their programs and reduce exposure to dam failure.

This incentive and partnership-based approach is not a Federal mandate and does not interfere with the Federal responsibility to ensure the safety of Federal dams. It does not provide for Federal inspection of non-Federal dams and does not authorize any funds for construction and rehabilitation which explicitly and appropriately remain the responsibility of the States.

This approach has the support of the Federal agencies, the National Governors Association, the Association of State Dam Safety Officials who brought these recommendations to the Congress, the National Association of Civil Engineers, and others.

I am pleased to note that the House Committee on Transportation and Infrastructure adopted companion language in their markup of WRDA legislation on June 30.

I thank representatives of the ASDSO and ASCE for working closely and diligently with my office in pursuit of these commonsense provisions to improve dam safety. Brad Iarossi with the Maryland Department of Natural Resources has been of invaluable assistance as this process has moved forward. Again, I appreciate the assistance of Chairman CHAFEE, Chairman WARNER and Senator BAUCUS and their able staff in bringing this legislation before the Senate.

LOWER FOX RIVER SEDIMENT REMEDIATION PROJECT

Mr. KOHL. Mr. President, the chairman of the Senate Environment and Public Works Committee is well aware of the concerns that Senator FEINGOLD and I have raised about the concentration of contaminated sediments in the Lower Fox River of Wisconsin.

As a result of a high concentration of PCB's and other toxic pollutants in the sediment of the Lower Fox River, the area has been designated by the International Joint Commission as 1 of 43 toxic hotspots in the Great Lakes. Most of these 43 hotspot areas are characterized by contamination which cannot be cleaned up through existing routine programs. Because the contaminated sediments at these sites oftentimes disperse throughout the Great Lakes ecosystem, it is believed that remediation is critical for environmental restoration of the Great Lakes.

The Fox River is known to be the biggest source of PCB loadings into Green Bay, a fact which has been documented by the Green Bay mass balance study conducted by EPA between 1988 and 1992. Further, it is believed that the Fox River may also be the biggest source of PCB contamination to Lake Michigan. Specifically, the Green Bay mass balance study, conducted by EPA, estimated the volume of contaminated sediment with high concentrations of PCB's to be 7 to 9 million cubic meters. It is clear that the potential for continued dispersion of the sediments throughout the Great Lakes ecosystem is great.

To address the problem, a partnership has been formed in Wisconsin where the Wisconsin Department of Natural Resources, local governments, POTW's and area businesses are working together to analyze and characterize the contamination, and to plan for the remediation of the sites. Given the urgency of the clean up, the group is seeking to proceed with remediation using a consensus-based process, in order to avoid any delays that may be associated with litigation.

Mr. FEINGOLD. I concur with the Senator from Wisconsin's characterization of the urgency of clean up on the Lower Fox River. Not only is the contamination from the Fox River believed to be the biggest source of PCB loading to Lake Michigan, but it may easily become the biggest source of contamination for the entire Great Lakes system. It is widely understood that a large storm event in the region could resuspend those contaminated sediments in the Fox River to disperse pollutants more broadly into the food chain of the Great Lakes.

I would ask the chairman of the Environment Committee if he would agree that there is an urgent need for clean up at the Fox River site, and that a consensus-based clean up process should be encouraged?

Mr. CHAFEE. I would say to both Senators from Wisconsin that I share their concern about the contaminated sediment problems in the Fox River. I agree that there does appear to be an urgent need for cleanup. Further, I would agree that a consensus-based process for remediation should be encouraged, and may lead to a more timely remediation.

Mr. KOHL. Given the urgent need for remediation, Senator FEINGOLD and I had requested that the Committee authorize the Corps of Engineers to help in the clean up of the Fox River, thereby becoming a partner in the effort to remediate the contamination using a consensus-based process. Specifically, we requested that the Lower Fox River sediment remediation project be authorized under Section 312(b) of the 1990 Water Resources Development Act (P.L. 101–640), which authorizes funds for environmental dredging projects within and adjacent to ongoing Army

Corps navigation projects. The Fox River is currently an authorized corps project. Long-range Army Corps plans include a continued corps involvement in the ongoing operation and maintenance of the water regulation portion of the project. However, the Army Corps does not maintain the waterway for navigation purposes and has recommended an end to its role in the navigation portion of the project. The corps is currently in negotiations with the State of Wisconsin to effect deauthorization of navigation.

In response to my and Senator FEINGOLD's request to authorize the Army Corps to clean up the contaminated sediments along the Fox River, Chairman CHAFEE and other members of the Committee on Environment and Public Works expressed strong reservations. I wonder if the chairman would discuss briefly his concern with our proposal.

Mr. CHAFEE. The Senators from Wisconsin have indeed been diligent with regard to including a provision in this bill to address the Fox River matter. However, I am convinced that under these circumstances, assigning the Army Corps with these responsibilities is inappropriate.

While it is true that existing water resources law authorizes the Secretary of the Army to remove contaminated sediments in conjunction with operation and maintenance of ongoing navigation projects, the law establishes conditions which must first be met. First, section 311 (c) of the 1990 WRDA requires a joint plan to be developed by the Secretary of the Army and interested Federal, State, and local officials. Regrettably, we do not have such a plan for the Lower Fox River. Second, it is required that the remediation be done, as stated a moment ago, in connection with ongoing operation and maintenance of a navigation project. It is my understanding that the corps no longer performs operation and maintenance activities along the Lower Fox. Third, the law requires that the method to be used for dredged material disposal and the specific responsibilities of the Secretary and other involved parties be provided prior to authorization. The 1990 Water Resources Development Act also requires that sources of funding for the work be identified. Again, regrettably, none of these conditions are met with respect to the Lower Fox.

Without having a clear understanding of the exact responsibilities of the Secretary, I would also be concerned about potential liability problems the corps might face once they get involved.

Mr. FEINGOLD. I know that the Senator is aware that a provision was included in the House version of the water resources bill authorizing the Lower Fox River sediment remediation project. I would ask for the Senator's commitment to give that provision strong consideration in conference, or to work with Senator KOHL and myself to find another vehicle to address this urgent matter.

Mr. CHAFEE. I will say to the Senators from Wisconsin that I will give the House Fox River provision my strong consideration in conference, and will continue to work with them to find the most appropriate way to address the pressing contamination problems of the Fox River.

Mr. NICKLES. Mr. President, included in S. 640, the Water Resources Development Act, is a provision which provides for the reallocation of a sufficient amount of existing water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery on a permanent basis. The bill also requires releases of water from Broken Bow Lake to be undertaken at no expense to the State of Oklahoma to mitigate the loss of fish and wildlife resources in the Mountain Fork River as recommended by the U.S. Fish and Wildlife Service.

The Oklahoma Department of Wildlife Conservation [ODWC] began stocking trout in 12 miles of the lower Mountain Fork river in December 1988. I worked on legislation in 1992, Public Law 102–580, section 102(v), which authorized the reallocation of unobligated water supply storage for the purpose of maintaining the trout fishery. As a result, it is estimated the trout fishery generates over $1 million annually in aggregate benefits to the economy of southeastern Oklahoma.

It is the intention of this bill that water releases be made from the Mountain Fork Dam to mitigate the loss of 26 miles of high-quality small mouth bass waters destroyed when the Broken Bow Dam was constructed. A 1960 U.S. Fish and Wildlife mitigation recommendation for a 100 cubic-feet-per-second instantaneous release from Broken Bow Dam is being released approximately 8 miles downstream and gauged 12 miles downstream rather than at the dam, as originally recommended. With slight modification, implementation of the 1960 USFWS mitigation recommendation would provide releases necessary to maintain the fishery in its present capacity.

Under a reasonable worst-case scenario, maintaining the Mountain Fork fishery requires release of approximately 38,454 acre-feet through the spillway and 41,259 acre-feet released through hydro generation. It is my understanding that over 90 percent of Broken Bow water storage capacity is uncontracted. Thus, mitigating the loss of the small mouth bass fishery through maintenance of the trout fishery does not adversely affect the water supply needs of local municipalities or hydro generation.

Finally, it is not the intent of this legislation to interrupt maintenance of the Mountain Fork trout fishery as it has been maintained since 1992. The purpose of this legislation is to partially mitigate the loss of fish and wildlife resources in the Mountain Fork River as recommended by the U.S. Fish and Wildlife Service Regional Director in 1960.

The Mountain Fork trout fishery could not be properly maintained without cooperation between the Oklahoma Department of Wildlife Conservation, the Army Corps of Engineers, and the Southwestern Power Administration. I, along with the people of McCurtain County, appreciate their hard work to maintain this project.

Mr. KOHL. Mr. President, this water resources bill includes many provisions of great importance. Perhaps none of the provisions is more important to the State of Wisconsin than the transfer of land in the Kickapoo River Valley from the Corps of Engineers to the State of Wisconsin, for the purpose of creating the Kickapoo Valley Reserve.

We in the Senate spend a great deal of time arguing about the appropriate role of the Federal Government. I know that my colleagues of all ideological stripes can list specific instances in which Federal intervention has caused undue pain and suffering to individuals or communities. Today with this bill, and the Kickapoo Valley, WI, provision included therein, we have begun the process of rectifying a wrong that was done the people of Southwestern Wisconsin 3 decades ago.

In the mid 1960s, Congress authorized the Corps of Engineers to build a flood control dam on the Kickapoo River at LaFarge in Vernon County, WI. In order to proceed with the project, the Corp of Engineers condemned 140 farms covering an area of about 8,500 acres. To LaFarge, a community of only 840 people, the loss of these farms dealt a significant economic and emotional blow.

With the loss of economic activity, the community eagerly awaited the completion of the dam, and the creation of a lake that promised to provide some economic benefits in the form of recreational and tourism activities. But because of budgetary and environmental concerns, the project never happened. And the people of LaFarge were left holding the bag.

But the passage of this bill today represents a milestone in the cooperative effort of the citizens of the Kickapoo River Valley, the State of Wisconsin, the Ho Chunk Nation, and local environmental leaders to turn this bad situation into an outstanding success for the community, the State, and the Federal taxpayers.

The Kickapoo Valley, WI, provision of this water resources bill would modify the original LaFarge Dam authorization, returning the federally condemned property to the State of Wisconsin. Anticipating this action, the State legislature and Governor Thompson have already acted to authorize the use of this 8,500 property as a State recreational and environmental management area. Further, in recognition of the cultural and religious significance of this area to the Ho Chunk People, agreement has been reached with the Ho Chunk Nation to transfer

up to 1,200 acres of that area to the Secretary of Interior in trust for the Ho Chunk Nation.

While this legislation does not include all of the things that my colleague from Wisconsin, Senator FEINGOLD, and I have wanted in terms of funding for infrastructure improvements in the area, it does address the most crucial aspect of this matter, which is the land transfer. This measure is long overdue, and it is my sincere pleasure to be able to return this remarkable piece of property back to local control.

COLUMBIA RIVER CHANNEL

Mr. HATFIELD. Mr. President, the top marine transportation priority for my region is the project to deepen the Columbia River deep-draft channel from 40 to 43 feet. Local sponsors of the project include three Oregon ports: Astoria, Portland, and St. Helens; and four Washington ports: Longview, Kalama, Woodland, and Vancouver. The project enjoys strong support within the Oregon and Washington congressional delegations.

Port and regional interest is so keen because some of the ships calling in the Columbia River now exceed the 40-foot draft of the existing channel. If the channel comes to be viewed in the world shipping community as too shallow for the larger, more efficient vessels, our region's reliance on trade and distribution as economic mainstays will be at risk.

On June 27, Mr. President, the biggest container vessel ever to call in the Columbia River, the *Ever Ultra,* took on more than 2,100 containers in Portland. If loaded fully, the *Ever Ultra* would have needed a channel nearly 42 feet deep. This class of vessel will operate out of the river at low-water periods by leaving light loaded, but the vessel owners clearly view this as a test of the Columbia River port market. As world trade mushrooms in the years ahead, there will be more pressure on these vessels, and the channel as well, to operate at full capacity.

At stake is more than $15 billion in annual trade and more than 46,000 jobs in the region. Obviously, the job impact climbs even higher when you consider job impacts throughout the region. Exports crossing the Columbia River docks originate around the country, coming from the Midwest and northern tier States. Thus, the trade impacts of the channel reverberate throughout the U.S. economy.

Mr. President, let me cite just one regional example: An estimated three-quarters of Montana wheat is exported through the Columbia River system. Montana grain growers acknowledge that bottlenecks in the Columbia River Channel hamper their efforts to bet their grain to market. The same is true for States around the west that rely on the channel as the gateway to the international marketplace. Columbia River ports handle grain from throughout the Midwest and products from around the rest of the country.

Restrictions on channel draft mean lost business opportunities. for grain vessels, a foot of draft equates to 2,000 tons of cargo, valued at $324,000. For container cargo, that same foot of draft equates to $2.5 million in cargo value. When vessels leave light loaded or without taking a full load so that they do not exceed channel depth, that is the value of cargo left behind for each foot of draft sacrifices.

Mr. President, my colleague from Oregon, Senator WYDEN, and I have worked diligently with the committee on moving this project ahead. Included in this year's water resources bill is language directing the corps to move ahead with technical improvements on turns in the lower Columbia River. But I want to put the Senate on notice that more needs to be done on this project. I have discussed the importance of the Columbia River Channel deepening with the chairman of the Environment and Public Works Committee as he assures me the committee is well versed in the importance of this navigation improvement project.

Mr. CHAFEE. Mr. President, I rise to join with the Senator from Oregon in expressing my understanding of the vital importance of the Columbia River Channel deepening project. I have also expressed to my colleague my willingness to help keep review of the project moving ahead as swiftly as possible in the years ahead. I will do all that I can to urge the Corps of Engineers to complete its feasibility study on schedule so that Congress can address the merits of this project without any delay. I have given that commitment to my colleagues from Oregon and I am happy to repeat it during this debate today.

Mr. HATFIELD. I thank the distinguished chairman of the committee. This project has been one of the top priorities in my recent years in the Senate. This past year, the Columbia River was the largest volume export port on the west coast and its significance means the impacts are felt well beyond my State and region. I appreciate having the chairman of the authorizing committee recognize this importance and commit to timely consideration of the Columbia River Channel improvement project in the future.

WATER RESOURCES DEVELOPMENT ACT AND THE LA FARGE DAM

Mr. FEINGOLD. Mr. President, I want to express my strong support for the inclusion of language deauthorizing the La Farge Dam and Lake project in the 1996 Water Resources Development Act Reauthorization [WRDA] and extend my thanks to the Senator from Rhode Island [Mr. CHAFEE], the Senator from Montana [Mr. BAUCUS], and the Senator from Virginia [Mr. WARNER] for their assistance in incorporating these provisions. I want to recognize the efforts of all the individuals who have worked so hard over the last year on this legislation, including State Senator Brian Rude, Ho Chunk Nation President Chloris Lowe, State Representative DuWayne Johnsrud, Ron Johnson, the chair of the Kickapoo Valley Governing Board, Lou Kowalski, formerly of the St. Paul District Corps of Engineers, and Alan Anderson of the University of Wisconsin Extension. Finally, I want to extend my gratitude for the commitment and perseverance of the Wisconsin delegation. As a delegation, my colleagues from Wisconsin in the other body—Representatives GUNDERSON and PETRI—the senior Senator from Wisconsin [Mr. KOHL], and I introduced identical legislation on the 1st day of the 104th Congress in our respective bodies—S. 40 and H.R. 50—to address this unfinished business the Federal Government began in our State in 1962. We supported legislation to address this issue in the 103d Congress—S. 2186 and H.R. 4575. The House of Representatives included H.R. 4575 in the WRDA bill that passed on October 3, 1995. Senate action on this measure was not completed in the closing days of the 103d Congress.

In this Congress, the Senate Environment and Public Works Committee included the land transfer portion of my bill as part of the WRDA bill it introduced on March 28, 1995. That bill was favorably reported by the committee on August 2, 1995.

Today marks a major step toward ending the conflict and controversy created by the proposed construction, and later abandonment, of the La Farge Dam project. More than 30 years ago, the U.S. Army Corps of Engineers planned to build a dam across the Kickapoo River, near the village of La Farge, located in the southwestern portion of the State. In fact, Mr. President, I believe there is scarcely a person over 30 years of age in my State that has not heard about the La Farge Dam. The dam was supposed to provide flood control in an often flooded valley. Local residents were assured of the economic benefits in tourism dollars that the planned lake and other authorized improvements would bring to the area.

Federal legislation authorizing the La Farge Dam passed in 1962, and construction began in 1971. The Federal Government condemned the property and displaced 144 families. However, the project was never completed. Construction ended in 1975 following a dispute over the project's environmental impact statement. Mr. President, the La Farge area is ecologically sensitive and is a truly beautiful area of my State, filled with unique natural features such as: Sandstone cliffs, hearty forest lands, and scenic valleys. It is also home to many rare plants and several State threatened and endangered animals.

When construction stopped, the proposed dam was only 61 percent complete. The area, already struggling economically prior to the dam's development, was devastated. By 1990, it was estimated that annual losses resulting from the cessation of family farm operations and the unrealized tourism benefits that had been promised with the

dam totaled more 300 jobs and $8 million for the local economy per year. In fact, the only remaining legacy of the dam project is a fragmented landscape. It is dotted with scattered remains of former farm homes, and a 103-foot-tall concrete shell of the dam, with the Kickapoo River flowing unimpeded through a 1,000-foot-gap.

When the 144 families were forced to leave their homes in the 1960's, many left the region entirely. Those who stayed in the area lost income, and the land they once owned was removed from the local tax base. Businesses, which once relied on these customers, suffered, and the school system lost property tax funding along with approximately one-third of its students. Today, the median income of the La Farge area is only slightly above half of the State average, and the heartfelt bitterness toward what was widely considered an irresponsible Federal boondoggle will only begin to be tempered now that plans for Federal deauthorization are in progress with the passage of this measure.

For the past 5 years, under the sponsorship of Governor Thompson, members of the local community, the Army Corps of Engineers, University of Wisconsin-Extension, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Wisconsin State Historical Society, the Governor's office, State legislators, Wisconsin environmental groups, members of the congressional delegation, and, most recently, the Ho Chunk Nation have collaborated to develop a plan to reclaim the dam area and manage it under a combination of State and local control.

The Wisconsin State Legislature passed legislation in 1994 to establish the Kickapoo Valley Reserve. State law now provides that the deauthorized land will be managed under the auspices of the newly created Kickapoo Valley Governing Board. This entity is prepared to accept ownership on behalf of the State of Wisconsin upon Federal deauthorization of the land.

The Governing Board is required to preserve and enhance the unique environmental, scenic, and cultural features of the Kickapoo Valley, to provide facilities for the use and enjoyment of visitors to the area, and to promote the area as a destination for vacationing and recreation.

Strong environmental protection provisions are included in the State law, including limits on development and an outright ban on any mining activities. The State has also made a financial commitment to support both the administration of the governing board and the reserve at a cost of more than $300 thousand per year. In addition, the State will pay local property taxes and aid to local school districts.

At the time of the August 1995 WRDA markup, representatives of the Ho Chunk Nation, a Wisconsin Native American tribe, contacted the Bureau of Indian Affairs and my office raising concerns about the proposed transfer. The area which is now the La Farge Dam property at one time belonged to the Nation under two treaties with the Federal Government in 1825 and 1827. In a later treaty of 1837, the tribe was required to cede this property to the United States. Because these lands had been the Nation's, both at the time of and prior to its treaties with the Federal Government, there are nearly 400 tribal archeological sites in this area. These include 150 prehistoric campsites, 18 prehistoric villages, rock shelters, petroglyphs, and burial mounds. In deauthorizing the dam project, and opening the property to public use, the Nation wanted to be certain that sites they believe to be culturally and religiously significant within this area were protected from desecration or other improper use.

Upon learning of the tribe's concerns, my office began a dialog with all the parties to determine how to transfer the property and insure that the tribal archeological sites were protected.

The result is truly landmark legislation. When this project is deauthorized, a portion of the more than 8,500 acre property now owned by the corps—some 1,200 acres—will be transferred to the Ho Chunk Nation. The remainder will be given to the State of Wisconsin. The parties will be required to sign a memorandum of understanding [MOU] to jointly operate the area as the Kickapoo Valley Reserve, a public outdoor recreational and educational area. This site in Wisconsin, which was untouched by the glaciers and contains this wealth of archeological sites, will create a ecologically and historically significant State reserve. In addition to its ecological significance, the reserve is also unique in a number of other ways. It will be the first time in our State's history and, according to the Congressional Research Service, nationally that a tribe and State will work together to pursue natural resource objectives for a particular piece of property in this fashion. Moreover, the day to day management of the reserve will be conducted by a governing board made up of local residents, not administered by the State Department of Natural Resources—a first in Wisconsin.

I was disappointed that we were unable to reach agreement under this legislation to include authorizations for improvement projects at this site, which were included both in the original La Farge Dam project as proposed by the corps and in my bill. These improvements include: Reconstruction of the three roads; construction of an education and interpretative complex that includes buildings, parking areas, recreational trails, and canoe facilities; remediation of old underground storage tanks and wells on the abandoned farms; and a complete inventory of the archeological sites as required by the National Historic Preservation Act.

These projects provide hope for the area and fulfillment of Federal promises made long ago. It is my understanding that the House has included authorizations for some of these improvements in the markup of their water resources bill and it is my hope that these improvements can be considered in the conference. We in the Wisconsin delegation are all concerned about the fiscal implications of WRDA projects. I believe that these improvement projects are a financial win for both Wisconsin and the Federal Government. The Army Corps of Engineers estimates that if the La Farge Dam were to be completed today, the total cost would be $102 million.

In conclusion, this effort should truly be dedicated to the people of the Kickapoo Valley. It is their hopeful vision of renewal of this area, and their tenacity that should be recognized today. This legislation marks the starting point of the work that is to come, which I know they will pursue with grace and fortitude.

Mr. BRADLEY. Mr. President, today's passage by the Senate of S. 640, the Water Resources Development Act [WRDA], represents a continuing Federal commitment to the water resources of our country. Passage of this important measure is a direct result of the leadership and diligent efforts of my colleagues Senator JOHN CHAFEE and Senator MAX BAUCUS and I would like to thank them for all their hard work. Their efforts have resulted in an excellent bill that has not only my whole-hearted support, but the solid backing of this body. This strong support is unsurprising. This bill has much to recommend it. Our waterways and ports, which funnel billions of dollars of products throughout the Nation and generate hundreds of thousands of jobs across the country, will be better served by this bill. For those Americans who live in areas of the country that are prone to flooding, this bill provides for flood-control projects that protect their homes and the billions of dollars that their property represents. I know that my colleagues understand the important navigation and flood control projects provided for in this measure, but I would like to take a moment to call their attention to another significant provision in this bill.

S. 640 includes important language that provides for a continuing Federal role in protecting a valuable national resource—our Nation's coastline. This language states clearly that the Federal Government has an obligation to provide the necessary support for projects that promote the protection, restoration, and enhancement of sandy beaches and shorelines in cooperation with States and localities. Mr. President, before I detail the significance of this language, I would again like to acknowledge and thank Senator CHAFEE and Senator BAUCUS for working with me on this issue as they readied WRDA for consideration by the full Senate. Their thoughtful consideration and leadership has been instrumental in achieving constructive progress on this

issue and I look forward to continuing to work with them as the bill moves forward.

To understand the significance of the inclusion of this shore protection language in this bill, it is necessary to understand the history that has led to today's congressional action on this subject. As many of my colleagues know, in 1995, the administration proposed an end to the Federal role in shore protection projects. Citing budgetary concerns, the administration proposal called for Federal involvement in projects that were of ''national significance'' only. This short-sighted policy ignores the fact that beach, shore, and coastal resources are critical to our economy and quality of life, but that they are fragile and must be protected, conserved, and restored.

As a coastal State senator, who walks the beaches of the Jersey shore every year, I know first hand the economic and recreational benefits that are derived from healthy beaches. This is why on May 23, 1996, I joined with my colleague and co-chair of the Senate Coastal Coalition, Senator CONNIE MACK of Florida, to introduce S. 1811, the Shore Protection Act of 1996. This bill would provide for a Federal role in shore protection projects, including those projects involving the placement of sand, for which the economic and ecological benefits to the locality, region or Nation exceed the costs.

I am pleased that Senator CHAFEE and Senator BAUCUS have agreed to include elements of the Shore Protection Act of 1996 in the Water Resources Development Act, which is the vehicle that authorizes the Federal involvement in civil works projects like shore protection. The history of Federal involvement in water resource projects dates back almost 200 years and includes a long history of involvement in shore protection projects. The role of the Federal Government in beach restoration projects was reaffirmed as recently as 1986 with passage of WRDA '86, the largest and most comprehensive authorization of the Corps Civil Works Program since the 1940's. The passage of WRDA '86 included cost-sharing requirements that made States a partner in the funding of these programs. For the past decade, the protection of our Nation's shoreline has continued to be a partnership between the Federal Government and the States. Despite the Clinton administration's new policy of eliminating Federal participation in beach restoration projects, the Environment and Public Works Committee continues to authorize new projects and the Energy and Water Appropriations Subcommittee continues to appropriate funds for these projects. However, these measures address shore protection projects on an ad hoc, rather than comprehensive and coordinated, basis.

The language included in WRDA from the Shore Protection Act of 1996 challenges the administration's new policy and reaffirms a Federal role in shore protection. The language included states that one of the goals of WRDA is to ''promote shore protection projects and related research that encourage the protection, restoration and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, and localities, and private enterprises.'' This puts the Senate on record as rejecting the Administration's policy and more clearly defines the Army Corps' mandate to undertake shore protection projects, specifically those projects which include the placement of sand. This mandate is further clarified by the adoption in WRDA of new definitions from the Shore Protection Act of 1996 that redefines ''shore,'' to include ''sandy beaches'' and expands ''shoreline protection project'' to include ''a project for beach renourishment, including the placement of sand.'' The inclusion of this language would mandate a continuing Federal role in shore protection projects by changing the mission of the Corps from one of general authority to do beach projects to a specific mandate to undertake the protection, restoration and enhancement of beaches in cooperation with States and local communities.

I am pleased that this language was included in WRDA, and look forward to continuing discussions on the other important provisions in the Shore Protection Act that were not included in this measure at this time. These provisions include the requirement that new criteria be used in conducting the cost-benefit analysis of a proposed project. Currently, when undertaking cost-benefit analysis to determine the suitability of proposed projects, the corps is only required to consider the property values of property directly adjacent to the beach. The corps can take into account revenues generated through recreation, but is not required to do so, nor can the recreational values be weighed as anything other than an incidental benefit. The Shore Protection Act requires that the benefits to the local, regional and national economy and the local, regional and national ecology be considered. This comprehensive evaluation will demonstrate that shore protection projects are of national significance.

The Shoreline Protection Act also requires that the corps report annually to Congress on beach project priorities. The corps will be required to submit information—reports—to Congress on projects that, when evaluated with the bill's new cost-benefit criteria, are found to merit Federal involvement. In current law, this authority is discretionary and has been suspended by the administration.

Additionally, the act encourages the corps to work with State and local authorities to develop regional plans for preservation, restoration and enhancement of shorelines and coastal resources. Further the corps is encouraged to work with other agencies to coordinate with other projects that may have a complimentary effect on shoreline protection projects.

A network of healthy and nourished beaches is essential to our economy, competitiveness in world tourism and the safety of our coastal communities. I know that many of my colleagues have heard the numbers before but they bear repeating. More than 28 million people work in businesses related to costal tourism, and healthy beaches contributed to a $26 billion tourism trade surplus last year. Protection of the Nation's shoreline must be a continued Federal priority and I appreciate Senator CHAFEE's leadership on this issue. By authorizing new shore protection projects in this year's WRDA and by associating himself with the provisions of the Shore Protection Act that call for a continued Federal role in shore protection, he has distinguished himself in the effort to preserve one of our Nation's most unique and valuable resources. I want to associate myself with Senator CHAFEE's remarks that state that he ''plans to work closely with Senators MACK, BRADLEY, and others to build on this provision as S. 640 advances.'' I look forward to continuing this dialog as the bill continues to progress.

TECHNOLOGY TO DECONTAMINATE SEDIMENTS

Mr. LEVIN. Mr. President, I wish to engage the distinguished chairman of the Senate Committee on Environment and Public Works in a brief colloquy regarding S. 640, the Water Resources Development Act of 1996.

As the chairman may know, I have been very involved in efforts to clean up contaminated sediments in the Great Lakes. I have long supported the program for the assessment and remediation of contaminated sediments. The Water Resources Development Act of 1990 authorized very modest funding for the Secretary of the Army to provide technical planning and engineering assistance to States and local governments to develop contaminated sediment remediation plans. This has been a joint Army Corps of Engineers—Environmental Protection Agency effort to develop more cost-effective technologies for cleaning up sediments in freshwater. This coordinated effort is very similar to the one in New York/New Jersey Harbor authorized in section 405 of the Water Resources Development Act of 1992, which is extended and expanded in the bill before us, except that that program primarily addresses saltwater areas.

The Great Lakes region faces a multibillion dollar problem in cleaning up and preventing the deposition of more contaminated sediments. This overwhelming task will require cooperation and financial support from all levels of government and sectors of society. The long-term environmental and economic health of the region depend on our ability to address this difficult problem.

Recently, I have communicated to the chairman and the Environment

Committee about my strong interest in pursuing the Superfund as one possible option for cleaning up the areas of concern around the Great Lakes. Unfortunately, for a variety of reasons, including the lack of cost-effective technology, Superfund has not adequately considered the risks from or attempted to address most of these aquatic sites. Superfund would be an appropriate funding source since the majority of these areas are contaminated with many of the very persistent substances and chlorinated hydrocarbons that plague our ecosystem and are produced from the feedstocks that are taxed to fill the Superfund.

As a result of research and planning efforts at the Army Corps and EPA, we have now identified promising technologies and it is time to put them into practice. That is why I am seeking the Senator from Rhode Island's firm commitment to accept, or recede to in conference, the House provision outlined in section 509 of H.R. 3592 or something similar.

Mr. CHAFEE. I appreciate the interest of the the Senator from Michigan. I am pleased to tell him that the provision appears to be reasonable and consistent with the navigation mission of the Army Corps. As such, I can assure the Senator from Michigan that I will look favorably upon the provision he refers to and will make sure all of the Senate conferees are aware of his interest in this matter.

Mr. LEVIN. I thank the chairman for his assurances and look foward to working with him further on preventing and remediating contaminated sediments in the Great Lakes and in other areas of the country. I would also like to note for my colleagues that they will likely be surprised at the pervasiveness of contaminated sediments in our coastal waters, which will be revealed if and when EPA finally releases its very tardy national assessment of aquatic sediment quality. This was due to have been released in October 1994, pursuant to the Water Resources Development Act of 1992, section 503.

Mr. SARBANES. I would like to engage the distinguished chairman of the Committee on Environment and Public Works in a colloquy regarding the funding levels authorized in the bill for the Chesapeake & Delaware Canal. At the very outset, I want to commend the chairman for his leadership in crafting this legislation which is of vital importance to our Nation's water resources infrastructure.

I am particularly grateful for the committee's favorable consideration of the Poplar Island restoration project and the improvements to the Tolchester Channel and the C&D Canal made possible by this legislation. I note, however, that the project costs for the C&D Canal improvements are unfortunately inaccurate. I would stress that this happened through no fault of the committee staff. The Corps of Engineers draft feasibility study for the project released in January 1996, estimates the total cost of the project at $83,900,000 rather than the $33 million shown in the bill. Of this revised amount, $54,204,000 is Federal and $29,696,000 is non-Federal responsibility.

I ask the chairman whether it would be possible to have these numbers corrected in the conference committee.

Ms. MIKULSKI. Mr. President, I would only add two points. First, that the project is one of considerable importance to the Port of Baltimore and to the efficient passage of ships up and down the east coast. Second, that the correct figures are those developed by the Corps of Engineers and represent the current estimates for the project in accordance with the cost-sharing provisions of the Water Resource Development Act of 1986. I would also request the chairman's assistance in resolving this matter.

Mr. CHAFEE. I thank Senators SARBANES and MIKULSKI for their kind remarks and express my agreement that we should utilize the correct numbers for this and all other projects. As such, I will look favorably upon the necessary modification to this project authorization during conference with the House of Representatives.

Mr. SARBANES. Mr. President, I rise in strong support of S. 640, the Water Resources Development Act of 1995, and the committee amendment, which provide for the development and improvement of our Nation's water resources infrastructure. This legislation authorizes water resource projects of vital importance to our Nation's and our States' economy and maritime industry as well as our environment.

I am particularly pleased that the measure includes a number of provisions for which I have fought to ensure the future health of the Port of Baltimore and of the Chesapeake Bay.

First, the bill authorizes the Poplar Island beneficial use of dredged material project. This project would take clean dredged materials from the shipping channels leading to the Port of Baltimore and use it to stabilize the shoreline, create habitat, and restore wetlands of one of the Chesapeake Bay's most valuable island ecosystems. Providing adequate and environmentally compatible dredged material disposal capacity for the millions of cubic years of materials which must be dredged from Baltimore's shipping channels, harbors, and anchorages are perhaps the biggest challenge facing our State. This is a creative solution that will not only help alleviate Maryland's shortage of dredge disposal capacity, but provide substantial environmental benefits for the Chesapeake Bay, creating new habitat for waterfowl and other wildlife and reducing the sediment and nutrient problems of the bay. The Poplar Island project would be the first large scale project to beneficially use dredged material and would serve as a national model demonstrating that clean dredged material can be a resource rather than a waste. It has been a top priority of mine, of the State of Maryland, and of the Chesapeake Bay community for many years and I am delighted that this legislation will enable us to move forward with this important project.

Second, the legislation directs the U.S. Army Corps of Engineers to expedite its study of the Tolchester Channel S-turn and, if feasible and necessary for safe and efficient navigation, to straighten the channel as part of project maintenance. The Tolchester Channel, a Chesapeake and Delaware Canal approach channel, is a vital link in the Baltimore Port system. The channel has a significant S-turn which requires ships to change course 5 times within 3 miles. With vessels nearly 1,000 feet in length, it is difficult to safely navigate the channel, particularly in poor weather conditions. The Maryland Pilots Association has indicated that two groundings and a greater number of near misses have occurred in the area. This legislation provides a mechanism for the Corps of Engineers to expedite safety-related improvements to the channel.

Third, the bill authorizes navigation and safety improvements to the Chesapeake and Delaware Canal and approach channels. The Chesapeake and Delaware Canal is a strategic and cost-effective shortcut from the Port of Baltimore to the North Atlantic, saving up to 12 hours of sailing time for many of the world's largest vessels. Nearly one half of all breakbulk and container tonnage moving through the Port of Baltimore utilizes the canal. Unfortunately current dimensions of the canal and connecting channels present serious constraints for modern container ships—many of which exceed 900 feet in length—seeking to use this shortcut. In January, after an extensive 6-year study, the Philadelphia District of the U.S. Army Corps of Engineers, completed a draft feasibility report and environmental impact statement which recommends deepening the existing channel from 35 feet to 40 feet. The project also includes enlarging the Reedy Point flare, bend widening at Sandy Point, and construction of an emergency anchorage at Howell Point. Subject to a final favorable feasibility report, expected in September of this year, the corps would be able to undertake these improvements and make transit of the canal safer and more efficient, while allowing larger ships to access the port.

The Port of Baltimore is one of the great ports of the world and one of Maryland's most important economic assets. The port generates $2 billion in annual economic activity, provides for an estimated 87,000 jobs, and over $500 million a year in State and local tax revenues and customs receipts. These three projects will help assure the continued vitality of the Port of Baltimore into the 21st century.

In addition to port development and improvement projects, the measure contains three amendments which will

help significantly to enhance Maryland's and the Chesapeake Bay region's environment.

It incorporates provisions of S. 934, the Chesapeake Bay Environmental Restoration and Protection Program, legislation I introduced together with Senators WARNER, ROBB, and MIKULSKI to expand the authority of the U.S. Army Corps of Engineers to assist in the environmental restoration of the Chesapeake Bay. The bill authorizes a $10 million pilot program for the corps to design and construct water-related projects in the Chesapeake Bay including projects for sediment and erosion control, wetland creation, fish passage barrier removal, wastewater treatment and related facilities, and other related projects. As the lead Federal agency in water resource management, the corps has a vital role to play in the restoration of the bay and these provisions would greatly enhance the ability of the corps to actively participate in this important endeavor.

It also authorizes $18.8 million in funding for environmental restoration of the Anacostia River. The Anacostia River is one of the most degraded rivers in the Chesapeake Bay watershed and in the Nation. In July 1994 the Army Corps of Engineers completed a feasibility study which recommended 13 restoration actions, include 2 wetland restoration projects, 6 stormwater management/wetland projects, and 5 stream restoration projects. In total, these actions will restore 80 acres of wetlands, 5 miles of stream and 33 acres of bottom land habitat within the Anacostia basin. This legislation would enable the Corps of Engineers to undertake these projects and help restore the river and regain what has been lost through years of neglect.

Finally, the legislation authorizes the Secretary to transfer up to $600,000 to the State of Maryland for use by the State in constructing an access road to Jennings Randolph Lake. The fiscal 1994 energy and water appropriations bill contained a provision directing the corps to pave the access road on the Maryland side of the Jennings Randolph Lake utilizing the operations and maintenance budget. The Army has indicated that due to varying standards for Federal versus State road construction and the design and planning activity already undertaken by Maryland, the total cost of the road would be significantly lower if built by the State. This provision would enable the corps to transfer to the State of Maryland the funds necessary to complete the final portion of the access road which traverses corps property.

I want to compliment the distinguished chairmen of the committee and the subcommittee, Senators CHAFEE and WARNER, and the ranking member, Senator BAUCUS, for their leadership in crafting this legislation and I urge my colleagues to join me in supporting this measure.

AMENDMENT NO. 4445

(Purpose: To improve the bill)

Mr. STEVENS. Mr. President, I understand there is a manager's amendment to the committee amendment at the desk offered by Senator CHAFEE. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. CHAFEE proposes amendment numbered 4445.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to and the committee amendment, as amended, be agreed to.

The amendment (No. 4445) was agreed to.

The committee amendment, as amended, was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the bill be deemed read for the third time and passed and the motion to reconsider be laid on the table and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 640) was deemed read the third time and passed, as follows:

S. 640

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 1996''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Project deauthorizations.
Sec. 104. Studies.

TITLE II—PROJECT-RELATED PROVISIONS

Sec. 201. Grand Prairie Region and Bayou Meto Basin, Arkansas.
Sec. 202. Heber Springs, Arkansas.
Sec. 203. Morgan Point, Arkansas.
Sec. 204. White River Basin Lakes, Arkansas and Missouri.
Sec. 205. Central and Southern Florida.
Sec. 206. West Palm Beach, Florida.
Sec. 207. Everglades and South Florida ecosystem restoration.
Sec. 208. Arkansas City and Winfield, Kansas.
Sec. 209. Mississippi River-Gulf Outlet, Louisiana.
Sec. 210. Coldwater River Watershed, Mississippi.
Sec. 211. Periodic maintenance dredging for Greenville Inner Harbor Channel, Mississippi.
Sec. 212. Sardis Lake, Mississippi.
Sec. 213. Yalobusha River Watershed, Mississippi.
Sec. 214. Libby Dam, Montana.
Sec. 215. Small flood control project, Malta, Montana.
Sec. 216. Cliffwood Beach, New Jersey.
Sec. 217. Fire Island Inlet, New York.
Sec. 218. Queens County, New York.
Sec. 219. Buford Trenton Irrigation District, North Dakota and Montana.
Sec. 220. Jamestown Dam and Pipestem Dam, North Dakota.
Sec. 221. Wister Lake project, LeFlore County, Oklahoma.
Sec. 222. Willamette River, McKenzie Subbasin, Oregon.
Sec. 223. Abandoned and wrecked barge removal, Rhode Island.
Sec. 224. Providence River and Harbor, Rhode Island.
Sec. 225. Cooper Lake and Channels, Texas.
Sec. 226. Rudee Inlet, Virginia Beach, Virginia.
Sec. 227. Virginia Beach, Virginia.

TITLE III—GENERAL PROVISIONS

Sec. 301. Cost-sharing for environmental projects.
Sec. 302. Collaborative research and development.
Sec. 303. National dam safety program.
Sec. 304. Hydroelectric power project uprating.
Sec. 305. Federal lump-sum payments for Federal operation and maintenance costs.
Sec. 306. Cost-sharing for removal of existing project features.
Sec. 307. Termination of technical advisory committee.
Sec. 308. Conditions for project deauthorizations.
Sec. 309. Participation in international engineering and scientific conferences.
Sec. 310. Research and development in support of Army civil works program.
Sec. 311. Interagency and international support authority.
Sec. 312. Section 1135 program.
Sec. 313. Environmental dredging.
Sec. 314. Feasibility studies.
Sec. 315. Obstruction removal requirement.
Sec. 316. Levee owners manual.
Sec. 317. Risk-based analysis methodology.
Sec. 318. Sediments decontamination technology.
Sec. 319. Melaleuca tree.
Sec. 320. Faulkner Island, Connecticut.
Sec. 321. Designation of lock and dam at the Red River Waterway, Louisiana.
Sec. 322. Jurisdiction of Mississippi River Commission, Louisiana.
Sec. 323. William Jennings Randolph access road, Garrett County, Maryland.
Sec. 324. Arkabutla Dam and Lake, Mississippi.
Sec. 325. New York State canal system.
Sec. 326. Quonset Point-Davisville, Rhode Island.
Sec. 327. Clouter Creek disposal area, Charleston, South Carolina.
Sec. 328. Nuisance aquatic vegetation in Lake Gaston, Virginia and North Carolina.
Sec. 329. Washington Aqueduct.
Sec. 330. Chesapeake Bay environmental restoration and protection program.
Sec. 331. Research and development program to improve salmon survival.
Sec. 332. Recreational user fees.
Sec. 333. Shore protection.
Sec. 334. Shoreline erosion control demonstration.
Sec. 335. Review period for State and Federal agencies.
Sec. 336. Dredged material disposal facilities.
Sec. 337. Applicability of cost-sharing provisions.
Sec. 338. Section 215 reimbursement limitation per project.

Sec. 339. Waiver of uneconomical cost-sharing requirement.
Sec. 340. Planning assistance to States.
Sec. 341. Recovery of costs for cleanup of hazardous substances.
Sec. 342. City of North Bonneville, Washington.
Sec. 343. Columbia River Treaty Fishing Access.
Sec. 344. Tri-Cities area, Washington.
Sec. 345. Designation of locks and dams on Tennessee-Tombigbee Waterway.
Sec. 346. Designation of J. Bennett Johnston Waterway.
Sec. 347. Technical corrections.

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 REPORTS.—Except as otherwise provided in this subsection, 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 the respective reports designated in this subsection:

(1) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,116,000 and an estimated non-Federal cost of $5,064,000.

(2) MARIN COUNTY SHORELINE, SAN RAFAEL CANAL, CALIFORNIA.—The project for hurricane and storm damage reduction, Marin County Shoreline, San Rafael Canal, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $27,200,000, with an estimated Federal cost of $17,700,000 and an estimated non-Federal cost of $9,500,000.

(3) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $16,100,000, with an estimated Federal cost of $8,100,000 and an estimated non-Federal cost of $8,000,000 and the habitat restoration, at a total cost of $4,050,000, with an estimated Federal cost of $3,040,000 and an estimated non-Federal cost of $1,010,000.

(4) SANTA BARBARA HARBOR, SANTA BARBARA COUNTY, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, Santa Barbara, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,720,000, with an estimated Federal cost of $4,580,000 and an estimated non-Federal cost of $1,140,000.

(5) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated October 1994, at a total cost of $18,820,000, with an estimated Federal cost of $14,120,000 and an estimated non-Federal cost of $4,700,000.

(6) PALM VALLEY BRIDGE REPLACEMENT, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Palm Valley Bridge, County Road 210, over the Atlantic Intracoastal Waterway in St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,312,000. As a condition of receipt of Federal funds, St. Johns County shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(7) ILLINOIS SHORELINE STORM DAMAGE REDUCTION, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for lake level flooding and storm damage reduction, extending from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs that the non-Federal interest incurs in constructing the breakwater near the South Water Filtration Plant, Chicago, Illinois.

(8) KENTUCKY LOCK ADDITION, KENTUCKY.—The project for navigation, Kentucky Lock Addition, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $467,000,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(9) POND CREEK, KENTUCKY.—The project for flood control, Pond Creek, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,865,000, with an estimated Federal cost of $11,243,000 and an estimated non-Federal cost of $5,622,000.

(10) WOLF CREEK HYDROPOWER, CUMBERLAND RIVER, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $50,230,000. Funds derived by the Tennessee Valley Authority from the power program of the Authority and funds derived from any private or public entity designated by the Southeastern Power Administration may be used for all or part of any cost-sharing requirements for the project.

(11) PORT FOURCHON, LOUISIANA.—The project for navigation, Port Fourchon, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of $2,812,000, with an estimated Federal cost of $2,211,000 and an estimated non-Federal cost of $601,000.

(12) WEST BANK HURRICANE PROTECTION LEVEE, JEFFERSON PARISH, LOUISIANA.—The West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana project, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to authorize the Secretary to extend protection to areas east of the Harvey Canal, including an area east of the Algiers Canal: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of $217,000,000, with an estimated Federal cost of $141,400,000 and an estimated non-Federal cost of $75,600,000.

(13) STABILIZATION OF NATCHEZ BLUFFS, MISSISSIPPI.—The project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi: Natchez Bluffs Study, dated September 1985, Natchez Bluffs Study: Supplement I, dated June 1990, and Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in the reports designated in this paragraph as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4, at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000.

(14) WOOD RIVER AT GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River at Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $10,500,000, with an estimated Federal cost of $5,250,000 and an estimated non-Federal cost of $5,250,000.

(15) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for hurricane and storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of $72,091,000, with an estimated Federal cost of $46,859,000 and an estimated non-Federal cost of $25,232,000.

(16) WILMINGTON HARBOR, CAPE FEAR-NORTHEAST CAPE FEAR RIVERS, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear-Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,290,000, with an estimated Federal cost of $16,955,000 and an estimated non-Federal cost of $6,335,000.

(17) DUCK CREEK, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,408,000, with an estimated Federal cost of $11,556,000 and an estimated non-Federal cost of $3,852,000.

(18) BIG SIOUX RIVER AND SKUNK CREEK AT SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek at Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $31,600,000, with an estimated Federal cost of $23,600,000 and an estimated non-Federal cost of $8,000,000.

(19) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total cost of $508,757,000, with an estimated Federal cost of $286,141,000 and an estimated non-Federal cost of $222,616,000.

(20) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,680,000, with an estimated Federal cost of $20,341,000 and an estimated non-Federal cost of $3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(21) MARMET LOCK REPLACEMENT, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock Replacement, Marmet Locks and Dam, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $229,581,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(b) PROJECTS SUBJECT TO FAVORABLE 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 favorable final report (or in the case of the project described in paragraph (6), a favorable feasibility report) of the Chief of Engineers, if the report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of $10,365,000, with an estimated Federal cost of $4,344,000 and an estimated non-Federal cost of $6,021,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,342,000, with an estimated Federal cost of $4,006,000 and an estimated non-Federal cost of $1,336,000.

(3) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $57,300,000, with an estimated Federal cost of $42,975,000 and an estimated non-Federal cost of $14,325,000, consisting of—

(i) approximately 24 miles of slurry wall in the levees along the lower American River;

(ii) approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal;

(iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and

(iv) modifications to the flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any of the features authorized under this paragraph before the date on which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) INTERIM OPERATION.—Until such time as a comprehensive flood control plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) OTHER COSTS.—The non-Federal interest shall be responsible for—

(i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph; and

(ii) the costs of the variable flood control operation of the Folsom Dam and Reservoir.

(4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for hurricane and storm damage reduction, Santa Monica breakwater, California, at a total cost of $6,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(5) LOWER SAVANNAH RIVER BASIN, SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA.—The project for environmental restoration, Lower Savannah River Basin, Savannah River, Georgia and South Carolina, at a total cost of $3,419,000, with an estimated Federal cost of $2,551,000 and an estimated non-Federal cost of $868,000.

(6) NEW HARMONY, INDIANA.—The project for shoreline erosion protection, Wabash River at New Harmony, Indiana, at a total cost of $2,800,000, with an estimated Federal cost of $2,100,000 and an estimated non-Federal cost of $700,000.

(7) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor channels, Delaware and Maryland, at a total cost of $33,000,000, with an estimated Federal cost of $25,000,000 and an estimated non-Federal cost of $8,000,000.

(8) POPLAR ISLAND, MARYLAND.—The project for beneficial use of clean dredged material in connection with the dredging of Baltimore Harbor and connecting channels, Poplar Island, Maryland, at a total cost of $307,000,000, with an estimated Federal cost of $230,000,000 and an estimated non-Federal cost of $77,000,000.

(9) LAS CRUCES, NEW MEXICO.—The project for flood damage reduction, Las Cruces, New Mexico, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(10) CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Cape Fear River deepening, North Carolina, at a total cost of $210,264,000, with an estimated Federal cost of $130,159,000 and an estimated non-Federal cost of $80,105,000.

(11) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor, South Carolina, at a total cost of $116,639,000, with an estimated Federal cost of $72,798,000 and an estimated non-Federal cost of $43,841,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) MOBILE HARBOR, ALABAMA.—The undesignated paragraph under the heading ''MOBILE HARBOR, ALABAMA'' in section 201(a) of the Water Resources Development Act of 1986 (Public 99–662; 100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: ''In disposing of dredged material from the project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives consisting of beneficial uses of dredged material and environmental restoration.''.

(b) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the project for flood control on the San Francisco River at Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of $21,100,000, with an estimated Federal cost of $13,800,000 and an estimated non-Federal cost of $7,300,000.

(c) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—The project for navigation, Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091), is modified to provide that, for the purpose of section 101(a)(2) of the Act (33 U.S.C. 2211(a)(2)), the sewer outfall relocated over a distance of 4,458 feet by the Port of Los Angeles at a cost of approximately $12,000,000 shall be considered to be a relocation.

(d) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4092), are modified to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated for the projects in the section, except that the non-Federal share of project cost and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project. The total cost of the combined project is $102,600,000, with an estimated Federal cost of $64,120,000 and an estimated non-Federal cost of $38,480,000.

(e) BROWARD COUNTY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall provide periodic beach nourishment for the Broward County, Florida, Hillsborough Inlet to Port Everglades (Segment II), shore protection project, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1090), through the year 2020. The beach nourishment shall be carried out in accordance with the recommendations of the section 934 study and reevaluation report for the project carried out under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) and approved by the Chief of Engineers by memorandum dated June 9, 1995.

(2) COSTS.—The total cost of the activities required under this subsection shall not exceed $15,457,000, of which the Federal share shall not exceed $9,846,000.

(f) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features of the project subject to cost sharing in accordance with section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)). The Secretary may reimburse the non-Federal interests for such costs incurred by the non-Federal interests in connection with the removal and replacement as the Secretary determines are in excess of the non-Federal share of the costs of the project required under the section.

(g) FORT PIERCE, FLORIDA.—The Secretary shall provide periodic beach nourishment for the Fort Pierce beach erosion control project, St. Lucie County, Florida, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1092), through the year 2020.

(h) TYBEE ISLAND, GEORGIA.—The Secretary shall provide periodic beach nourishment for a period of up to 50 years for the project for beach erosion control, Tybee Island, Georgia, constructed under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

(i) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood control for the North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change report for the project dated March 1994, at a total cost of $34,228,000, with an estimated Federal cost of $20,905,000 and an estimated non-Federal cost of $13,323,000.

(j) HALSTEAD, KANSAS.—The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated March 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

(k) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide for the extension of the 16-foot deep (mean low gulf) by 250-foot wide Baptiste Collette Bayou entrance channel to approximately mile 8 of the Mississippi River Gulf Outlet navigation channel at a total estimated Federal cost of $80,000, including $4,000 for surveys and $76,000 for Coast Guard aids to navigation.

(l) COMITE RIVER, LOUISIANA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the Comite River diversion project for flood control authorized as part of the project for

flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to construct the project at a total cost of $121,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $51,023,000.

(m) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by the matter under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), is modified to require the Secretary, as part of the operations and maintenance segment of the project, to assume responsibility for periodic maintenance dredging of the Chalmette Slip to a depth of minus 33 feet mean low gulf, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(n) RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to, and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

(o) WESTWEGO TO HARVEY CANAL, LOUISIANA.—If a favorable post authorization change report is issued not later than December 31, 1996, the project for hurricane damage prevention and flood control, Westwego to Harvey Canal, Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to include the Lake Cataouatche area levee as part of the project at a total cost of $14,375,000, with an estimated Federal cost of $9,344,000 and an estimated non-Federal cost of $5,031,000.

(p) TOLCHESTER CHANNEL, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if before December 31, 1996, it is determined to be feasible and necessary for safe and efficient navigation, to implement the straightening as part of project maintenance.

(q) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861). The design memorandum shall include an evaluation of the Federal interest in construction of that part of the project that includes the secondary flood wall, but shall not include an evaluation of the reconstruction and extension of the levee system for which construction is scheduled to commence in 1996. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the secondary flood wall, or the most feasible alternative, at a total project cost of not to exceed $11,600,000. The Federal share of the cost shall be 75 percent.

(r) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4118–4119), is modified to authorize the Secretary to carry out the project, including the implementation of nonstructural measures, at a total cost of $44,700,000, with an estimated Federal cost of $32,600,000 and an estimated non-Federal cost of $12,100,000.

(s) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4803), is modified to provide that the Secretary shall reimburse the non-Federal sponsors (or other appropriate non-Federal interests) for the Federal share of any costs that the non-Federal sponsors (or other appropriate non-Federal interests) incur in carrying out the project consistent with the project cooperation agreement entered into with respect to the project.

(t) NEWARK, NEW JERSEY.—The project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by paragraph (18) of section 101(a) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4607) (as amended by section 102(p) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4807)), is modified to separate the project element described in subparagraph (B) of the paragraph. The project element shall be considered to be a separate project and shall be carried out in accordance with the subparagraph.

(u) ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.—The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4232) is amended by inserting before the period at the end the following: '', except that the Federal share of scoping and reconnaissance work carried out by the Secretary under this section shall be 100 percent''.

(v) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the general design memorandum for the project dated April 1990 and the general design memorandum supplement for the project dated February 1994, at a total cost of $50,921,000, with an estimated Federal cost of $25,128,000 and an estimated non-Federal cost of $25,793,000.

(w) BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.—The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (Public Law 85–500; 72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4808), is further modified to provide for the reallocation of a sufficient quantity of water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

(x) COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.—The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes'', approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the deep draft channel between the mouth of the river and river mile 34, at a cost not to exceed $2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

(y) GRAYS LANDING, LOCK AND DAM 7, MONONGAHELA RIVER, PENNSYLVANIA.—The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4110), is modified to authorize the Secretary to carry out the project in accordance with the post authorization change report for the project dated September 1, 1995, at a total Federal cost of $181,000,000.

(z) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change and general reevaluation report for the project, dated April 1994, at a total cost of $12,780,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

(aa) WYOMING VALLEY, PENNSYLVANIA.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary—

(1) to include as part of the construction of the project mechanical and electrical upgrades to stormwater pumping stations in the Wyoming Valley; and

(2) to carry out mitigation measures that the Secretary is otherwise authorized to carry out but that the general design memorandum for phase II of the project, as approved by the Assistant Secretary of the Army having responsibility for civil works on February 15, 1996, provides will be carried out for credit by the non-Federal interest with respect to the project.

(bb) ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.—The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of $350,000, with an estimated Federal cost of $262,500 and an estimated non-Federal cost of $87,500.

(cc) INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The first sentence of section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4258) is amended—

(1) by striking ''$500,000'' and inserting ''$1,300,000''; and

(2) by striking ''$250,000'' each place it appears and inserting ''$650,000''.

(dd) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation, Corpus Christi Ship Channel, Corpus Christi, Texas, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 22, 1922

(42 Stat. 1039), is modified to include the Rincon Canal system as a part of the Federal project that shall be maintained at a depth of 12 feet, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(ee) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—The flood protection works constructed by the non-Federal interest along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the plan implemented for the Dallas Floodway Extension component of the Trinity River, Texas, project authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091). The cost of the works shall be credited toward the non-Federal share of project costs without regard to further economic analysis of the works.

(ff) MATAGORDA SHIP CHANNEL, PORT LAVACA, TEXAS.—The project for navigation, Matagorda Ship Channel, Port Lavaca, Texas, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 298), is modified to require the Secretary to assume responsibility for the maintenance of the Point Comfort Turning Basin Expansion Area to a depth of 36 feet, as constructed by the non-Federal interests. The modification described in the preceding sentence shall be considered to be in the public interest and to be economically justified.

(gg) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the general design memorandum for the project dated March 1994, and the post authorization change report for the project dated April 1994, at a total cost of $12,870,000, with an estimated Federal cost of $8,580,000 and an estimated non-Federal cost of $4,290,000.

(hh) GRUNDY, VIRGINIA.—The Secretary shall proceed with planning, engineering, design, and construction of the Grundy, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), in accordance with Plan 3A as set forth in the preliminary draft detailed project report of the Huntington District Commander, dated August 1993.

(ii) HAYSI DAM, VIRGINIA AND KENTUCKY.—

(1) IN GENERAL.—The Secretary shall construct the Haysi Dam feature of the project authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), substantially in accordance with Plan A as set forth in the preliminary draft general plan supplement report of the Huntington District Engineer for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995.

(2) RECREATIONAL COMPONENT.—The non-Federal interest shall be responsible for not more than 50 percent of the costs associated with the construction and implementation of the recreational component of the Haysi Dam feature.

(3) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), operation and maintenance of the Haysi Dam feature shall be carried out by the Secretary.

(B) PAYMENT OF COSTS.—The non-Federal interest shall be responsible for 100 percent of all costs associated with the operation and maintenance.

(4) ABILITY TO PAY.—Notwithstanding any other provision of law, the Secretary shall apply section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the construction of the Haysi Dam feature in the same manner as section 103(m) of the Act is applied to other projects or project features constructed under section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339).

(jj) PETERSBURG, WEST VIRGINIA.—The project for flood control, Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4611), is modified to authorize the Secretary to construct the project at a total cost of not to exceed $26,600,000, with an estimated Federal cost of $19,195,000 and an estimated non-Federal cost of $7,405,000.

(kk) TETON COUNTY, WYOMING.—Section 840 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4176) is amended—

(1) by striking ''Secretary: *Provided,* That'' and inserting the following: ''Secretary. In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsors permitting the non-Federal sponsors to provide operation and maintenance for the project on a cost-reimbursable basis. The'';

(2) by inserting '', through providing in-kind services or'' after ''$35,000''; and

(3) by inserting a comma after ''materials''.

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) BRANFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The 2,267 square foot portion of the project for navigation in the Branford River, Branford Harbor, Connecticut, authorized by the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 13, 1902 (32 Stat. 333), lying shoreward of a line described in paragraph (2), is deauthorized.

(2) DESCRIPTION OF LINE.—The line referred to in paragraph (1) is described as follows: beginning at a point on the authorized Federal navigation channel line the coordinates of which are N156,181.32, E581,572.38, running thence south 70 degrees, 11 minutes, 8 seconds west a distance of 171.58 feet to another point on the authorized Federal navigation channel line the coordinates of which are N156,123.16, E581,410.96.

(b) BRIDGEPORT HARBOR, CONNECTICUT.—

(1) ANCHORAGE AREA.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam, is deauthorized.

(2) JOHNSONS RIVER CHANNEL.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77, is deauthorized.

(c) GUILFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Sluice Creek and that is not included in the description of the realigned channel set forth in paragraph (2) is deauthorized.

(2) DESCRIPTION OF REALIGNED CHANNEL.—The realigned channel referred to in paragraph (1) is described as follows: starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(d) NORWALK HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of projects for navigation, Norwalk Harbor, Connecticut, are deauthorized:

(A) The portion authorized by the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96.

(B) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in paragraph (2).

(2) DESCRIPTION OF REALIGNED CHANNEL AND ANCHORAGE.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in paragraph (1)(B) is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(3) DESIGNATION OF REALIGNED CHANNEL AND ANCHORAGE.—All of the realigned channel shall be redesignated as an anchorage, with the exception of the portion of the channel that narrows to a width of 100 feet and terminates at a line the coordinates of which are N96456.81, E419260.06 and N96390.37, E419185.32, which shall remain as a channel.

(e) SOUTHPORT HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of

certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), are deauthorized:

(A) The 6-foot deep anchorage located at the head of the project.

(B) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(2) REMAINDER.—The portion of the project referred to in paragraph (1) that is remaining after the deauthorization made by the paragraph and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

(f) STONY CREEK, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), located in the 6-foot deep maneuvering basin, is deauthorized: beginning at coordinates N157,031.91, E599,030.79, thence running northeasterly about 221.16 feet to coordinates N157,191.06, E599,184.37, thence running northerly about 162.60 feet to coordinates N157,353.56, E599,189.99, thence running southwesterly about 358.90 feet to the point of beginning.

(g) THAMES RIVER, CONNECTICUT.—

(1) MODIFICATION.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), is modified to reconfigure the turning basin in accordance with the following alignment: beginning at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees, 25 minutes, 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees, 24 minutes, 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees, 41 minutes, 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees, 16 minutes, 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees, 1 minute, 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees, 0 minutes, 0 seconds, east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(2) PAYMENT FOR INITIAL DREDGING.—Any required initial dredging of the widened portions identified in paragraph (1) shall be carried out at no cost to the Federal Government.

(3) DEAUTHORIZATION.—The portions of the turning basin that are not included in the reconfigured turning basin described in paragraph (1) are deauthorized.

(h) EAST BOOTHBAY HARBOR, MAINE.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the first section of the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly referred to as the ''River and Harbor Act of 1910''), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone, is deauthorized:

Beginning at a point noted as point number 6 and shown as having plan coordinates of North 9, 722, East 9, 909 on the plan entitled, ''East Boothbay Harbor, Maine, examination, 8-foot area'', and dated August 9, 1955, Drawing Number F1251 D–6–2, said point having Maine State Coordinate System, West Zone coordinates of Northing 74514, Easting 698381; and

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point; and

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point; and

Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point; and

Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point; and

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point; and

Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point; and

Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

(i) YORK HARBOR, MAINE.—The following portions of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), are deauthorized:

(1) The portion located in the 8-foot deep anchorage area beginning at coordinates N109340.19, E372066.93, thence running north 65 degrees, 12 minutes, 10.5 seconds east 423.27 feet to a point N109517.71, E372451.17, thence running north 28 degrees, 42 minutes, 58.3 seconds west 11.68 feet to a point N109527.95, E372445.56, thence running south 63 degrees, 37 minutes, 24.6 seconds west 422.63 feet to the point of beginning.

(2) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

(j) COHASSET HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: a 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, beginning at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, beginning at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, beginning at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

(k) FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.—The project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide that alteration of the drawspan of the Brightman Street Bridge to provide a channel width of 300 feet shall not be required after the date of enactment of this Act.

(l) COCHECO RIVER, NEW HAMPSHIRE.—

(1) IN GENERAL.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01, is deauthorized.

(2) MAINTENANCE DREDGING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall perform maintenance dredging for the remaining authorized portions of the Federal navigation channel under the project described in paragraph (1) to restore authorized channel dimensions.

(m) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended is deauthorized.

(n) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge, upstream to the northernmost alignment of the Lake Street bridge, is deauthorized.

(o) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), consisting of the 6-foot deep channel, is deauthorized: beginning at a point, N223269.93, E513089.12, thence running northwesterly to a point N223348.31, E512799.54, thence running southwesterly to a point N223251.78, E512773.41, thence running southeasterly to a point N223178.00, E513046.00, thence running northeasterly to the point of beginning.

(p) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFERS OF PROPERTY.—

(A) TRANSFER TO STATE OF WISCONSIN.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United

States in and to the lands described in subparagraph (E), including all works, structures, and other improvements to the lands, but excluding lands transferred under subparagraph (B).

(B) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this paragraph, on the date of the transfer under subparagraph (A), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in subparagraph (E). The lands shall be described in accordance with subparagraph (C)(ii)(I) and may not exceed a total of 1,200 acres.

(C) TERMS AND CONDITIONS.—

(i) IN GENERAL.—The Secretary shall make the transfers under subparagraphs (A) and (B) only if—

(I) the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of lands and improvements subject to the transfer under subparagraph (A); and

(II) on or before October 30, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in clause (ii), with the tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) of the Ho-Chunk Nation.

(ii) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in clause (i)(II) shall contain, at a minimum, the following:

(I) A description of sites and associated lands to be transferred to the Secretary of the Interior under subparagraph (B).

(II) An agreement specifying that the lands transferred under subparagraphs (A) and (B) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(III) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under subparagraphs (A) and (B).

(IV) A provision requiring a review of the plan referred to in subclause (III) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under subparagraphs (A) and (B). The provision may include a plan for the transfer to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(V) An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation, if public disclosure would jeopardize the cultural or religious integrity of the site.

(D) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under subparagraph (B), and any lands transferred to the Secretary of the Interior under the memorandum of understanding entered into under subparagraph (C), or under any revision of the memorandum of understanding agreed to under subparagraph (C)(ii)(IV), shall be held in trust by the United States for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(E) LAND DESCRIPTION.—The lands referred to in subparagraphs (A) and (B) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in paragraph (1) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(4) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfers under paragraph (2).

(5) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in paragraph (1) until the date of the transfers under paragraph (2).

SEC. 104. STUDIES.

(a) RED RIVER, ARKANSAS.—The Secretary shall—

(1) conduct a study to determine the feasibility of carrying out a project to permit navigation on the Red River in southwest Arkansas; and

(2) in conducting the study, analyze regional economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

(b) BEAR CREEK DRAINAGE, SAN JOAQUIN COUNTY, CALIFORNIA.—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, flood control project, authorized by section 10 of 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 (58 Stat. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(c) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Lake Elsinore, Riverside County, California, flood control project, for water conservation storage up to an elevation of 1,249 feet above mean sea level; and

(2) report to Congress on the study, including making recommendations concerning the advisability of so modifying the project.

(d) LONG BEACH, CALIFORNIA.—The Secretary shall review the feasibility of navigation improvements at Long Beach Harbor, California, including widening and deepening of the navigation channel, as provided for in section 201(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091). The Secretary shall complete the report not later than 1 year after the date of enactment of this Act.

(e) MORMON SLOUGH/CALAVERAS RIVER, CALIFORNIA.—The Secretary shall conduct a review of the Mormon Slough/Calaveras River, California, flood control project, authorized by section 10 of 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 (58 Stat. 902), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(f) MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.—The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

(g) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—The Secretary shall study the feasibility of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

(h) WEST DADE, FLORIDA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to increase the supply of surface water to the Everglades in order to enhance fish and wildlife habitat.

(i) SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

(2) SCOPE.—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works missions of the Army Corps of Engineers.

(3) COORDINATION.—Notwithstanding paragraph (2), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study by the Agency of the Savannah River Basin.

(j) BAYOU BLANC, CROWLEY, LOUISIANA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in the construction of a bulkhead system, consisting of either steel sheet piling with tiebacks or concrete, along the embankment of Bayou Blanc, Crowley, Louisiana, in order to alleviate slope failures and erosion problems in a cost-effective manner.

(k) HACKBERRY INDUSTRIAL SHIP CHANNEL PARK, LOUISIANA.—The Secretary shall incorporate the area of Hackberry, Louisiana, as part of the overall study of the Lake Charles ship channel, bypass channel, and general anchorage area in Louisiana, to explore the possibility of constructing additional anchorage areas.

(l) CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in channel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Nevada, for the purpose of flood control.

(m) LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a study to determine the feasibility of the restoration of wetlands in the Lower Las Vegas Wash, Nevada, for the purposes of erosion control and environmental restoration.

(n) NORTHERN NEVADA.—The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

(1) the Humboldt River, and the tributaries and outlets of the river;

(2) the Truckee River, and the tributaries and outlets of the river;

(3) the Carson River, and the tributaries and outlets of the river; and

(4) the Walker River, and the tributaries and outlets of the river;

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

(o) BUFFALO HARBOR, NEW YORK.—The Secretary shall determine the feasibility of excavating the inner harbor and constructing the associated bulkheads in Buffalo Harbor, New York.

(p) COEYMANS, NEW YORK.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in reopening the secondary channel of the Hudson River in the town of Coeymans, New York, which has been narrowed by silt as a result of the construction of Coeymans middle dike by the Army Corps of Engineers.

(q) SHINNECOCK INLET, NEW YORK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the Federal interest in constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in the natural east-to-west pattern of the sand and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

(r) KILL VAN KULL AND NEWARK BAY CHANNELS, NEW YORK AND NEW JERSEY.—The Secretary shall continue engineering and design in order to complete the navigation project at Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized to be constructed in the Supplemental Appropriations Act, 1985 (Public Law 99–88; 99 Stat. 313), and section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), described in the general design memorandum for the project, and approved in the Report of the Chief of Engineers dated December 14, 1981.

(s) COLUMBIA SLOUGH, OREGON.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon, as reported in the August 1993 Revised Reconnaissance Study. The study shall be a demonstration study done in coordination with the Environmental Protection Agency.

(t) WILLAMETTE RIVER, OREGON.—The Secretary shall conduct a study to determine the Federal interest in carrying out a nonstructural flood control project along the Willamette River, Oregon, for the purposes of floodplain and ecosystem restoration.

(u) LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) review the report entitled ''Report of the Chief of Engineers: Lackawanna River at Scranton, Pennsylvania'', dated June 29, 1992, to determine whether changed conditions in the Diamond Plot and Green Ridge sections, Scranton, Pennsylvania, would result in an economically justified flood damage reduction project at those locations; and

(2) submit to Congress a report on the results of the review.

(v) CHARLESTON, SOUTH CAROLINA.—The Secretary shall conduct a study of the Charleston, South Carolina, estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

(w) OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) conduct a study to determine the feasibility of sediment removal and control in the area of the Missouri River downstream of Oahe Dam through the upper reaches of Lake Sharpe, including the lower portion of the Bad River, South Dakota;

(2) develop a comprehensive sediment removal and control plan for the area—

(A) based on the assessment by the study of the dredging, estimated costs, and time required to remove sediment from affected areas in Lake Sharpe;

(B)(i) based on the identification by the study of high erosion areas in the Bad River channel; and

(ii) including recommendations and related costs for such of the areas as are in need of stabilization and restoration; and

(C)(i) based on the identification by the study of shoreline erosion areas along Lake Sharpe; and

(ii) including recommended options for the stabilization and restoration of the areas;

(3) use other non-Federal engineering analyses and related studies in determining the feasibility of sediment removal and control as described in paragraph (1); and

(4) credit the costs of the non-Federal engineering analyses and studies referred to in paragraphs (2) and (3) toward the non-Federal share of the feasibility study conducted under paragraph (1).

(x) MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.—The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

(y) ASHLEY CREEK, UTAH.—The Secretary is authorized to study the feasibility of undertaking a project for fish and wildlife restoration at Ashley Creek, near Vernal, Utah.

(z) PRINCE WILLIAM COUNTY, VIRGINIA.—The Secretary shall conduct a study of flooding, erosion, and other water resource problems in Prince William County, Virginia, including an assessment of the wetland protection, erosion control, and flood damage reduction needs of the county.

(aa) PACIFIC REGION.—The Secretary shall conduct studies in the interest of navigation in the part of the Pacific Region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. For the purpose of this subsection, the cost-sharing requirements of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215) shall apply.

(bb) MORGANZA, LOUISIANA TO THE GULF OF MEXICO.—

(1) STUDY.—The Secretary shall conduct a study of the environmental, flood control and navigational impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study currently being conducted under the Morganza, Louisiana to the Gulf of Mexico feasibility study. In preparing such study, the Secretary shall consult the South Terrebonne Tidewater Management and Conservation District and consider the District's Preliminary Design Document, dated February 1994. Further, the Secretary shall evaluate the findings of the Coastal Wetlands Planning, Protection and Restoration Federal Task Force, as authorized by Public Law 101–646, relating to the lock structure.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with recommendations on immediate implementation not later than 6 months after the enactment of this Act.

TITLE II—PROJECT-RELATED PROVISIONS

SEC. 201. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.

The project for flood control and water supply, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized under section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary if, not later than 1 year after the date of enactment of this Act, the Secretary submits a report to Congress that—

(1) describes necessary modifications to the project that are consistent with the functions of the Army Corps of Engineers; and

(2) contains recommendations concerning which Federal agencies (such as the Natural Resources Conservation Service, the United States Fish and Wildlife Service, the Bureau of Reclamation, and the United States Geological Survey) are most appropriate to have responsibility for carrying out the project.

SEC. 202. HEBER SPRINGS, ARKANSAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Heber Springs, Arkansas, to provide 3,522 acre-feet of water supply storage in Greers Ferry Lake, Arkansas, for municipal and industrial purposes, at no cost to the city.

(b) NECESSARY FACILITIES.—The city of Heber Springs shall be responsible for 100 percent of the costs of construction, operation, and maintenance of any intake, transmission, treatment, or distribution facility necessary for utilization of the water supply.

(c) ADDITIONAL WATER SUPPLY STORAGE.—Any additional water supply storage required after the date of enactment of this Act shall be contracted for and reimbursed by the city of Heber Springs, Arkansas.

SEC. 203. MORGAN POINT, ARKANSAS.

The Secretary shall accept as in-kind contributions for the project at Morgan Point, Arkansas—

(1) the items described as fish and wildlife facilities and land in the Morgan Point Broadway Closure Structure modification report for the project, dated February 1994; and

(2) fish stocking activities carried out by the non-Federal interests for the project.

SEC. 204. WHITE RIVER BASIN LAKES, ARKANSAS AND MISSOURI.

The project for flood control and power generation at White River Basin Lakes, Arkansas and Missouri, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project.

SEC. 205. CENTRAL AND SOUTHERN FLORIDA.

The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), is modified, subject to the availability of appropriations, to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled ''Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C–111), South Dade County, Florida'', dated May 1994 (including acquisition of such portions of the Frog Pond and Rocky Glades areas as are needed for the project), at a total cost of $156,000,000. The Federal share of the cost of implementing the plan of improvement shall be 50 percent. The Secretary of the Interior shall pay 25

percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project, which amount shall be included in the Federal share. The non-Federal share of the operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent, except that the Federal Government shall reimburse the non-Federal interest in an amount equal to 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in Everglades National Park.

SEC. 206. WEST PALM BEACH, FLORIDA.

The project for flood protection of West Palm Beach, Florida (C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled ''Everglades Protection Project, Palm Beach County, Florida, Conceptual Design'', prepared by Burns and McDonnell, and as further described in detailed design documents to be approved by the Secretary. The additional work authorized by this section shall be accomplished at full Federal cost in recognition of the water supply benefits accruing to the Loxahatchee National Wildlife Refuge and the Everglades National Park and in recognition of the statement in support of the Everglades restoration effort set forth in the document signed by the Secretary of the Interior and the Secretary in July 1993. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, with all costs of the operation and maintenance work borne by non-Federal interests.

SEC. 207. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) DEVELOP.—The term ''develop'' means any preconstruction or land acquisition planning activity.

(2) SOUTH FLORIDA ECOSYSTEM.—The term ''South Florida ecosystem'' means the Florida Everglades restoration area that includes lands and waters within the boundary of the South Florida Water Management District, the Florida Keys, and the near-shore coastal waters of South Florida.

(3) TASK FORCE.—The term ''Task Force'' means the South Florida Ecosystem Restoration Task Force established by subsection (c).

(b) SOUTH FLORIDA ECOSYSTEM RESTORATION.—

(1) MODIFICATIONS TO CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) DEVELOPMENT.—The Secretary shall, if necessary, develop modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), to restore, preserve, and protect the South Florida ecosystem and to provide for the water-related needs of the region.

(B) CONCEPTUAL PLAN.—

(i) IN GENERAL.—The modifications under subparagraph (A) shall be set forth in a conceptual plan prepared in accordance with clause (ii) and adopted by the Task Force (referred to in this section as the ''conceptual plan'').

(ii) BASIS FOR CONCEPTUAL PLAN.—The conceptual plan shall be based on the recommendations specified in the draft report entitled ''Conceptual Plan for the Central and Southern Florida Project Restudy'', published by the Governor's Commission for a Sustainable South Florida and dated June 4, 1996.

(C) INTEGRATION OF OTHER ACTIVITIES.—Restoration, preservation, and protection of the South Florida ecosystem shall include a comprehensive science-based approach that integrates ongoing Federal and State efforts, including—

(i) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802);

(ii) the project for flood protection, West Palm Beach Canal, Florida (canal C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), as modified by section 205 of this Act;

(iii) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8);

(iv) the project for Central and Southern Florida authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), as modified by section 204 of this Act;

(v) activities under the Florida Keys National Marine Sanctuary and Protection Act (Public Law 101–65; 16 U.S.C. 1433 note); and

(vi) the Everglades construction project implemented by the State of Florida under the Everglades Forever Act of the State of Florida.

(2) IMPROVEMENT OF WATER MANAGEMENT FOR ECOSYSTEM RESTORATION.—The improvement of water management, including improvement of water quality for ecosystem restoration, preservation, and protection, shall be an authorized purpose of the Central and Southern Florida project referred to in paragraph (1)(A). Project features necessary to improve water management, including features necessary to provide water to restore, protect, and preserve the South Florida ecosystem, shall be included in any modifications to be developed for the project under paragraph (1).

(3) SUPPORT PROJECTS.—The Secretary may develop support projects and other facilities necessary to promote an adaptive management approach to implement the modifications authorized to be developed by paragraphs (1) and (2).

(4) INTERIM IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Before the Secretary implements a component of the conceptual plan, including a support project or other facility under paragraph (3), the Jacksonville District Engineer shall submit an interim implementation report to the Task Force for review.

(B) CONTENTS.—Each interim implementation report shall document the costs, benefits, impacts, technical feasibility, and cost-effectiveness of the component and, as appropriate, shall include documentation of environmental effects prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) ENDORSEMENT BY TASK FORCE.—

(i) IN GENERAL.—If the Task Force endorses the interim implementation report of the Jacksonville District Engineer for a component, the Secretary shall submit the report to Congress.

(ii) COORDINATION REQUIREMENTS.—Endorsement by the Task Force shall be deemed to fulfill the coordination requirements under the first section of 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 (33 U.S.C. 701–1).

(5) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall not initiate construction of a component until such time as a law is enacted authorizing construction of the component.

(B) DESIGN.—The Secretary may continue to carry out detailed design of a component after the date of submission to Congress of the interim implementation report recommending the component.

(6) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs of preparing interim implementation reports under paragraph (4) and implementing the modifications (including the support projects and other facilities) authorized to be developed by this subsection shall be 50 percent.

(B) WATER QUALITY FEATURES.—

(i) IN GENERAL.—Subject to clause (ii), the non-Federal share of the cost of project features necessary to improve water quality under paragraph (2) shall be 100 percent.

(ii) CRITICAL FEATURES.—If the Task Force determines, by resolution accompanying endorsement of an interim implementation report under paragraph (4), that the project features described in clause (i) are critical to ecosystem restoration, the Federal share of the cost of the features shall be 50 percent.

(C) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interests for the Federal share of any reasonable costs that the non-Federal interests incur in acquiring land for any component authorized by law under paragraph (5) if the land acquisition has been endorsed by the Task Force and supported by the Secretary.

(c) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A) The Secretary of the Interior, who shall serve as chairperson of the Task Force.

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(I) 1 representative of the Seminole Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(J) 3 representatives of the State of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(K) 2 representatives of the South Florida Water Management District, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(L) 2 representatives of local governments in the South Florida ecosystem, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(2) DUTIES.—

(A) IN GENERAL.—The Task Force shall—

(i)(I) coordinate the development of consistent policies, strategies, plans, programs, and priorities for addressing the restoration, protection, and preservation of the South Florida ecosystem; and

(II) develop a strategy and priorities for implementing the components of the conceptual plan;

(ii) review programs, projects, and activities of agencies and entities represented on

the Task Force to promote the objectives of ecosystem restoration and maintenance;

(iii) refine and provide guidance concerning the implementation of the conceptual plan;

(iv)(I) periodically review the conceptual plan in light of current conditions and new information and make appropriate modifications to the conceptual plan; and

(II) submit to Congress a report on each modification to the conceptual plan under subclause (I);

(v) establish a Florida-based working group, which shall include representatives of the agencies and entities represented on the Task Force and other entities as appropriate, for the purpose of recommending policies, strategies, plans, programs, and priorities to the Task Force;

(vi) prepare an annual cross-cut budget of the funds proposed to be expended by the agencies, tribes, and governments represented on the Task Force on the restoration, preservation, and protection of the South Florida ecosystem; and

(vii) submit a biennial report to Congress that summarizes the activities of the Task Force and the projects, policies, strategies, plans, programs, and priorities planned, developed, or implemented for restoration of the South Florida ecosystem and progress made toward the restoration.

(B) AUTHORITY TO ESTABLISH ADVISORY SUBCOMMITTEES.—The Task Force and the working group established under subparagraph (A)(v) may establish such other advisory subcommittees as are necessary to assist the Task Force in carrying out its duties, including duties relating to public policy and scientific issues.

(3) DECISIONMAKING.—Each decision of the Task Force shall be made by majority vote of the members of the Task Force.

(4) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(A) CHARTER; TERMINATION.—The Task Force shall not be subject to sections 9(c) and 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) NOTICE OF MEETINGS.—The Task Force shall be subject to section 10(a)(2) of the Act, except that the chairperson of the Task Force is authorized to use a means other than publication in the Federal Register to provide notice of a public meeting and provide an equivalent form of public notice.

(5) COMPENSATION.—A member of the Task Force shall receive no compensation for the service of the member on the Task Force.

(6) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency, tribe, or government that the member represents.

SEC. 208. ARKANSAS CITY AND WINFIELD, KANSAS.

Notwithstanding any other provision of law, for the purpose of commencing construction of the project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), and the project for flood control, Winfield, Kansas, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1078), the project cooperation agreements for the projects, as submitted by the District Office of the Army Corps of Engineers, Tulsa, Oklahoma, shall be deemed to be approved by the Assistant Secretary of the Army having responsibility for civil works and the Tulsa District Commander as of September 30, 1996, if the approvals have not been granted by that date.

SEC. 209. MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA.

Section 844 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4177) is amended by adding at the end the following:

''(c) COMMUNITY IMPACT MITIGATION PLAN.—Using funds made available under subsection (a), the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer dated August 1995, that, to the maximum extent practicable, provides for mitigation or compensation, or both, for the direct and indirect social and cultural impacts that the project described in subsection (a) will have on the affected areas referred to in subsection (b).''.

SEC. 210. COLDWATER RIVER WATERSHED, MISSISSIPPI.

Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Demonstration Erosion Control Project, as authorized by Public Law 98–8 (97 Stat. 13).

SEC. 211. PERIODIC MAINTENANCE DREDGING FOR GREENVILLE INNER HARBOR CHANNEL, MISSISSIPPI.

The Greenville Inner Harbor Channel, Mississippi, is deemed to be a portion of the navigable waters of the United States, and shall be included among the navigable waters for which the Army Corps of Engineers maintains a 10-foot navigable channel. The navigable channel for the Greenville Inner Harbor Channel shall be maintained in a manner that is consistent with the navigable channel to the Greenville Harbor and the portion of the Mississippi River adjacent to the Greenville Harbor that is maintained by the Army Corps of Engineers, as in existence on the date of enactment of this Act.

SEC. 212. SARDIS LAKE, MISSISSIPPI.

The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis to the maximum extent practicable in the management of existing and proposed leases of land consistent with the master tourism and recreational plan for the economic development of the Sardis Lake area prepared by the city.

SEC. 213. YALOBUSHA RIVER WATERSHED, MISSISSIPPI.

The project for flood control at Grenada Lake, Mississippi, shall be extended to include the Yalobusha River Watershed (including the Toposhaw Creek), at a total cost of not to exceed $3,800,000. The Federal share of the cost of flood control on the extended project shall be 75 percent.

SEC. 214. LIBBY DAM, MONTANA.

(a) IN GENERAL.—In accordance with section 103(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

(2) remove the partially constructed haul bridge over the Kootenai River, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $16,000,000, to remain available until expended.

SEC. 215. SMALL FLOOD CONTROL PROJECT, MALTA, MONTANA.

Not later than 1 year after the date of enactment of this Act, the Secretary is authorized to expend such Federal funds as are necessary to complete the small flood control project begun at Malta, Montana, pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 216. CLIFFWOOD BEACH, NEW JERSEY.

(a) IN GENERAL.—Notwithstanding any other provision of law or the status of the project authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1180) for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, the Secretary shall undertake a project to provide periodic beach nourishment for Cliffwood Beach, New Jersey, for a 50-year period beginning on the date of execution of a project cooperation agreement by the Secretary and an appropriate non-Federal interest.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project authorized by this section shall be 35 percent.

SEC. 217. FIRE ISLAND INLET, NEW YORK.

For the purpose of replenishing the beach, the Secretary shall place sand dredged from the Fire Island Inlet on the shoreline between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

SEC. 218. QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) lies between the southerly high water line (as of the date of enactment of this Act) of Anable Basin (also known as the ''11th Street Basin'') and the northerly high water line (as of the date of enactment of this Act) of Newtown Creek; and

(3) extends from the high water line (as of the date of enactment of this Act) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREA BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) APPLICABILITY OF FEDERAL LAW.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

SEC. 219. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) ACQUISITION OF EASEMENTS.—

(1) IN GENERAL.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri

River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T–152–N, R–104–W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the land described in subparagraph (A) within or contiguous to the boundaries of the Buford-Trenton Irrigation District that has been affected by rising ground water and the risk of surface flooding.

(2) SCOPE.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) PAYMENT.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands to be acquired by the Federal Government. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands as if the lands had not been affected by rising ground water and the risk of surface flooding.

(b) CONVEYANCE OF DRAINAGE PUMPS.—Notwithstanding any other law, the Secretary shall—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump-sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $34,000,000, to remain available until expended.

SEC. 220. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.

(a) REVISIONS TO WATER CONTROL MANUALS.—In consultation with the State of South Dakota and the James River Water Development District, the Secretary shall review and consider revisions to the water control manuals for the Jamestown Dam and Pipestem Dam, North Dakota, to modify operation of the dams so as to reduce the magnitude and duration of flooding and inundation of land located within the 10-year floodplain along the James River in South Dakota.

(b) FEASIBILITY STUDY.—

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

(A) complete a study to determine the feasibility of providing flood protection for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

SEC. 221. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 222. WILLAMETTE RIVER, MCKENZIE SUBBASIN, OREGON.

The Secretary is authorized to carry out a project to control the water temperature in the Willamette River, McKenzie Subbasin, Oregon, to mitigate the negative impacts on fish and wildlife resulting from the operation of the Blue River and Cougar Lake projects, McKenzie River Basin, Oregon. The cost of the facilities shall be repaid according to the allocations among the purposes of the original projects.

SEC. 223. ABANDONED AND WRECKED BARGE REMOVAL, RHODE ISLAND.

Section 361 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—In order to alleviate a hazard to navigation and recreational activity, the Secretary shall remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of $1,900,000, with an estimated Federal cost of $1,425,000, and an estimated non-Federal cost of $475,000. The Secretary shall not remove the barge until title to the barge has been transferred to the United States or the non-Federal interest. The transfer of title shall be carried out at no cost to the United States.''.

SEC. 224. PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

The Secretary shall incorporate a channel extending from the vicinity of the Fox Point hurricane barrier to the vicinity of the Francis Street bridge in Providence, Rhode Island, into the navigation project for Providence River and Harbor, Rhode Island, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1089). The channel shall have a depth of up to 10 feet and a width of approximately 120 feet and shall be approximately 1.25 miles in length.

SEC. 225. COOPER LAKE AND CHANNELS, TEXAS.

(a) ACCEPTANCE OF LANDS.—The Secretary is authorized to accept from a non-Federal interest additional lands of not to exceed 300 acres that—

(1) are contiguous to the Cooper Lake and Channels Project, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091) and section 601(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4145); and

(2) provide habitat value at least equal to the habitat value provided by the lands authorized to be redesignated under subsection (b).

(b) REDESIGNATION OF LANDS TO RECREATION PURPOSES.—Upon the acceptance of lands under subsection (a), the Secretary is authorized to redesignate mitigation lands of not to exceed 300 acres to recreation purposes.

(c) FUNDING.—The cost of all work under this section, including real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent required, shall be borne by the non-Federal interest.

SEC. 226. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

Notwithstanding the limitation set forth in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), Federal participation in the maintenance of the Rudee Inlet, Virginia Beach, Virginia, project shall continue for the life of the project. Nothing in this section shall alter or modify the non-Federal cost sharing responsibility as specified in the Rudee Inlet, Virginia Beach, Virginia Detailed Project Report, dated October 1983.

SEC. 227. VIRGINIA BEACH, VIRGINIA.

(a) ADJUSTMENT OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4136), shall be reduced by $3,120,803, or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

(b) EXTENSION OF FEDERAL PARTICIPATION.—

(1) IN GENERAL.—In accordance with section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (Public Law 87–874; 76 Stat. 1177).

(2) DURATION.—Federal participation under paragraph (1) shall extend until the earlier of—

(A) the end of the 50-year period provided for in section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f); and

(B) the completion of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, as modified by section 102(cc) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4810).

TITLE III—GENERAL PROVISIONS

SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.

Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) environmental protection and restoration: 25 percent.''.

SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.

Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

''(1) PRE-AGREEMENT.—If the Secretary determines that information developed as a result of a research or development activity conducted by the Army Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years after the development of the information, and that the information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of—

''(A) the date on which the Secretary enters into such an agreement with respect to the information; or

''(B) the last day of the 2-year period beginning on the date of the determination.

''(2) POST-AGREEMENT.—Any information subject to paragraph (1) that becomes the subject of a cooperative research and development agreement shall be subject to the protections provided under section 12(c)(7)(B) of the Act (15 U.S.C. 3710a(c)(7)(B)) as if the information had been developed under a cooperative research and development agreement.''.

SEC. 303. NATIONAL DAM SAFETY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1)(A) dams are an essential part of the national infrastructure;

(B) dams fail from time to time with catastrophic results; and

(C) dam safety is a vital public concern;

(2) dam failures have caused, and may cause in the future, loss of life, injury, destruction of property, and economic and social disruption;

(3)(A) some dams are at or near the end of their structural, useful, or operational life; and

(B) the loss, destruction, and disruption resulting from dam failures can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(i) improved design and construction standards and practices supported by a national dam performance resource bank located at Stanford University in California;

(ii) safe operation and maintenance procedures;

(iii) early warning systems;

(iv) coordinated emergency preparedness plans; and

(v) public awareness and involvement programs;

(4)(A) dam safety problems persist nationwide;

(B) while dam safety is principally a State responsibility, the diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving the Federal Government, State governments, and the private sector; and

(C) an expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of the loss, destruction, and disruption resulting from dam failure by an amount far greater than the cost of the program;

(5)(A) there is a fundamental need for a national program for dam safety hazards reduction, and the need will continue; and

(B) to be effective, such a national program will require input from, and review by, Federal and non-Federal experts in—

(i) dam design, construction, operation, and maintenance; and

(ii) the practical application of dam failure hazard reduction measures;

(6) as of the date of enactment of this Act—

(A) there is no national dam safety program; and

(B) the coordinating authority for national leadership concerning dam safety is provided through the dam safety program of the Federal Emergency Management Agency established under Executive Order 12148 (50 U.S.C. App. 2251 note) in coordination with members of the Interagency Committee on Dam Safety and with States; and

(7) while the dam safety program of FEMA is a proper Federal undertaking, should continue, and should provide the foundation for a national dam safety program, statutory authority is needed—

(A) to meet increasing needs and to discharge Federal responsibilities in dam safety;

(B) to strengthen the leadership role of FEMA;

(C) to codify the national dam safety program;

(D) to authorize the Director of FEMA to communicate directly with Congress on authorizations and appropriations; and

(E) to build on the hazard reduction aspects of dam safety.

(b) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

(c) DAM SAFETY PROGRAM.—Public Law 92–367 (33 U.S.C. 467 et seq.) is amended—

(1) by striking the first section and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'National Dam Safety Program Act'.'';

(2) by striking sections 5 and 7 through 14;

(3) by redesignating sections 2, 3, 4, and 6 as sections 3, 4, 5, and 11, respectively;

(4) by inserting after section 1 (as amended by paragraph (1)) the following:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) BOARD.—The term 'Board' means a National Dam Safety Review Board established under section 8(h).

''(2) DAM.—The term 'dam'—

''(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

''(i) is 25 feet or more in height from—

''(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

''(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier; to the maximum water storage elevation; or

''(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

''(B) does not include—

''(i) a levee; or

''(ii) a barrier described in subparagraph (A) that—

''(I) is 6 feet or less in height regardless of storage capacity; or

''(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

''(3) DIRECTOR.—The term 'Director' means the Director of FEMA.

''(4) FEDERAL AGENCY.—The term 'Federal agency' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

''(5) FEDERAL GUIDELINES FOR DAM SAFETY.—The term 'Federal Guidelines for Dam Safety' means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

''(6) FEMA.—The term 'FEMA' means the Federal Emergency Management Agency.

''(7) HAZARD REDUCTION.—The term 'hazard reduction' means the reduction in the potential consequences to life and property of dam failure.

''(8) ICODS.—The term 'ICODS' means the Interagency Committee on Dam Safety established by section 7.

''(9) PROGRAM.—The term 'Program' means the national dam safety program established under section 8.

''(10) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

''(11) STATE DAM SAFETY AGENCY.—The term 'State dam safety agency' means a State agency that has regulatory authority over the safety of non-Federal dams.

''(12) STATE DAM SAFETY PROGRAM.—The term 'State dam safety program' means a State dam safety program approved and assisted under section 8(f).

''(13) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.'';

(5) in section 3 (as redesignated by paragraph (3))—

(A) by striking ''SEC. 3. As'' and inserting the following:

''SEC. 3. INSPECTION OF DAMS.

''(a) IN GENERAL.—As''; and

(B) by adding at the end the following:

''(b) STATE PARTICIPATION.—On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

''(1) provide information to the State dam safety agency on the construction, operation, or maintenance of the dam; or

''(2) allow any official of the State dam safety agency to participate in the Federal inspection of the dam.'';

(6) in section 4 (as redesignated by paragraph (3)), by striking ''SEC. 4. As'' and inserting the following:

''SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.

''As'';

(7) in section 5 (as redesignated by paragraph (3)), by striking ''SEC. 5. For'' and inserting the following:

''SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND PROPERTY.

''For'';

(8) by inserting after section 5 (as redesignated by paragraph (3)) the following:

''SEC. 6. NATIONAL DAM INVENTORY.

''The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

''SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

''(a) ESTABLISHMENT.—There is established an Interagency Committee on Dam Safety—

''(1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and

''(2) chaired by the Director.

''(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property through—

''(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

''(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.

"SEC. 8. NATIONAL DAM SAFETY PROGRAM.

''(a) IN GENERAL.—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

''(1) be administered by FEMA to achieve the objectives set forth in subsection (c);

''(2) involve, to the extent appropriate, each Federal agency; and

''(3) include—

''(A) each of the components described in subsection (d);

''(B) the implementation plan described in subsection (e); and

''(C) assistance for State dam safety programs described in subsection (f).

''(b) DUTIES.—The Director shall—

''(1) not later than 270 days after the date of enactment of this paragraph, develop the implementation plan described in subsection (e);

''(2) not later than 300 days after the date of enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

''(3) by regulation, not later than 360 days after the date of enactment of this paragraph—

''(A) develop and implement the Program;

''(B) establish goals, priorities, and target dates for implementation of the Program; and

''(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

''(c) OBJECTIVES.—The objectives of the Program are to—

''(1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;

''(2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;

''(3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

''(4) develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;

''(5) develop technical assistance materials for Federal and non-Federal dam safety programs; and

''(6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

''(d) COMPONENTS.—

''(1) IN GENERAL.—The Program shall consist of—

''(A) a Federal element and a non-Federal element; and

''(B) leadership activity, technical assistance activity, and public awareness activity.

''(2) ELEMENTS.—

''(A) FEDERAL.—The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 7 to implement the Federal Guidelines for Dam Safety.

''(B) NON-FEDERAL.—The non-Federal element shall consist of—

''(i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain dams; and

''(ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

''(3) FUNCTIONAL ACTIVITIES.—

''(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMA and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.

''(B) TECHNICAL ASSISTANCE.—The technical assistance activity shall consist of the transfer of knowledge and technical information among the Federal and non-Federal elements described in paragraph (2).

''(C) PUBLIC AWARENESS.—The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters.

''(e) IMPLEMENTATION PLAN.—The Director shall—

''(1) develop an implementation plan for the Program that shall set, through fiscal year 2001, year-by-year targets that demonstrate improvements in dam safety; and

''(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.

''(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

''(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs—

''(A) in accordance with the criteria specified in paragraph (2); and

''(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.

''(2) CRITERIA.—For a State to be eligible for primary assistance under this subsection, a State dam safety program must be working toward meeting the following criteria, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and be working toward meeting the advanced requirements and standards established under paragraph (1)(B):

''(A) AUTHORIZATION.—For a State to be eligible for assistance under this subsection, a State dam safety program must be authorized by State legislation to include substantially, at a minimum—

''(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;

''(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;

''(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;

''(iv)(I) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and

''(II) a procedure for more detailed and frequent safety inspections;

''(v) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;

''(vi) the authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary;

''(vii) regulations for carrying out the legislation of the State described in this subparagraph;

''(viii) provision for necessary funds—

''(I) to ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and

''(II) if the owner of the dam does not take action described in subclause (I), to take appropriate action as expeditiously as practicable;

''(ix) a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and

''(x) an identification of—

''(I) each dam the failure of which could be reasonably expected to endanger human life;

''(II) the maximum area that could be flooded if the dam failed; and

''(III) necessary public facilities that would be affected by the flooding.

''(B) FUNDING.—For a State to be eligible for assistance under this subsection, State appropriations must be budgeted to carry out the legislation of the State under subparagraph (A).

''(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program of the State to reach a level of program performance specified in the contract.

''(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such agreement with the Director as the Director requires to ensure that the State will maintain the aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of the expenditures for the 2 fiscal years preceding the fiscal year.

''(5) APPROVAL OF PROGRAMS.—

''(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director.

''(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to substantially meet the requirements of paragraphs (1) through (3).

''(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program does not meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

''(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property, and the Director concurs, the Director shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

''(g) DAM SAFETY TRAINING.—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.

''(h) BOARD.—

''(1) ESTABLISHMENT.—The Director may establish an advisory board to be known as the 'National Dam Safety Review Board' to monitor State implementation of this section.

''(2) AUTHORITY.—The Board may use the expertise of Federal agencies and enter into contracts for necessary studies to carry out this section.

''(3) MEMBERSHIP.—The Board shall consist of 11 members selected by the Director for expertise in dam safety, of whom—

''(A) 1 member shall represent the Department of Agriculture;

''(B) 1 member shall represent the Department of Defense;

''(C) 1 member shall represent the Department of the Interior;

''(D) 1 member shall represent FEMA;

''(E) 1 member shall represent the Federal Energy Regulatory Commission;

''(F) 5 members shall be selected by the Director from among dam safety officials of States; and

''(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

''(4) COMPENSATION OF MEMBERS.—

''(A) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

''(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

''(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

''(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

''SEC. 9. RESEARCH.

''(a) IN GENERAL.—The Director, in cooperation with ICODS, shall carry out a program of technical and archival research to develop—

''(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

''(2) devices for the continued monitoring of the safety of dams.

''(b) CONSULTATION.—The Director shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

''SEC. 10. REPORTS.

''(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of enactment of this subsection, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.

''(b) BIENNIAL REPORTS.—Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

''(1) describes the status of the Program;

''(2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;

''(3) describes the progress achieved in dam safety by States participating in the Program; and

''(4) includes any recommendations for legislative and other action that the Director considers necessary.'';

(9) in section 11 (as redesignated by paragraph (3))—

(A) by striking ''SEC. 11. Nothing'' and inserting the following:

''SEC. 11. STATUTORY CONSTRUCTION.

''Nothing'';

(B) by striking ''shall be construed (1) to create'' and inserting the following: ''shall—

''(1) create'';

(C) by striking ''or (2) to relieve'' and inserting the following:

''(2) relieve''; and

(D) by striking the period at the end and inserting the following: ''; or

''(3) preempt any other Federal or State law.''; and

(10) by adding at the end the following:

''SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

''(a) FUNDING.—

''(1) NATIONAL DAM SAFETY PROGRAM.—

''(A) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 10 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under paragraphs (2) through (5)), $1,000,000 for fiscal year 1997, $2,000,000 for fiscal year 1998, $4,000,000 for fiscal year 1999, $4,000,000 for fiscal year 2000, and $4,000,000 for fiscal year 2001.

''(B) ALLOCATION.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), for each fiscal year, amounts made available under this paragraph to carry out section 8 shall be allocated among the States as follows:

''(I) One-third among States that qualify for assistance under section 8(f).

''(II) Two-thirds among States that qualify for assistance under section 8(f), to each such State in proportion to—

''(aa) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

''(bb) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

''(ii) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this subparagraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

''(iii) DETERMINATION.—The Director and the Board shall determine the amount allocated to States needing primary assistance and States needing advanced assistance under section 8(f).

''(2) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 $500,000 for each fiscal year.

''(3) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 8(g) $500,000 for each of fiscal years 1997 through 2001.

''(4) RESEARCH.—There is authorized to be appropriated to carry out section 9 $1,000,000 for each of fiscal years 1997 through 2001.

''(5) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 $400,000 for each of fiscal years 1997 through 2001.

''(b) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.''.

(d) CONFORMING AMENDMENT.—Section 3(2) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2)) is amended by striking ''the first section of Public Law 92–367 (33 U.S.C. 467)'' and inserting ''section 2 of the National Dam Safety Program Act''.

SEC. 304. HYDROELECTRIC POWER PROJECT UPRATING.

(a) IN GENERAL.—In carrying out the 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 is authorized, to the extent funds are made available in appropriations Acts, to take such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—

(1) is economically justified and financially feasible;

(2) will not result in any significant adverse effect on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operational changes in the project.

(b) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).

SEC. 305. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OPERATION AND MAINTENANCE COSTS.

(a) IN GENERAL.—In the case of a water resources project under the jurisdiction of the Department of the Army for which the non-Federal interests are responsible for performing the operation, maintenance, replacement, and rehabilitation of the project, or a separable element (as defined in section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)) of the project, and for which the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs of the project or separable element, the Secretary may make, in accordance with this section and under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of the costs to the non-Federal interests after completion of construction of the project or separable element.

(b) AMOUNT OF PAYMENT.—The amount that may be paid by the Secretary under subsection (a) shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Federal Government, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

(c) AGREEMENT.—The Secretary may make a payment under this section only if the non-Federal interests have entered into a binding agreement with the Secretary to perform the operation, maintenance, replacement, and rehabilitation of the project or separable element. The agreement shall—

(1) meet the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(2) specify—

(A) the terms and conditions under which a payment may be made under this section; and

(B) the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section if a non-Federal interest suspends or terminates the performance by the non-Federal interest of the operation, maintenance, replacement, and rehabilitation of the project or separable element, or fails to perform the activities in a manner that is satisfactory to the Secretary.

(d) EFFECT OF PAYMENT.—Except as provided in subsection (c), a payment provided to the non-Federal interests under this section shall relieve the Federal Government of any obligation, after the date of the payment, to pay any of the operation, maintenance, replacement, or rehabilitation costs for the project or separable element.

SEC. 306. COST-SHARING FOR REMOVAL OF EXISTING PROJECT FEATURES.

After the date of enactment of this Act, any proposal submitted to Congress by the Secretary for modification of an existing authorized water resources development project (in existence on the date of the proposal) by removal of one or more of the project features that would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal interests shall provide 50 percent of the cost of any such modification, including the cost of acquiring any additional interests in lands that become necessary for accomplishing the modification.

SEC. 307. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking ''(b) PUBLIC PARTICIPATION.—''; and

(B) by striking ''subsection'' each place it appears and inserting ''section''.

SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) in the first sentence, by striking ''10'' and inserting ''5'';

(2) in the second sentence, by striking ''Before'' and inserting ''Upon official''; and

(3) in the last sentence, by inserting ''the planning, design, or'' before ''construction''.

(b) CONFORMING AMENDMENTS.—Section 52 of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4044) is amended—

(1) by striking subsection (a) (33 U.S.C. 579a note);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) in subsection (d) (as so redesignated), by striking ''or subsection (a) of this section''.

SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEERING AND SCIENTIFIC CONFERENCES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u) is repealed.

SEC. 310. RESEARCH AND DEVELOPMENT IN SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, and cooperative agreements with, and grants to, non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—In the case of a contract for research or development, or both, the Secretary may—

(1) require that the research or development, or both, have potential commercial application; and

(2) use the potential for commercial application as an evaluation factor, if appropriate.

SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States. The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State. The Secretary may use the technical and managerial expertise of the Army Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(b) FUNDING.—There are authorized to be appropriated $1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

SEC. 312. SECTION 1135 PROGRAM.

(a) EXPANSION OF PROGRAM.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''and to determine if the operation of the projects has contributed to the degradation of the quality of the environment'';

(2) in subsection (b), by striking the last two sentences;

(3) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (b) the following:

''(c) MEASURES TO RESTORE ENVIRONMENTAL QUALITY.—If the Secretary determines under subsection (a) that operation of a water resources project has contributed to the degradation of the quality of the environment, the Secretary may carry out, with respect to the project, measures for the restoration of environmental quality, if the measures are feasible and consistent with the authorized purposes of the project.

''(d) FUNDING.—The non-Federal share of the cost of any modification or measure carried out pursuant to subsection (b) or (c) shall be 25 percent. Not more than $5,000,000 in Federal funds may be expended on any 1 such modification or measure.''.

(b) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—In accordance with section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(b)), the Secretary shall carry out the construction of a turbine bypass at Pine Flat Dam, Kings River, California.

(c) LOWER AMAZON CREEK RESTORATION, OREGON.—In accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary may carry out justified environmental restoration measures with respect to the flood reduction measures constructed by the Army Corps of Engineers, and the related flood reduction measures constructed by the Natural Resources Conservation Service, in the Amazon Creek drainage. The Federal share of the restoration measures shall be jointly funded by the Army Corps of Engineers and the Natural Resources Conservation Service in proportion to the share required to be paid by each agency of the original costs of the flood reduction measures.

SEC. 313. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (Public Law 101–640; 33 U.S.C. 1252 note) is amended by striking subsection (f).

SEC. 314. FEASIBILITY STUDIES.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking ''during the period of such study'';

(2) by inserting after the first sentence the following: ''During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j).''; and

(3) in the last sentence, by striking ''such non-Federal contribution'' and inserting ''the non-Federal share required under this paragraph''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost sharing agreement entered into by the Secretary and non-Federal interests, and the Secretary shall amend any feasibility cost sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments. Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 411), is amended—

(1) by striking ''sections thirteen, fourteen, and fifteen'' and inserting ''section 13, 14, 15, 19, or 20''; and

(2) by striking ''not exceeding twenty-five hundred dollars nor less than five hundred dollars'' and inserting ''of not more than $25,000 for each day that the violation continues''.

(b) GENERAL AUTHORITY.—Section 20 of the Act (33 U.S.C. 415) is amended—

(1) in subsection (a)—

(A) by striking ''Under emergency'' and inserting ''SUMMARY REMOVAL PROCEDURES.—Under emergency''; and

(B) by striking ''expense'' the first place it appears and inserting ''actual expense, including administrative expenses,'';

(2) in subsection (b)—

(A) by striking ''cost'' and inserting ''actual cost, including administrative costs,''; and

(B) by striking ''(b) The'' and inserting ''(c) LIABILITY OF OWNER, LESSEE, OR OPERATOR.—The''; and

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

''(b) REMOVAL REQUIREMENT.—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal in accordance with the preceding sentence or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).''.

SEC. 316. LEVEE OWNERS MANUAL.

Section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n), is amended by adding at the end the following:

''(c) LEVEE OWNERS MANUAL.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

''(2) PROHIBITION ON DELEGATION.—The preparation of the manual shall be carried out under the personal direction of the Secretary.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this subsection.

''(4) DEFINITIONS.—In this subsection:

''(A) MAINTENANCE AND UPKEEP.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

''(B) REPAIR AND REHABILITATION.—The term 'repair and rehabilitation'—

''(i) except as provided in clause (ii), means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; and

''(ii) does not include—

''(I) any improvement to the structure; or

''(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

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

SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall obtain the services of an independent consultant to evaluate—

(1) the relationship between—

(A) the Risk-Based Analysis for Evaluation of Hydrology/Hydraulics and Economics in Flood Damage Reduction Studies established in an Army Corps of Engineers engineering circular; and

(B) minimum engineering and safety standards;

(2) the validity of results generated by the studies described in paragraph (1); and

(3) policy impacts related to change in the studies described in paragraph (1).

(b) TASK FORCE.—

(1) IN GENERAL.—In carrying out the independent evaluation under subsection (a), the Secretary, not later than 90 days after the date of enactment of this Act, shall establish a task force to oversee and review the analysis.

(2) MEMBERSHIP.—The task force shall consist of—

(A) the Assistant Secretary of the Army having responsibility for civil works, who shall serve as chairperson of the task force;

(B) the Administrator of the Federal Emergency Management Agency;

(C) the Chief of the Natural Resources Conservation Service of the Department of Agriculture;

(D) a State representative appointed by the Secretary from among individuals recommended by the Association of State Floodplain Managers;

(E) a local government public works official appointed by the Secretary from among individuals recommended by a national organization representing public works officials; and

(F) an individual from the private sector, who shall be appointed by the Secretary.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the task force shall serve without compensation.

(B) EXPENSES.—Each member of the task force shall be allowed—

(i) travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the task force; and

(ii) other expenses incurred in the performance of services for the task force, as determined by the Secretary.

(4) TERMINATION.—The task force shall terminate 2 years after the date of enactment of this Act.

(c) LIMITATION ON USE OF METHODOLOGY.—During the period beginning on the date of enactment of this Act and ending 2 years after that date, if requested by a non-Federal interest, the Secretary shall refrain from using any risk-based technique required under the studies described in subsection (a) for the evaluation and design of a project carried out in cooperation with the non-Federal interest unless the Secretary, in consultation with the task force, has provided direction for use of the technique after consideration of the independent evaluation required under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section.

SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.

Section 405 of the Water Resources Development Act of 1992 (Public Law 102–580; 33 U.S.C. 2239 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: ''The goal of the program shall be to make possible the development, on an operational scale, of 1 or more sediment decontamination technologies, each of which demonstrates a sediment decontamination capacity of at least 2,500 cubic yards per day.''; and

(B) by adding at the end the following:

''(3) REPORT TO CONGRESS.—Not later than September 30, 1996, and September 30 of each year thereafter, the Administrator and the Secretary shall report to Congress on progress made toward the goal described in paragraph (2).''; and

(2) in subsection (c)—

(A) by striking ''$5,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''1992'' and inserting ''1996''.

SEC. 319. MELALEUCA TREE.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting ''melaleuca tree,'' after ''milfoil,''.

SEC. 320. FAULKNER ISLAND, CONNECTICUT.

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of $4,500,000.

SEC. 321. DESIGNATION OF LOCK AND DAM AT THE RED RIVER WATERWAY, LOUISIANA.

(a) DESIGNATION.—Lock and Dam numbered 4 of the Red River Waterway, Louisiana, is designated as the ''Russell B. Long Lock and Dam''.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the ''Russell B. Long Lock and Dam''.

SEC. 322. JURISDICTION OF MISSISSIPPI RIVER COMMISSION, LOUISIANA.

The jurisdiction of the Mississippi River Commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641 et seq.), is extended to include all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico.

SEC. 323. WILLIAM JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND.

The Secretary shall transfer up to $600,000 from the funds appropriated for the William Jennings Randolph Lake, Maryland and West Virginia, project to the State of Maryland for use by the State in constructing an access road to the William Jennings Randolph Lake in Garrett County, Maryland.

SEC. 324. ARKABUTLA DAM AND LAKE, MISSISSIPPI.

The Secretary shall repair the access roads to Arkabutla Dam and Arkabutla Lake in Tate County and DeSoto County, Mississippi, at a total cost of not to exceed $1,400,000.

SEC. 325. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—In order to make capital improvements to the New York State canal system, the Secretary, with the consent of appropriate local and State entities, shall enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State canal system and related facilities, including trailside facilities and other recreational projects along the waterways referred to in subsection (c).

(b) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent. The total cost is $14,000,000, with an estimated Federal cost of $7,000,000 and an estimated non-Federal cost of $7,000,000.

(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term ''New York State canal system'' means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals in New York.

SEC. 326. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The Secretary shall replace the bulkhead between piers 1 and 2 at the Quonset Point-Davisville Industrial Park, Rhode Island, at a total cost of $1,350,000. The estimated Federal share of the project cost is $1,012,500, and the estimated non-Federal share of the project cost is $337,500. In conjunction with this project, the Secretary shall install high mast lighting at pier 2 at a total cost of $300,000, with an estimated Federal cost of $225,000 and an estimated non-Federal cost of $75,000.

SEC. 327. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) USE OF TRANSFERRED LAND.—The land transferred under subsection (a) shall be used

by the Department of the Army as a dredge material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

(c) COST SHARING.—Nothing in this section modifies any non-Federal cost-sharing requirement established under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 328. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

Section 339(b) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4855) is amended by striking ''1993 and 1994'' and inserting ''1995 and 1996''.

SEC. 329. WASHINGTON AQUEDUCT.

(a) DEFINITIONS.—In this section:

(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The term ''non-Federal public water supply customer'' means—

(A) the District of Columbia;

(B) Arlington County, Virginia; and

(C) the City of Falls Church, Virginia.

(2) WASHINGTON AQUEDUCT.—The term ''Washington Aqueduct'' means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act, including—

(A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

(C) related water distribution facilities.

(b) REGIONAL ENTITY.—

(1) IN GENERAL.—Congress encourages and grants consent to the non-Federal public water supply customers to establish a public or private entity or to enter into an agreement with an existing public or private entity to—

(A) receive title to the Washington Aqueduct; and

(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of non-Federal public water supply customers.

(2) CONSIDERATION.—An entity receiving title to the Washington Aqueduct that is not composed entirely of the non-Federal public water supply customers shall receive consideration for providing equity for the Aqueduct.

(3) PRIORITY ACCESS.—The non-Federal public water supply customers shall have priority access to any water produced by the Aqueduct.

(4) CONSENT OF CONGRESS.—Congress grants consent to the non-Federal public water supply customers to enter into any interstate agreement or compact required to carry out this section.

(5) STATUTORY CONSTRUCTION.—This section shall not preclude the non-Federal public water supply customers from pursuing any option regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on any progress in achieving a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a public or private entity.

(d) TRANSFER.—

(1) IN GENERAL.—Subject to subsection (b)(2) and any terms or conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary may, with the consent of the non-Federal public water supply customers and without consideration to the Federal Government, transfer all rights, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, and personalty, to a public or private entity established or contracted with pursuant to subsection (b).

(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership to the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with Aqueduct's intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct's service area.

(e) INTERIM BORROWING AUTHORITY.—

(1) BORROWING.—

(A) IN GENERAL.—The Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997 and 1998 as is sufficient to cover any obligations that the United States Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997 and 1998 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title of the Aqueduct has taken place.

(B) LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed $29,000,000 for fiscal year 1997 and $24,000,000 for fiscal year 1998.

(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the non-Federal public water supply customers.

(D) TERMS OF BORROWING.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required in paragraph (2).

(ii) SPECIFIED TERMS.—The term of any amounts borrowed under subparagraph (A) shall be for a period of not less than 20 years. There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Act, and in accordance with paragraph (1), the Chief of Engineers of the Army Corps of Engineers may enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1). Any customer, or customers, may prepay, at any time, the pro-rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty. Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income only from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

(iii) include other conditions not inconsistent with this section that the Secretary of the Treasury determines to be appropriate.

(3) EXTENSION OF BORROWING AUTHORITY.—If no later than 24 months from the date of enactment of this Act, a written agreement in principle has been reached between the Secretary, the non-Federal public water supply customers, and (if one exists) the public or private entity proposed to own, operate, maintain, and manage the Washington Aqueduct, then it shall be appropriated to the Secretary for fiscal year 1999 borrowing authority, and the Secretary shall borrow, under the same terms and conditions noted in this subsection, in an amount sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements that year for the Washington Aqueduct to ensure continued operations until the transfer contemplated in subsection (b) has taken place, provided that this borrowing shall not exceed $22,000,000 in fiscal year 1999; provided also that no such borrowings shall occur once such non-Federal public or private owner shall have been established and achieved the capacity to borrow on its own.

(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report that assesses the impact of the borrowing authority referred to in this subsection on the near term improvement projects in the Washington Aqueduct Improvement Program, work scheduled during this period and the financial liability to be incurred.

(f) DELAYED REISSUANCE OF NPDES PERMIT.—In recognition of more efficient water-facility configurations that might be achieved through various possible ownership transfers of the Washington Aqueduct, the United States Environmental Protection Agency shall delay the reissuance of the NPDES permit for the Washington Aqueduct until Federal fiscal year 1999.

SEC. 330. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities,

water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) DEMONSTRATION PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 331. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) SALMON SURVIVAL ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall accelerate ongoing research and development activities, and is authorized to carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

(A) impacts from water resources projects and other impacts on salmon life cycles;

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out research and development activities under subparagraphs (A) through (C) of paragraph (3).

(b) ADVANCED TURBINE DEVELOPMENT.—

(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower turbines, including design of ''fish-friendly'' turbines, for use on the Columbia River hydro system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $12,000,000 to carry out this subsection.

(c) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

SEC. 332. RECREATIONAL USER FEES.

(a) IN GENERAL.—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) is amended by inserting before the period at the end the following: ''and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of the Act at the water resources development project at which the fees were collected''.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal year 1995, on—

(1) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)) at each water resources development project; and

(2) the administrative costs associated with the collection of the day-use fees at each water resources development project.

SEC. 333. SHORE PROTECTION.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(a)), is amended—

(1) by striking ''damage to the shores'' and inserting ''damage to the shores and beaches''; and

(2) by striking ''the following provisions'' and all that follows through the period at the end and inserting the following: ''this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.''.

(b) DEFINITION OF SHORE PROTECTION PROJECT.—Section 4 of the Act of August 13, 1946 (60 Stat. 1057, chapter 960; 33 U.S.C. 426h), is amended—

(1) by striking ''SEC. 4. As used in this Act, the word 'shores' includes all the shorelines'' and inserting the following:

''SEC. 4. DEFINITIONS.

''In this Act:

''(1) SHORE.—The term 'shore' includes each shoreline of each''; and

(2) by adding at the end the following:

''(2) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.''.

SEC. 334. SHORELINE EROSION CONTROL DEMONSTRATION.

(a) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—The Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e et seq.), is amended by adding at the end the following:

''SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) EROSION CONTROL PROGRAM.—The term 'erosion control program' means the national shoreline erosion control development and demonstration program established under this section.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers.

''(b) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 8 years beginning on the date that funds are made available to carry out this section.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—The erosion control program shall include provisions for—

''(A) demonstration projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 5 years of the erosion control program;

''(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

''(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

''(D) technology transfers to private property owners and State and local entities.

''(2) EMPHASIS.—The demonstration projects carried out under the erosion control program shall emphasize, to the extent practicable—

''(A) the development and demonstration of innovative technologies;

''(B) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

''(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

''(D) the avoidance of negative impacts to adjacent shorefront communities;

''(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

''(F) the potential for long-term protection afforded by the technology; and

''(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (section 54 of Public Law 93–251; 42 U.S.C. 1962d–5 note), including—

''(i) adequate consideration of the subgrade;

''(ii) proper filtration;

''(iii) durable components;

''(iv) adequate connection between units; and

''(v) consideration of additional relevant information.

''(3) SITES.—

''(A) IN GENERAL.—Each demonstration project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

''(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the demonstration projects, including—

''(i) a variety of geographical and climatic conditions;

''(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

''(iii) the rate of erosion;

''(iv) significant natural resources or habitats and environmentally sensitive areas; and

''(v) significant threatened historic structures or landmarks.

''(C) AREAS.—Demonstration projects under the erosion control program shall be carried out at not fewer than 2 sites on each of the shorelines of—

''(i) the Atlantic, Gulf, and Pacific coasts;

''(ii) the Great Lakes; and

''(iii) the State of Alaska.

''(d) COOPERATION.—

''(1) PARTIES.—The Secretary shall carry out the erosion control program in cooperation with—

''(A) the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established under the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) university research facilities.

''(2) AGREEMENTS.—The cooperation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (c)(1) when appropriate.

''(e) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

''(f) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a demonstration project under the erosion control program shall be determined in accordance with section 3.

''(2) RESPONSIBILITY.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.''.

(b) CONFORMING AMENDMENT.—Subsection (e) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(e)), is amended by striking ''section 3'' and inserting ''section 3 or 5''.

SEC. 335. REVIEW PERIOD FOR STATE AND FEDERAL AGENCIES.

Paragraph (a) of the first section of 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 (33 U.S.C. 701–1(a)), is amended—

(1) in the ninth sentence, by striking ''ninety'' and inserting ''30''; and

(2) in the eleventh sentence, by striking ''ninety-day'' and inserting ''30-day''.

SEC. 336. DREDGED MATERIAL DISPOSAL FACILITIES.

(a) IN GENERAL.—Section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211) is amended by adding at the end the following:

''(f) DREDGED MATERIAL DISPOSAL FACILITIES.—

''(1) IN GENERAL.—The construction of all dredged material disposal facilities associated with Federal navigation projects for harbors and inland harbors, including diking and other improvements necessary for the proper disposal of dredged material, shall be considered to be general navigation features of the projects and shall be cost-shared in accordance with subsection (a).

''(2) COST SHARING FOR OPERATION AND MAINTENANCE.—

''(A) IN GENERAL.—The Federal share of the cost of operation and maintenance of each disposal facility to which paragraph (1) applies shall be determined in accordance with subsection (b).

''(B) SOURCE OF FEDERAL SHARE.—The Federal share of the cost of construction of dredged material disposal facilities associated with the operation and maintenance of Federal navigation projects for harbors and inland harbors shall be—

''(i) considered to be eligible operation and maintenance costs for the purpose of section 210(a); and

''(ii) paid with sums appropriated out of the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

''(3) APPORTIONMENT OF FUNDING.—The Secretary shall ensure, to the extent practicable, that—

''(A) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered fully before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities under paragraph (1); and

''(B) funds expended for such construction are equitably apportioned in accordance with regional needs.

''(4) APPLICABILITY.—

''(A) IN GENERAL.—This subsection shall apply to the construction of any dredged material disposal facility for which a contract for construction has not been awarded on or before the date of enactment of this subsection.

''(B) AMENDMENT OF EXISTING AGREEMENTS.—The Secretary may, with the consent of the non-Federal interest, amend a project cooperation agreement executed before the date of enactment of this subsection to reflect paragraph (1) with respect to any dredged material disposal facility for which a contract for construction has not been awarded as of that date.

''(5) NON-FEDERAL SHARE OF COSTS.—Nothing in this subsection shall impose, increase, or result in the increase of the non-Federal share of the costs of any existing dredged material disposal facility authorized to be provided before the date of enactment of this subsection.''.

(b) DEFINITION OF ELIGIBLE OPERATIONS AND MAINTENANCE.—Section 214(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2241(2)(A)) is amended by inserting before the period at the end the following: '', dredging and disposal of contaminated sediments that are in or that affect the maintenance of a Federal navigation channel, mitigation for storm damage and environmental impacts resulting from a Federal maintenance activity, and operation and maintenance of a dredged material disposal facility''.

SEC. 337. APPLICABILITY OF COST-SHARING PROVISIONS.

Section 103(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following: ''For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.''.

SEC. 338. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is amended—

(1) by striking ''$3,000,000'' and inserting ''$5,000,000''; and

(2) by striking the second period at the end.

(b) MODIFICATION OF REIMBURSEMENT LIMITATION FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority in an amount not to exceed a total of $5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of enactment of this Act.

SEC. 339. WAIVER OF UNECONOMICAL COST-SHARING REQUIREMENT.

The first sentence of section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–

5b(a)) is amended by inserting before the period at the end the following: '', except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest''.

SEC. 340. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a), by inserting '', watersheds, and ecosystems'' after ''basins'';

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking ''$6,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''$300,000'' and inserting ''$500,000''.

SEC. 341. RECOVERY OF COSTS FOR CLEANUP OF HAZARDOUS SUBSTANCES.

Any amount recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Army Corps of Engineers, and any amount recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Secretary for any expenditure for environmental response activities in support of the civil works program, shall be credited to the trust fund account to which the cost of the response action has been or will be charged.

SEC. 342. CITY OF NORTH BONNEVILLE, WASHINGTON.

Section 9147 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1940), is amended to read as follows:

''SEC. 9147. CITY OF NORTH BONNEVILLE, WASHINGTON.

''(a) CONVEYANCES.—

''(1) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (commonly known as the 'Bonneville Project Act of 1937') (50 Stat. 731, chapter 720; 16 U.S.C. 832 et seq.), and modified by section 83 of the Water Resources Development Act of 1974 (Public Law 93–251; 88 Stat. 35), is further modified to authorize the Secretary of the Army to convey to the city of North Bonneville, Washington (referred to in this section as the 'city'), at no further cost to the city, all right, title, and interest of the United States in and to—

''(A) any municipal facilities, utilities, fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically Lots M1 through M15, M16 (known as the 'community center lot'), M18, M19, M22, M24, S42 through S45, and S52 through S60, as shown on the plats of Skamania County, Washington;

''(B) the lot known as the 'school lot' and shown as Lot 2, Block 5, on the plats of relocated North Bonneville, recorded in Skamania County, Washington;

''(C) Parcels 2 and C, but only on the completion of any environmental response activities required under applicable law;

''(D) that portion of Parcel B lying south of the city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, if the Secretary of the Army determines, at the time of the proposed conveyance, that the Department of the Army has taken all actions necessary to protect human health and the environment;

''(E) such portions of Parcel H as can be conveyed without a requirement for further investigation, inventory, or other action by the Secretary of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

''(F) such easements as the Secretary of the Army considers necessary for—

''(i) sewer and water line crossings of relocated Washington State Highway 14; and

''(ii) reasonable public access to the Columbia River across such portions of Hamilton Island as remain in the ownership of the United States.

''(2) TIMING OF CONVEYANCES.—The conveyances described in subparagraphs (A), (B), (E), and (F)(i) of paragraph (1) shall be completed not later than 180 days after the United States receives the release described in subsection (b)(2). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subparagraph of paragraph (1).

''(b) EFFECT OF CONVEYANCES.—

''(1) CONGRESSIONAL INTENT.—The conveyances authorized by subsection (a) are intended to resolve all outstanding issues between the United States and the city.

''(2) ACTION BY CITY BEFORE CONVEYANCES.—As prerequisites to the conveyances, the city shall—

''(A) execute an acknowledgment of payment of just compensation;

''(B) execute a release of all claims for relief of any kind against the United States arising from the relocation of the city or any Federal statute enacted before the date of enactment of this subparagraph relating to the city; and

''(C) dismiss, with prejudice, any pending litigation involving matters described in subparagraph (B).

''(3) ACTION BY ATTORNEY GENERAL.—On receipt of the city's acknowledgment and release described in paragraph (2), the Attorney General shall—

''(A) dismiss any pending litigation arising from the relocation of the city; and

''(B) execute a release of all rights to damages of any kind (including any interest on the damages) under Town of North Bonneville, Washington v. United States, 11 Cl. Ct. 694, aff'd in part and rev'd in part, 833 F.2d 1024 (Fed. Cir. 1987), cert. denied, 485 U.S. 1007 (1988).

''(4) ACTION BY CITY AFTER CONVEYANCES.—Not later than 60 days after the conveyances authorized by subparagraphs (A) through (F)(i) of subsection (a)(1) have been completed, the city shall—

''(A) execute an acknowledgment that all entitlements to the city under the subparagraphs have been fulfilled; and

''(B) execute a release of all claims for relief of any kind against the United States arising from this section.

''(c) AUTHORITY OF CITY OVER CERTAIN LANDS.—Beginning on the date of enactment of paragraph (1), the city or any successor in interest to the city—

''(1) shall be precluded from exercising any jurisdiction over any land owned in whole or in part by the United States and administered by the Army Corps of Engineers in connection with the Bonneville project; and

''(2) may change the zoning designations of, sell, or resell Parcels S35 and S56, which are designated as open spaces as of the date of enactment of this paragraph.''.

SEC. 343. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(a) of Public Law 100–581 (102 Stat. 2944) is amended—

(1) by striking ''(a) All Federal'' and all that follows through ''Columbia River Gorge Commission'' and inserting the following:

''(a) EXISTING FEDERAL LANDS.—

''(1) IN GENERAL.—All Federal lands that are included within the 20 recommended treaty fishing access sites set forth in the publication of the Army Corps of Engineers entitled 'Columbia River Treaty Fishing Access Sites Post Authorization Change Report', dated April 1995,''; and

(2) by adding at the end the following:

''(2) BOUNDARY ADJUSTMENTS.—The Secretary of the Army, in consultation with affected tribes, may make such minor boundary adjustments to the lands referred to in paragraph (1) as the Secretary determines are necessary to carry out this title.''.

SEC. 344. TRI-CITIES AREA, WASHINGTON.

(a) GENERAL AUTHORITY.—As soon as practicable after the date of enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in subsection (b) of all right, title, and interest of the United States in and to the property described in subsection (b).

(b) PROPERTY DESCRIPTIONS.—

(1) BENTON COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Benton County, Washington, is the property in the county that is designated ''Area D'' on Exhibit A to Army Lease No. DACW–68–1–81–43.

(2) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Franklin County, Washington, is—

(A) the 105.01 acres of property leased under Army Lease No. DACW–68–1–77–20 as executed by Franklin County, Washington, on April 7, 1977;

(B) the 35 acres of property leased under Supplemental Agreement No. 1 to Army Lease No. DACW–68–1–77–20;

(C) the 20 acres of property commonly known as ''Richland Bend'' that is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(D) the 7.05 acres of property commonly known as ''Taylor Flat'' that is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(E) the 14.69 acres of property commonly known as ''Byers Landing'' that is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20; and

(F) all levees in Franklin County, Washington, as of the date of enactment of this Act, and the property on which the levees are situated.

(3) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Kennewick, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(4) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Richland, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(5) CITY OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Pasco, Washington, is—

(A) the property in the city of Pasco, Washington, that is leased under Army Lease No. DACW–68–1–77–10; and

(B) all levees in the city, as of the date of enactment of this Act, and the property on which the levees are situated.

(6) PORT OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the Port of Pasco, Washington, is—

(A) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(B) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(7) ADDITIONAL PROPERTIES.—In addition to properties described in paragraphs (1) through (6), the Secretary may convey to a local government referred to in any of paragraphs (1) through (6) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyances under subsection (a) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(2) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in subsection (b)(2)(F) shall be conveyed only after Franklin County, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(3) SPECIAL RULE FOR CITY OF PASCO.—The property described in subsection (b)(5)(B) shall be conveyed only after the city of Pasco, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(4) CONSIDERATION.—

(A) ADMINISTRATIVE COSTS.—A local government to which property is conveyed under this section shall pay all administrative costs associated with the conveyance.

(B) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this section that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to the property shall revert to the United States.

(C) OTHER PROPERTIES.—Properties to be conveyed under this section and not described in subparagraph (B) shall be conveyed at fair market value.

(d) LAKE WALLULA LEVEES.—

(1) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(A) CONTRACT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall contract with a private entity agreed to under subparagraph (B) to determine, not later than 180 days after the date of enactment of this Act, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(B) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under subparagraph (A) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(2) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of the area under the jurisdiction of the local government to a height not lower than the minimum safe height determined under paragraph (1).

SEC. 345. DESIGNATION OF LOCKS AND DAMS ON TENNESSEE-TOMBIGBEE WATERWAY.

(a) IN GENERAL.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(1) Gainesville Lock and Dam at Mile 266 designated as Howell Heflin Lock and Dam.

(2) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(3) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(4) Lock A at Mile 371 designated as Amory Lock.

(5) Lock B at Mile 376 designated as Glover Wilkins Lock.

(6) Lock C at Mile 391 designated as Fulton Lock.

(7) Lock D at Mile 398 designated as John Rankin Lock.

(8) Lock E at Mile 407 designated as G.V. ''Sonny'' Montgomery Lock.

(9) Bay Springs Lock and Dam at Mile 412 designated as Jamie Whitten Lock and Dam.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to a lock, or lock and dam, referred to in subsection (a) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in the subsection.

SEC. 346. DESIGNATION OF J. BENNETT JOHNSTON WATERWAY.

(a) IN GENERAL.—The portion of the Red River, Louisiana, from new river mile 0 to new river mile 235 shall be known and designated as the ''J. Bennett Johnston Waterway''.

(b) REFERENCES.—Any reference in any law, regulation, document, map, record, or other paper of the United States to the portion of the Red River described in subsection (a) shall be deemed to be a reference to the ''J. Bennett Johnston Waterway''.

SEC. 347. TECHNICAL CORRECTIONS.

(a) CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b)) is amended by striking ''(8662)'' and inserting ''(8862)''.

(b) CHALLENGE COST-SHARING PROGRAM.—The second sentence of section 225(c) of the Act (33 U.S.C. 2328(c)) is amended by striking ''(8662)'' and inserting ''(8862)''.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. May I address the Senator from Nevada? Does the Senator from Nevada seek the floor for any particular purpose on this bill?

Mr. REID. To speak on the amendment.

Mr. STEVENS. Is the Senator willing to have a time agreement on that statement?

Mr. REID. No.

Mr. STEVENS. Mr. President, the amendment that is pending before the Senate in this bill, the 1997 appropriations bill, is that we establish a separate transfer account for contingency operations. Moving into this account are the funds budgeted for the contingency operations from services' operations and maintenance accounts. In addition, the subcommittee added funding for emergency requirements identified by the Department of Defense. This amendment would transfer an additional $4,200,000 from the Army's operation and maintenance account, and seek $66 million from the defensewide operation and maintenance accounts. The funds were identified by the department as needed in support of contingency operations, but were not identified for previous transfer.

Mr. President, I ask unanimous consent there be a time limit on this amendment of 30 minutes with time equally divided.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, it is apparent that the Senators from Nevada are trying to hold up the Department of Defense, the people who are in the field serving this country, and to delay the consideration of this bill, as I said, which is a critical bill, with Members wanting to go back to their States because of this hurricane.

The rules of the Senate are the rules of the Senate, and there is not much this Senator can do about it. If the Senator from Nevada is going to persist to put us through the same gyrations we went through yesterday, I might say to my friend—he is my good friend—I am appalled at this, and I really am at a loss to consider what to do about it. Under the circumstances, it would be my intention to confer with the leadership to see what they would like to do.

Mr. President, might I say for the information of the Senate, it was my intention, and that of the Senator from Hawaii, to proceed now to a series of amendments that have been cleared by all concerned, have been reviewed by Members on both sides and are prepared to be added to this bill. I do think that the problem is, how do we get this bill to a vote today. And I am still proceeding to try and find out how to do that.

Mr. President, let me outline these amendments that I am trying to get considered. Let me point out to the Senate we have an amendment by Senator BINGAMAN which would reduce the amount for the Pentagon renovation fund by $100 million. We have cleared that. We have an amendment by Senator CHAFEE for the Defense Technical Transfer Pilot Program that has been cleared. Senators KEMPTHORNE and CRAIG have an amendment related to the Army's mobile munition assessment system that has been cleared, Senator LIEBERMAN's amendment adjusting funding levels for the Corps SAM and Other Theater Missile Defense/Follow-On TMD Activities Program. Those have been cleared.

I have an amendment to make available $11.5 million for B–52 bomber modifications. I have an amendment regarding the CAMP Program and an amendment to provide moneys for P–3 aircraft personnel offset by a reduction in defense health and also provides additional money for B–52 squadron personnel. We have a series of other amendments that we are in the process of clearing. I tell the Senate that there are some 20 other amendments ready to go to be debated now. We have an additional series here that I believe will be cleared, and the amendment that is pending has been cleared. I hope we will be able to proceed with those. It does seem to me however, it is just an exercise in futility to have a filibuster on a defense bill. I intend to do what I can to thwart that.

Mr. President, in my judgment, this bill is the key to our being able to complete action on appropriations bills and get the whole subject cleared by the end of the fiscal year. My good friend and our chairman, Senator HATFIELD, is retiring this year. I want to do my best to assure that the key bills that we have, all the appropriations bills, are sent to conference before the August recess.

In my judgment, if we have to give up the August recess to do that, we should do it. If we are going to have filibusters on every bill, then so be it. We will have to break them. It seems this is an unfortunate circumstance.

Let me describe, for instance, this B–52 modification amendment. It provides $11.5 million within the account that is already outlined in the bill to modify the B–52 aircraft. These are required to maintain the combat effectiveness of the aircraft, should they be called upon once again to fly combat missions. They are going to be offset by a decrease in funds available to the F–15 fighter in the same account. I think we can do that because we can still proceed with the F–15. There has been a delay in the projected contract award, and the fighter data link program will remain fully funded for 1997, according to the maximum amount that can be spent. We believe we should provide these moneys. There is an initiative by the Senators from North Dakota to assure the current floor structure be preserved, and we are trying to prevent attrition of these aircraft. That is one of the amendments I have, and I am seeking to get approval today at this time.

We are also going to add $4.9 million to the Navy's personnel account and $4.4 million to the Air Force personnel account to allow the Navy to maintain an end-strength support of the P–3 squadron, and the Air Force to maintain the personnel necessary to carry out the B–52 mission as outlined by the Senators from North Dakota.

We are trying to cooperate as much as possible with many people on the other side of the aisle. I might say, all of these pending amendments are to make sure that amendments to the authorization bill by Members of the minority would be fully funded.

Our leader is here, and I want to yield to the leader, Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

NUCLEAR WASTE POLICY ACT OF 1996—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to S. 1936 and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1936, the nuclear waste bill:

Trent Lott, Larry E. Craig, Fred Thompson, Dan Coats, Don Nickles, Ted Stevens, Craig Thomas, Richard G. Lugar, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Alan K. Simpson, Bill Frist, Hank Brown.

Mr. LOTT. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

DEPARTMENT OF DEFENSE APPROPRIATION FOR FISCAL YEAR 1997

CLOTURE MOTION

Mr. STEVENS. Mr. President, I send to the desk a motion to invoke cloture on the passage of the pending bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1894, the Defense Appropriations bill.

Trent Lott, Ted Stevens, Larry E. Craig, Fred Thompson, Dan Coats, Charles Grassley, Richard G. Lugar, Don Nickles, Mark O. Hatfield, Craig Thomas, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Hank Brown.

Mr. STEVENS. Mr. President, I simply say to my friend from Nevada that we can either proceed with the Defense bill and finish it today, or if he wishes to try to filibuster this bill, if he will not agree to a time agreement, it is my recommendation to the leader that we recess until Monday and have the votes on the cloture. That means we will take up the nuclear waste bill first and when we get cloture on that, we will vote on it, and when we are finished with that, we will finish the Defense appropriation bill.

Mr. LOTT. Mr. President, I thank the distinguished managers of this very important legislation: Senator STEVENS, who is the chairman of the Defense Appropriations Subcommittee, and Senator INOUYE, the great Senator from Hawaii. They always do a magnificent job on this legislation. It is legislation that is very, very important to the defense of our country and carrying out our commitments here in this country and around the world. We have troops in Bosnia right now that have a very important role they are trying to carry out. The President is committed to that. They need the funds that are necessary to do their job wherever they are in the world, where sailors are steaming today. They are looking to us to provide the funds. There are very important funds in this legislation for every state that our military men and women are serving in, and we need to get this done. We have 7 weeks left in this year. We have 12 appropriations bills to get done, including this one. We must get that done or we cannot go home. We must get started, and we can complete this bill, I think, very quickly.

Now, what has happened—I understand the concern by the Senators from Nevada about the nuclear waste issue. By forcing my hand to do these cloture motions, it has speeded up the time in which this issue will come to a head. I had planned on not filing a cloture motion on the nuclear waste issue until Friday and the vote would have occurred on Tuesday, but now it really is bringing it up sooner than it would have otherwise.

Mr. President, this is an urgent, important issue for our country. There is dangerous, radioactive nuclear waste stored in cooling pools all over this country from Vermont to Minnesota to Idaho to South Carolina. This has been an issue for 10 years which the Congress and the governments, the administrations, Republican and Democrat, have not sufficiently addressed. Countries like Sweden, France, Britain, and Japan have stepped up to this issue of how we deal with the temporary and permanent storage of nuclear waste, but in America we have not been able to bring ourselves to do it.

At the same time, the ratepayers have paid millions, in fact, billions of dollars to move toward a time when we would have a permanent storage site for nuclear waste. Do we wish it would go away? Of course. We cannot wish it away. It is there. Something must be done. This nuclear waste legislation is probably the most important environmental legislation this Congress or any Congress will consider.

(Mr. INHOFE assumed the chair.)

Mr. LOTT. Mr. President, we cannot stick our heads in the sand. If we do, we will probably be radioactive. We have to step up to this issue. This is a bipartisan bill. This is a bill that Senator MURKOWSKI has worked very hard on, as have Senator CRAIG of Idaho and Senator BENNETT JOHNSTON. We cannot just ignore it. Do I want to bring it up now at a time when we are trying to work together to move Presidential

nominations, judicial appointments, appropriations bills? No. But I do not have a choice. As majority leader, when I have bipartisan senior leaders of the Congress come to me and say we have a fundamental national issue that must be addressed, I cannot ignore it.

Does it eat up time? Yes. We blew 4 or 5 hours yesterday. We could have finished this bill last night or this morning. Are we balled up here now? Yes. Do I want that? No. But can we ignore our responsibility? Absolutely not.

Now, let me say again, I am sympathetic to how the Senators from Nevada feel. I know they cannot accept this without a fight. But I ask the distinguished Senator from Nevada to allow us to do our work on the Department of Defense appropriations bill, give us an opportunity to work with him and find any opportunity that we can to be fair and work with him. But we cannot ignore this problem any further. So, again, I wanted to make those points. I think they are very important. I hope that we can work something out. I will be glad to work with the Democratic leader. I know the Democratic leader wants to proceed on the Department of Defense appropriations bill. He has assured me of that personally. I know he has given the managers, Senator INOUYE and Senator STEVENS, that commitment and assurance. So I hope we can find a way to face up to this issue and also to allow the Senate to get its work done.

We are now locked in a rolling filibuster on every issue, which is totally gridlocking the U.S. Senate. That is wrong. It is wrong for America. We cannot get the appropriations bills done. We cannot get the taxpayers' bill of rights done. We cannot get the White House Travel Office bill for Billy Dale done. We cannot get the gaming commission issue up. I do not support all of these bills, but we have an obligation to allow the Senate to do its work. That is not happening. I hope we can find a way to do it on this bill today.

I yield the floor.

UNANIMOUS-CONSENT REQUEST

Mr. STEVENS. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that the cloture vote with respect to the pending bill, the DOD appropriations bill, occur at 1 p.m., and I might say that we are prepared to let the Senator from Nevada talk and have all the time between now and 1 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID addressed the Chair.

Mr. STEVENS. Mr. President, I have not yielded the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. LOTT. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. Yes.

Mr. LOTT. Mr. President, what was the consent that was asked for and objected to?

Mr. STEVENS. I sought to accelerate the time to vote on the Defense appropriations bill. If we could bring that to a vote at 1 o'clock, I feel certain we will get cloture, and we would have 30 hours for debate on this bill. I believe that would expire before the time to vote on the nuclear waste bill, which, under other circumstances, will come first on Monday.

I am prepared to state that I think we can finish the bill today or tomorrow. It might mean that we would stay in session tonight to do so. But I would like to get this bill through. I think that there is no greater issue facing the country today than the amount and level of support for our armed services and the people in Bosnia. I think the uncertainty involved here is going to lead to some real problems.

I hope that maybe we might have a chance to have a recess and let us just try to discuss this with the Senator from Nevada and others and see if we can get to this bill. There is no question in my mind that we are going to vote on this bill one way or the other. If cloture is the only way to get to it, we will have to do that.

Mr. LOTT. If the Senator will yield, Mr. President, I would like to further inquire, if I could, with the indulgence of the Senator from Alaska, with him retaining control of the floor. What are the wishes of the Senator from Nevada? Does he wish to just talk for a period of time? Can we accommodate him in some way? I do not want to cut him off, but I know that he has to be also aware of the desires of the 98 other Senators in trying to get the work done of the Senate on the Department of Defense appropriations bill. Would the Senator like to talk for an hour? What are his intentions?

Mr. REID. I say to my friends, Senator INOUYE, Senator STEVENS, and the majority leader that I understand the importance of this bill. I am a member of the committee. I think we have had the good fortune of having the other military appropriations bill, military construction, passed. I am very happy about that. I received the support of Senators STEVENS and INOUYE on that. That bill pales in the comparison to this bill, and I understand that.

But I respectfully say to my friend, the majority leader, that I disagree that S. 1936 is the most important environmental issue facing this Congress. I say, respectfully, to my friend that if the majority feels this is the most important environmental issue, no wonder the American public is upset at some of the environmental stands taken by this Congress.

Now, I say to my friends, I support this bill. I speak in favor of this bill. I believe, as outlined by Senators INOUYE and STEVENS, that we do not have an obligation—in fact, we have a contrary obligation—to go along with what the White House suggests as to levels of military spending. We are a separate, just-as-important, equal branch of Government. Therefore, I support this bill.

But I also have obligations to the people of the State of Nevada and of this country to have every opportunity that I can to speak about S. 1936, which the President is going to veto. That is one of the points I tried to make yesterday. Hopefully, I did it well. I think we are wasting a lot of time here, when the President says he is going to veto the bill anyway. So I will be happy to cooperate in any way that I can. It is my understanding, as someone told me, that there might be some need for a recess.

Even though I do not speak very loud most of the time, I have the opportunity and the right as a Senator to follow the rules. That is all I am asking to do. I am not asking that any special privilege be extended to this Senator. But as those Senators in this Chamber know, I feel very strongly about S. 1936. I think it is a waste of our time. I would like to take every possible opportunity to speak on this.

Mr. LOTT. Would the Senator from Nevada be willing to bring this bill up right now?

Mr. REID. I would not.

Mr. LOTT. I have just one reaction, if I can ask the Senator from Alaska to continue to yield to me. First of all, I would be amazed if the President of the United States would veto this bill after it has gone through the House and the Senate, supported by Senators from the diverse States I named, all the way from Minnesota, Idaho, Vermont, New Hampshire, my own State, and perhaps others. But, if the Congress gets to the point where, just because of the mere threat from the President of a veto, we do not act, we might as well go ahead and leave now for the year because he is talking about vetoing every bill that is moving. I do not think we can use that as a basis of not acting on important legislation.

RECESS

Mr. LOTT. Mr. President, I move that the Senate stand in recess until the hour of 1 p.m. today.

Mr. REID. Objection.

I wish to make an inquiry.

Will the Senator from Alaska yield for a question; or the majority leader?

The PRESIDING OFFICER. The Chair advises the Senator that a unanimous-consent request is pending.

Mr. LOTT. Mr. President, I moved that the Senate stand in recess until 1 p.m.

Mr. REID. I apologize to the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The question occurs on the motion.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The question is on agreeing to the motion.

Mr. REID. I ask for the yeas and nays.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, I move that the Senate stand in recess until the hour of 1 p.m. today.

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

The motion was agreed to.

Thereupon, the Senate, at 11:12 a.m., recessed until the hour of 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. STEVENS].

QUORUM CALL

The PRESIDING OFFICER (Mr. STEVENS). In my capacity as a Senator from Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. BRYAN. Objection.

The PRESIDING OFFICER (Mr. KYL). Objection is heard.

The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll, and the following Senators answered to their names:

Bryan	Inouye	Nickles
Coats	Kempthorne	Reid
Conrad	Kyl	Santorum
Craig	Lott	Stevens
Daschle	Mack	

The PRESIDING OFFICER. A quorum is not present.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Washington [Mrs. MURRAY] are necessarily absent.

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—93

Abraham	Feinstein	Lott
Akaka	Ford	Lugar
Ashcroft	Frahm	Mack
Baucus	Frist	McConnell
Biden	Glenn	Mikulski
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Gramm	Nickles
Bradley	Grams	Nunn
Breaux	Grassley	Pell
Brown	Gregg	Pressler
Bryan	Harkin	Pryor
Bumpers	Hatch	Reid
Burns	Hatfield	Robb
Byrd	Heflin	Rockefeller
Campbell	Helms	Roth
Coats	Hollings	Santorum
Cochran	Hutchison	Sarbanes
Cohen	Inhofe	Shelby
Conrad	Inouye	Simon
Coverdell	Johnston	Simpson
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Snowe
Daschle	Kennedy	Specter
DeWine	Kerrey	Stevens
Dodd	Kerry	Thomas
Domenici	Kohl	Thompson
Dorgan	Kyl	Thurmond
Exon	Lautenberg	Warner
Faircloth	Levin	Wellstone
Feingold	Lieberman	Wyden

NAYS—2

Bennett	McCain

NOT VOTING—5

Chafee	Leahy	Murray
Jeffords	Moseley-Braun	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, I begin by pointing out that in order to come off of a quorum call I had to use this procedure of instructing the Sergeant at Arms to get the presence of the Members here. It is the first time I ever had to do that as majority leader, and I do not like to do it. I remember grumbling loudly when it was done by a former majority leader. In fact, I usually voted no because I hated the procedure. However, I had no alternative, because I was trying to come off of a quorum call so we could have some discussion about the situation we find ourselves in. That exercise is reflective of why we are in this situation right now.

Apparently, Mr. President, there is a planned concerted effort to have gridlock in the U.S. Senate. We need to do the people's business. I am committed to that. I still think that the best thing to do for ourselves politically is to do what is right for the country, and for us to be locked down and not able to move any legislation after the exercise we went through to vote on the small business tax relief package and the minimum wage, to sort of clear the decks and move on to other issues, and now I find that instead of gridlock being broken it is beginning to get worse every day.

Mr. President, we have now in this Congress had to file 73 cloture motions, I presume probably the largest in history. There were 40 in the 102d Congress, 51 in the 103d Congress, and already 73 in the 104th Congress. Now, I am new in this position. I am trying mightily to do a good job by finding a way to produce, finding a way for the Senate to act, while honoring the needs of 100 Senators. It is not easy. It is very hard. It takes cooperation. It takes communication. I have been doing that. I tried to talk to my colleagues, one by one, small groups, repeated meetings, and I tried doing it across the aisle.

I say, honestly, I found the Democratic leader open and helpful in many instances, and I tried to work with others. Senator PRYOR from Arkansas has a bill that he has been working on for years. He started this whole effort of having the taxpayer bill of rights. For heaven's sakes, we ought to have that. The taxpayers ought to have some rights when it comes to dealing with the Internal Revenue Service. Yet we have not been able to get that bill cleared. Why? I do not understand.

As soon as I was elected to this position I said, ''Look, enough on this Federal Reserve Board holdup. Let the Senators talk. Decide on a time, have our say, and vote.'' They are the President's nominees. We may not like them. I did not like all of them. I voted against one of them. Some of you voted against one of them, maybe somebody voted against two of them, but we agreed on a time with the distinguished majority leader and those that had problems—the Senator from Iowa had held up these nominees from his own administration for weeks. I said, ''Enough. Give them the time, talk about it, vote, and go on.''

Small business tax relief and minimum wage have been sitting in our lap for weeks, months, balling up everything. I could have been willing to just continue it that way because I did not like the way it was set up, but it would have wound up tying up the small business tax relief, minimum wage, taxpayers bill of rights, the Billy Dale White House travel issue, and I do not know whatever else was balled up in the Gordian knot. I said for the good of the Senate, for Democrats and Republicans, and some of my colleagues did not like my concerted, aggressive continuous effort to find a way to resolve that issue, but I stayed with it and I stayed with it. The Democratic leader and I have worked, and we ran into little problems. Sometimes he misunderstood what I said. Sometimes I could not carry out what I thought I could. Sometimes he could not. We had to rework it, but we did it. We set up a process to do it.

Regular order. I remember Senator Mitchell saying what we need to do is the regular order. There is a way you do things around here. You bring up a bill reported by a committee, have debate, offer amendments, you vote and win or lose, and you move on, and then it goes to conference.

Now, on both sides we are beginning to block appointments of conferees. This is a relatively new device—not unprecedented, but are we going to start

doing it on every bill? I do not like it. We ought to go to conference on Coast Guard authorization of conferees. Finally, we did it today after being held up for, gee, 2 months.

I am going to try to go to appointment of conferees on health care. For 80 days, it has been held up to appoint conferees on the health care bill—80 days—while we have had these running negotiations. There have been complaints that, ''Well, gee, we are not in on the discussions.'' How about regular order? How about we appoint conferees, make sure it is a fair appointment, and go to conference.

I want to tell you who I recommend that we appoint on the health care conference: Senator KASSEBAUM. You know of her work in this area. She has been very diligent. She voted against putting the medical savings accounts in the bill when it was on the floor of the Senate. She has said, standing right there, that she thinks what I have been working on and what we are trying to do is eminently fair and reasonable, and we ought to go with the medical savings account compromise we have worked out. She wants to move this legislation. Senator ROTH, Senator KENNEDY, Senator MOYNIHAN, and myself, Senator LOTT. There are five Senators that are about as equally balanced as you could possibly get and allow the majority party to have a one-vote edge with one of the Senators in the majority certainly committed to getting the job done and certainly unbiased in what she wants to do and how it is achieved.

So we worked through that agreement and carried it out this week. I said Tuesday that, sundown Wednesday, we are back to business. Minimum wage, voted on. Small business tax relief, voted on. Finance Committee improvements in the small business area, accepted. TEAM Act, voted on. Right to work, cloture motion, voted on. The decks are clear and ready to go.

Appropriations bills. DOD, Department of Defense appropriations bill. Do we need it? Is it the right thing for the country? Have we already debated everything that is in it? Yes. The authorization bill. We spent 2 weeks on that. Then, with a little cooperation at the end, we concluded it and voted on it this week. That was clear. We have two of the most effective managers of legislation in the Congress wanting to handle this bill. Senator STEVENS from Alaska and Senator INOUYE from Hawaii are ready to go. The truth of the matter is that if they had 40 minutes, they could probably finish it. They want to go to work. And then it is blocked—blocked before an effort was even made on nuclear waste.

Yesterday, we thought everything was all ready to go on the Department of Defense appropriations. I am in my office and, all of a sudden, we are talking about nuclear waste, not on DOD. We blew 4 hours or more yesterday when we could have probably completed the Department of Defense appropriations bill. But, again, in an abundance of wanting to be fair, I understand how important this is to the Senators from Nevada. I am sympathetic to how they feel. But I am more sympathetic to doing the job and doing what is right for all of America.

What about the Senators from Minnesota, who have nuclear waste piling up in their State to the limit, sitting out in cooling pools? If you want to talk about the environment, this is the most dangerous issue in this country—nuclear waste, sitting in open pools in Minnesota, in Vermont, in Idaho, in South Carolina, North Carolina. It is all over America. What about the other 48 Senators that are directly involved in this nuclear waste issue and the States that are involved—sorry to get carried away there. It is dangerous to be sitting here. This is worse than nuclear waste.

I want to do it for the country's sake. Britain, France, Sweden, and Japan have stepped up and addressed the issue of nuclear waste. Yet, we cannot bring ourselves to deal with this. It is not easy. Transportation is a problem. Temporary storage and permanent storage. It has to go somewhere. Nobody wants it. Nevada does not want it, nobody wants it.

But there are safe ways we can do this. It is the right thing to do. It is right for the country. Now we found that not only did it delay us last night—I thought we did the right thing to let the Senators talk and express their concerns; they were entitled to that. But they agreed that we would close it up about 6 o'clock last night, and they agreed that we would come back at 10 o'clock and we would be on the Department of Defense appropriations bill. Lo and behold, I had a cup of coffee, and I woke up and, gee, we are back on nuclear waste again.

Now, I am trying my best, but for America's sake, I need some help on both sides of this aisle so that we can move this legislation. I set up campaign finance reform. I did not agree with it, did not like it, did not want to waste the time of the Senate on it. I admit that. But we set up a fair and agreed-to process that Senator MCCAIN of Arizona agreed to, Senator MCCONNELL agreed to, and Senator FEINGOLD, and others, agreed to. We took it up, debated it, and we voted. Regular order.

On judges. You know, I do not like to not move appointments that are not controversial. So I tried it. I tried four. It was objected to by a Democrat because his judge was not on the list of four. So we worked on it and came back and said, ''Let us do the four and we will keep going.'' It was objected to by a Senator. He said, ''My judge is not on the list.'' I said, ''OK, I will work on that.'' I put a lot of time and effort into it. I came back and said, ''How about 10?'' Then there was objection to one of those that we worked out later on. So we took one off and said, ''Here are nine; how about nine?'' That was objected to because there were, I guess, seven that were not on the list with the nine. So if their judge was not on the list, they objected. So we could not move nine. I said, ''Well, OK, I could not get four, could not get 10, and could not get nine. How about one at a time?''

I even, at the request of the Democratic leader—and I thought it was a reasonable request—I gave him the list of the order for the next 2 weeks. We talked about it, and I told him I would keep working on it.

I am not interested in balling these things up. I am interested in moving this place. So we lined up nine. When I brought the first one up the day before yesterday, bam, objection again. But, overnight, some additional consideration was given to it. Yesterday, we moved two. Yea, two. Two judges. Wonderful. I would like to do another one today and another tomorrow.

My point in all of this is to say that I am trying. But now we find that the Department of Defense appropriations bill is being held up. The nuclear waste issue, which I was not going to bring up until Friday, lay down cloture, and vote on next Tuesday to see where we were—and not a lot of cloture motions win around here. But now I had to file a cloture motion on nuclear waste.

Health insurance conferees—80 days it has been held up.

Taxpayer bill of rights—I mentioned that. I cannot imagine that anybody is going to stand up and admit they object to bringing this thing up.

White House Travel Office—we have had our fun with that. We have; you have. Nobody in the end when we get to a vote is going to pass it 98 to 2 or 100 to 0. Why not do that?

Gambling Impact Study Commission—I do not particularly like it. I do not like national commissions. I do not like subpoena powers. My State is not particularly happy about it. But some are. A lot of people feel gambling is a problem in this country.

So I said, Look, it is supported by the distinguished Senators, like the Senator from Illinois, Senator SIMON, a highly respected Senator; Senator LUGAR from Indiana; Mr. COATS; Congressman FRANK WOLF. I was not going to stand in the way of bringing that up. I could not. So I want to schedule it. I said let us bring it up, get UC, and move on. I was told, ''Well, you know, we will probably have objection to that. Maybe we can work that out.'' I am ready.

The stalking bill—here is a bill that one night had been cleared, and all day. At the last minute, bam, it got stopped. I never did quite figure out what the problem was with bringing up a bill that would have some limit, some controls, on stalking of people and women and children. But I understand there is a little tete-a-tete thing going on. I am willing to meet with the Senators involved and work that out. But nobody in here is opposed to this stalking bill; not any of us.

So I am just beginning now to wonder what is going on here. We need to work together. We need to move these bills.

We need to move to the foreign ops appropriations bill. We need to do it tonight. Next week we need to do the legislative appropriations bill.

Treasury-Postal Service—we have work to do, and we are completely balled up. This is wrong.

So I have a series of unanimous-consent requests that I want to go through here now. I want to say up front to the distinguished leader that this will not necessarily be the end of it for you or us. Maybe we can work some of them out. I am ready. But as of right now we are completely balled up, and it is not my fault.

I want us all to sober up here now and get on with the business of the Senate.

With that—and he has been very patient—I am glad to yield to the Senator from South Dakota who I know would like to help.

But we have to do it now. We cannot just keep talking about it.

I am beginning to feel like Charlie Brown. I keep running up to kick the football, and it ''ain't'' there. I have tried one time, two times, and three times on the judges. I thought it was your ball. You know because it kept disappearing into your cloakroom.

Let us quit this stuff.

I would be glad to yield.

Mr. DASCHLE. Mr. President, now the majority leader knows why they pay him much more now.

Mr. LOTT. They do? (Laughter.)

Mr. DASCHLE. Mr. President, I am delighted that he has taken the speech that I put in his desk from George Mitchell from about 2 years ago and used it almost verbatim. Obviously, as leaders, we face these frustrations with some frequency. I have learned that now myself over the last 18 months.

I say to the distinguished majority leader that there are many things that he has done since he has taken this office that many of us have found to be very productive, and we appreciate his willingness to cooperate on so many things in the short time that he has been majority leader. I have been asked almost daily by members of the media how I view the first few weeks of the majority leader's tenure, and I have given him very high marks because of his determination to continue to find ways to deal with the many issues that he has listed.

There have been times in this Congress when we have been able to accomplish a number of things. We passed the unfunded mandates bill last year. We passed the line-item veto. We passed the congressional accountability legislation. We passed telecommunications reform. We passed in the Senate a couple of bills that may or may not ultimately become law, including welfare reform. We might be able to do that again.

On those occasions where Democrats and Republicans have worked together, we have had overwhelming votes. Just this week we passed the minimum wage bill by an overwhelming vote in part because the leadership has been able to find ways to work together.

The majority leader made a point that he has had to file—he used the words ''had to file''—a number of cloture motions. I must tell you that I do not know why he and his predecessor have felt compelled so often to file cloture motions on the very day they lay a bill down.

How many times have we seen bills laid down and cloture motions filed on the very first day? What kind of a message for bipartisanship does that send? How many opportunities are we going to have to participate in the legislative process when that happens?

I would like to go through that list of all of those bills and find out how many times on the first or second day a cloture motion was filed. That is not the way we used to do business around here. I hope we can get back to the good old days when we legislated.

He mentioned conferences. He mentioned the fact that we have been reluctant to go to conference. There is one very simple reason for that. We have been unable to go to conference because we do not know they exist once we agree to them. There have been occasions—I cannot tell you how many—when we have agreed to go to conference, then discover that House and Senate Republicans find some room to meet and agree, and then they tell the other Democratic conferees what they have agreed to. That is the conference. We're not even told about it until it's over.

Mr. President, that is not the way to legislate. In the good old days it took Democrats and Republicans to make a conference.

The majority leader has at least expressed a desire to see more bipartisanship in conferences. I am very hopeful that happens because once it does, we will be in a much better position to agree to go to conference.

Talk about kicking the ball. How about when you feel like you are the ball? [Laughter.]

That is really what we are talking about here. It is not a question of where the ball is. The ball is here, and we are getting kicked. [Laughter.]

It is not a very advantageous position for us to be in.

Let me talk briefly about the health care reform conference. The majority leader says conferees have been blocked for 80 days. Maybe it has been so long that the majority leader has forgotten what happened 80 days ago. Eighty days ago, the Senate voted on MSA's. The Senate voted not to include MSA's in this portability bill. Why? Because we all agreed we wanted to keep our eye on the ball, so to speak. [Laughter.]

We wanted to be able to say, ''Look, we know that if expand this bill to include other kinds of things, nothing will get done.'' I had my own list of thing I wish could have been added. In fact, one of the toughest votes I have had to cast in a long time was against the measure offered by the Senator from New Mexico and the Senator from Minnesota on mental health. I did not want to vote against that. But I can recall so vividly the distinguished chair of the Labor Committee and the distinguished ranking member saying, ''Our plan is to oppose all amendments regardless of how good they may be because we know that, if this bill gets loaded up, nothing is going to get done.''

I do not know how much more visionary they could have been. How prophetic it was, because that is exactly what has happened. Eighty days later, the bill languishes. Do you know what we are hung up on? We are hung up on the insistence of the minority that the majority accept its position and make sure it prevails in the conference. That is really what we are talking about here.

They want to put MSA's back in the bill. We said, ''We are prepared to put MSA's back in the bill. But let us simply test it first. We have been debating about whether we can figure out a way to have a test that meets with both sides' satisfaction. But why should we agree to go to conference with the likelihood that we would not even be in the room, based on past performance? That has happened, and it is likely to happen again, given the makeup of the committees.''

Now the leader has come up with a new MSA formula, and it is certainly encouraging. But I am guessing that the Senate conferee will still be in favor of MSA's.

In fact, I am sure that will be the conference position under the plan proposed by the majority leader. So if the Senate is on record in opposition to MSA's, again, it seems to me we feel like we are the football, and we're getting kicked again. We are just not going to do it.

If we can work out a way to ensure that we can reach an agreement in a bipartisan fashion, I am all for it.

The last thing—the majority leader talked about the taxpayer bill of rights. Well, we may have amendments to the taxpayer bill of rights; that's a matter we have been unable to work out up until today. As a result of our negotiations, I think we can now work out our differences.

He talked about the White House Travel Office. Again, we have amendments. We would like to be able to work out an arrangement that would allow these amendments to be taken up.

The majority leader mentioned that he still cannot get the Gambling Impact Study Commission done. I want the RECORD to show that this is the first request we have ever seen to clear the Gambling Impact Study Commission.

The distinguished majority leader mentioned the stalking bill. The distinguished Senator from New Jersey

[Mr. LAUTENBERG], proposed an amendment to the stalking bill weeks ago. Republicans have that amendment for weeks. The reason the stalking bill does not come up—because they do not want that amendment added to this bill.

So that is the issue, Mr. President. We can deal with any one of these bills. But it has to be in a bipartisan way.

That is all we are hoping we can do. We will continue to work with the majority leader to make his tenure as majority leader less frustrating and more productive. And I stand here ready to do it this afternoon.

I yield the floor.

Mr. LOTT. Mr. President, I do feel a need to respond to some of the Democrat leader's comments. First of all, after you pass a bill, you do not take that proverbial ball we have been talking about and go home. You go to conference. That is the way you do business around here.

Now, with regard to these cloture motions, about how we file them on the first day that a bill is brought up, I learned that from Senator Mitchell. He did it all the time.

So I ask unanimous consent to have printed in the RECORD, Mr. President, an analysis of what has happened with regard to these cloture motions.

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

CLOTURE COMPARISONS BETWEEN THE 103D AND 104TH CONGRESSES

	103d	104th
Number of legislative items having cloture filed against them	20.0	28.0
Of those cloture petitions, number filed on same day as legislative item is first laid before the Senate (or motion to proceed is made)	12.0	15.0
The average number of days of consideration of the remaining legislative items prior to a cloture petition being filed	4.6	4.6

Conclusion: The Republican majority filed 54 percent of their cloture petitions on the first day a measure was considered (or first motion to proceed made).

The Democrat majority filed 60 percent of their cloture petitions on the first day.

Mr. LOTT. On this, it does compare cloture motions between the 103d and 104th Congress. The number of legislative items having cloture filed against them in the 103d, 20, and 104th, 28. Of those cloture motions, the number filed on the same day as a legislative item is first laid before the Senate or motion to proceed is made, 12 in the 103d, and 15 in the 104th.

When I actually got a comparison here of first-day filings by the Republican majority, I find it is 54 percent of their cloture motions on the first day a measure was considered, the Democratic majority filed 60 percent of their cloture motions on the first day.

So maybe we all need to do a little work on that. But our record is not any worse—in fact, it is better—than the one we found from the previous Congress when I believe Democrats were in charge.

Mr. DASCHLE. On that point, if the majority leader will yield briefly, there are three categories: Amendable vehicles, motions to proceed, and conference reports.

Now, on the motions to proceed and conference reports, we will compare notes here, but let us look at amendable vehicles and see what the record is between Democrats and Republicans. I would like to put that in the RECORD.

Mr. LOTT. My only point is we did not invent this procedure, and we have not been any worse percentagewise than our predecessors.

Now, the next point, talking about how we have worked together, on occasion we have, but let us take the unfunded mandates. I remember that one very well. I remember how long it took us at the beginning of last year to pass a very popular bill that there should not have been any problem with. It took us 3 weeks—3 weeks—to get the unfunded mandates bill through here and then it passed 86 to 10—86 to 10.

Now, with regard to the conferences, I do not know what you are so horrified about that maybe Republicans talk to each other when there is a conference going on. I remember a crime bill on which Senator SIMPSON from Wyoming was working. I remember some sort of conference the Democrats had excluded Republicans on a Sunday afternoon. I remember that. We did not invent that procedure either.

But let me point this out. On three major issues that we have passed this year and sent to the President—I was involved at the direction of Senator Dole in trying to help move those conferences—line-item veto, bipartisan effort; telecommunications, bipartisan effort—Senator HOLLINGS, Senator PRESSLER, Senator MCCAIN, we were all there, bipartisan. I remember it. And again I did not like a lot of what was going on but Democrats were in that room when that final deal was made; small business regulatory relief. This Congress ought to be embarrassed that we have not passed a big regulatory reform package. Fifty-eight Senators voted for that, and yet it languishes in the Senate because we cannot get 60 votes once again for cloture. But we did in a bipartisan way pass small business regulatory reform.

On the health care issue, the vote in the Senate, I remind my colleagues, was a very close one, 52 to 46. And if the vote were held today in the Senate on the experiment proposal that we have offered, it would pass, I would be willing to bet you, overwhelmingly. And by the way, the President has accepted the concept of a broad-based experiment for medical savings accounts. Now, you might argue over the word ''broad,'' but we are not talking about 2,000 or 10,000. You are talking about several hundreds of thousands would be involved in this medical savings account experiment.

My colleagues, we have won. The American people have won. Why do we not declare victory? We have said we will go with an experiment. You have said the President has said, ''I will accept it.'' What is the problem?

I know, there are a lot of details that need to be ironed out; you have to understand every little word, exactly how the deductibles will be determined, and when would there be a vote, and how would there be a vote to extend it, sunset it or whatever. You know where you work those out? Not running up and down the hall out here and your office or my office. You work it out in a conference. We can negotiate, go back and forth with the Senator from Massachusetts until the cows come home, but sooner or later we have to go to conference and work it out.

Now, talk about compromise. I wish this bill had medical malpractice in it. But the conferees have already agreed, the House has agreed to recede, take that out. We want it. I want it. But we want legitimate portability, ability to carry your insurance between jobs. We want an opportunity to deal with preexisting illnesses. We think it is important that the self-employed be able to deduct more of the costs of their health insurance premiums. But compromise is under way.

The so-called MEWA's—a Washington word, but the ability of small businesses to form pools to give coverage to their workers, I do not understand—I will never understand—why the Federal Government should be telling small businesses you cannot form pools to provide coverage to your workers. In these fast food restaurants, the majority of the workers cannot get and the employers cannot provide health coverage. But if they could form a pool with the restaurant association or the National Federation of Independent Businesses, they could get it. But that was dropped in an effort to show good faith and compromise. We have bent over backwards, I have bent over backwards to try to be reasonable in coming to a compromise, and we are close enough we ought to go to conference with a fair group of conferees and get the job done.

UNANIMOUS-CONSENT REQUEST—S. 1894

Mr. LOTT. Mr. President, I ask unanimous consent that during the pendency of S. 1894, the Department of Defense appropriations bill, it be considered under the following restraints: 1 hour on the bill to be equally divided in the usual form, 1 hour on all first-degree amendments which must be relevant, 30 minutes on all relevant second-degree amendments.

I further ask unanimous consent that any rollcall votes ordered with respect to the DOD appropriations bill on Friday, July 12, and Monday, July 15, occur beginning at 9:30 a.m. on Tuesday, July 16, and that following the disposition of all amendments, S. 1894 be read for a third time, the Senate proceed immediately to H.R. 3610, the House companion bill, all after the enacting clause be stricken, the text of S. 1894, as amended, be inserted and H.R. 3610 be read for a third time and final

passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII, and that no call for the regular order serve to displace the DOD appropriations bill.

I think this is an eminently fair unanimous-consent request on the way to deal with this very, very important bill that our colleagues are ready to handle on the floor this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. I regret to object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1936

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to consideration of S. 1936, the Nuclear Waste Policy Act, and during the pendency of S. 1936, that it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form; 1 hour on all first-degree amendments which must be relevant; 30 minutes on all relevant second-degree amendments. Further, I ask unanimous consent any rollcall votes ordered with respect to the nuclear waste bill on Friday, July 12, or Monday, July 15, occur at 9:30 a.m. on Tuesday, July 16, and that following the disposition of all amendments, S. 1936 be read for a third time and final passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII; and that no call for the regular order serve to displace this bill.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. Objection.

UNANIMOUS-CONSENT REQUEST—H.R. 3103

Mr. LOTT. Mr. President, I ask unanimous consent the Senate insist on its amendment to H.R. 3103, the Senate agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, first of all, let me begin by saying the distinguished majority leader made comments about how nice it would be to have regular order. I would just note for the RECORD that the first two unanimous consents were not in keeping with regular order. There is nothing regular about asking unanimous consent with a predetermined procedure. Regular order is to take up a bill and deal with it.

With regard to the health insurance reform conferees, for the reasons I have already stated on the RECORD just moments ago, we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 3448

Mr. LOTT. Mr. President, I further ask unanimous consent that immediately following the appointment of the conferees, that the Senate then insist on its amendment to H.R. 3448, the small business tax package bill, the Senate then request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I ask unanimous consent the clerk be directed to make the following changes in the enrollment of H.R. 3448, the small business minimum wage bill, and the bill be sent to the House for its consideration. These changes, which I shall send to the desk, change the effective date for the minimum wage increase to 30 days after the date of enactment, and they take care of the problem regarding the utilities which Senators MOYNIHAN and D'AMATO discussed on the floor yesterday.

Mr. LOTT. Mr. President, I object to that because the way this should be dealt with, and I feel it should be dealt with, is to go to conference. I had just made a unanimous-consent request that we appoint conferees on the minimum wage and small business tax relief package, and it was objected to. When we get conferees appointed to this conference, then we will deal with this issue.

Mr. DASCHLE. Reserving further the right to object, I would only point out the minimum wage title in the bill passed in the Senate is identical to the minimum wage title passed in the House. There is no need for a conference. But, if they insist on a conference at this time, given the fact they have also insisted on health care conferees, for both reasons, we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of Calendar No. 374, H.R. 2337, the taxpayer bill of rights legislation, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

Mr. DASCHLE. Mr. President, reserving the right to object, we have a number of amendments to this legislation we would like considered. So we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2937

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 380, H.R. 2937, relating to the White House Travel Office and former employee Billy Dale; further, that a substitute amendment which is at the desk be offered by Senator HATCH, that it be considered and agreed to, the bill be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table.

I note that I did try this yesterday. There was some problem with an objection to it because they indicated they had not seen Senator HATCH's amendment. They have now had it and had 24 hours to review it, so I renew my unanimous consent request.

Mr. DASCHLE. Reserving the right to object, I find all these unanimous consent requests intriguing, given the eloquent comments made by the distinguished majority leader about how wonderful it would be to have regular order.

This is not regular order. As I have indicated to the majority leader, we have amendments we would like to offer to this bill, and to several of the other pieces of legislation he is propounding today. So obviously we have to object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 704

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of Calendar No. 449, S. 704, a bill to establish a gambling impact study commission; further, a managers' amendment that I will send to the desk be agreed to, the bill then be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, this is the first time we have had the opportunity to see this unanimous-consent request. Ordinarily, we are given unanimous-consent requests ahead of time so we can check with our colleagues. No one has given us this unanimous consent request. So, in order to clear it with our colleagues, I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like the RECORD to show, as a matter of fact, they did receive notice on this. We have been talking back and forth about it for days. I believe Senator SIMON had indicated he thought it had been cleared. A couple of Senators who had earlier had reservations on the Democratic side had indicated they would not object. You have seen it. There is no great big surprise here. There was a chance, I think, 3 weeks ago, to read it and reread it.

Mr. DASCHLE. Mr. President, usually we do these things leader to leader. I will be happy to talk to Senator

THOMAS about the legislative calendar, or I might be able to talk to other Members of the Senate Republican caucus, but I prefer to deal with the majority leader. I think we ought to see the reciprocal here. I have not had a chance to see it or check with my colleagues. Until that happens, nothing is going to get done on this side.

Mr. LOTT. As I indicated earlier, I will be glad to try this again later on today once you have a chance to talk to your colleagues. I will be glad to come back to this at 4, 5, 6 o'clock, so we can deal with this issue. I know there are Senators interested in it on both sides. So I will put you on notice, I have tried to bring it up. I will try it again later. If we do not get it today, I will try it again tomorrow.

At some point, I want to say this, if the objection continues to be heard that would bring it up under unanimous consent, then I will want to schedule time for it and move to bring it up, have some debate. I am willing to do that, too. I am just trying to find a way to get some of these things up and get them considered.

Mr. DASCHLE. Mr. President, we might want to bring it up under regular order. I am told, just now, we may have amendments to the legislation. So that might be the most appropriate vehicle.

Mr. LOTT. I might say, if there are going to be a lot of amendments to what I thought was going to be relatively noncontroversial, that will affect when it comes up, because we do have appropriations bills that take priority over everything else.

UNANIMOUS-CONSENT REQUEST—H.R. 2980

Mr. LOTT. Mr. President, I ask unanimous consent the Senate turn to Calendar No. 421, H.R. 2980, a bill relating to stalking, and the bill be then read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Because we have amendments pending, we are not prepared at this point to agree to this unanimous consent as well.

The PRESIDING OFFICER. Objection is heard.

RECESS

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate stand in recess until the hour of 4 p.m.

There being no objection, at 2:27 p.m., the Senate recessed until 4 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANTORUM].

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SENATOR MURRAY AND THE NATIONAL DEMOCRATIC PLATFORM

Mr. DASCHLE. Mr. President, I rise to make a statement on behalf of my colleague from Washington, Senator MURRAY. Senator MURRAY is unable to attend today's session of the Senate, because she has been called away to participate in very important national business. She is charting the course of Democratic priorities for the balance of this century, and into the next, as part of a distinguished group of 16 Americans meeting today to write the National Democratic platform on which the President and all of us will run this fall.

As a person who came to public service as an outsider, with a message of commonsense middle class values, Senator MURRAY is uniquely qualified to make sure the 1996 National Democratic Platform reflects the hopes and dreams and concerns of all Americans. Her priority is making modern Government policies relevant to families in particular, including workers, young parents, senior citizens, and all people looking to work hard, get ahead, and live the American dream. I speak for all my colleagues on this side in saying that we are grateful for her leadership, and we take comfort in knowing she is bringing an important personal touch to our national agenda.

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

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS

Mr. STEVENS. Mr. President, I move that the Senate stand in recess until 6 p.m. this evening.

The motion was agreed to, and at 5:17 p.m., the Senate recessed until 6 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BENNETT].

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I had hoped that we could come to some agreement with regard to these numerous matters that we had taken up, but it does not look like that is going to be possible; therefore, I intend to ask unanimous consent again on a number of items.

There has been a concerted effort on behalf of the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI, and the Senator from Idaho, Senator CRAIG, and the Senators from Nevada to see if an agreement could be reached.

I thought we had one that was time-consuming but fair to all concerned, but at the last minute it appears that that is not possible after an effort to get an agreement that would have allowed the nuclear waste issue to be brought up later on in July, I think the 23d, for limited debate, a vote on cloture, then bringing it back up after the August recess, the first day we are back, with a vote and then 30 hours of debate, and then a vote on final passage, and then go to conference.

That is an awful lot of time when the Senate has limited time to do its work, but it is a way to allow the Senators from Nevada to make their point and to get this issue resolved. But then we find, no; they want to reserve the ability to add three more hurdles to filibuster and get votes on going to conference. That was a river too far. There is a limit to what we can do in terms of agreeing to what is obviously just, you know, a dilatory agreement. So it was not acceptable in that condition.

We will be in session tomorrow. Hopefully we can make some progress then. If not, we will go next Tuesday to the cloture vote. But it does gridlock the Senate. The inability to get this agreement between the key players ties up the Department of Defense appropriations bill and ties up everything else that is pending around here. I think that is really unfortunate because we need to get the agreement on these issues if at all possible.

Perhaps there has been some positive result of our discussions earlier today. At least now I do have something in writing with regard to the medical savings accounts. I just received it within the last 15 minutes. I will take a serious look at it and discuss it with the key Senators involved on the Republican side in the House and Senate. We need to get this done.

I still find it indefensible that we have not appointed conferees on health insurance reform for 80 days. I have the conferees. It is a fair division. Even if we get an agreement on the medical savings accounts, we still are going to need a conference to agree on the final

details of exactly what the rest of the bill will entail even though almost everybody knows what is in it. But we need to make sure that the Senators and the Congressmen on both sides have a chance to go over it and make sure that the words are as we think they are supposed to be.

So I am very disappointed about this. I even wondered once again if there was an intent not to have any votes tonight or tomorrow from the very beginning. The Senator from South Dakota, the Democratic leader, assured me that is not the case, and I accept his word. But it sure looks to me like maybe there was some knowledge that there were not going to be any votes tonight.

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

Mr. LOTT. I yield to the Senator.

Mr. DASCHLE. The majority leader raises the question on the floor, so I think it is important that I again reiterate to him for the Record that there was absolutely no desire on my part to avoid doing business, whatever the business may be. There are obviously some very serious questions that the distinguished Senators from Nevada have attempted to raise in light of their concern on nuclear waste. But at no time have I instructed members of our caucus that they should feel free to leave.

Our desire is to get some work done, regardless of whether we make a great deal of progress or not, at least to be here to try to get the work done. I have emphasized that. I cautioned them not to leave because there could be votes either tonight or tomorrow. I reiterate that statement now, as I did this afternoon in our Democratic policy committee. So I think that point ought to be very clear to everybody. I hope we can put that rumor to rest once and for all.

Mr. LOTT. I appreciate that assurance.

Mr. LEAHY. Will the Senator yield?

Mr. LOTT. I will be glad to yield to the Senator.

Mr. LEAHY. I want to totally confirm what the Democratic leader has said. I am one of the more senior Members on our side, and I certainly would be one who would have known had there been any such plan. I can assure both leaders that had there been such, I would not be here talking to the two Senators, I would probably be on the front porch of my farm in Vermont right now planning to spend the weekend seeing constituents and working from my computer connection in Vermont rather than here.

So I can assure both my friends, who are my friends, the two leaders, that had there been any such plan on this side, first, I would have known about it, but, second, I would be in Vermont by now.

Mr. LOTT. Having been through good times and bad times with the Senator from Vermont, that is very comforting. I accept that, and I thank the Senator for that assurance.

Can I inquire of the Democratic leader if there is a possibility we could get an agreement on the taxpayers bill of rights tonight? I thought we kind of worked through that. I think it could maybe be some sign of good faith here if we could get that done. Again, it is bipartisan. The American people deserve it. Why do we not do it? If it would be possible, I would like to try to get that agreed to tonight.

Mr. DASCHLE. Mr. President, responding to the distinguished majority leader, we have consulted with the senior Senator from Ohio, Senator GLENN. It is my understanding that, on the assumption that we can insert in the RECORD at the time of the consideration of H.R. 2337 a colloquy between Senators ROTH and GLENN concerning confidentiality of records, I think we would be prepared to move the taxpayers bill of rights. That is assuming, of course—and the distinguished majority leader has been very good about moving these judges and keeping them ahead, but I would like to do that as well today if we could.

Mr. LOTT. If we could get this done, then we could maybe—I have always maintained that the only way you get these things moving is to get them moving one at a time. If we get a little reciprocity, we get a little something here and something there, then we can get this locomotive moving again.

Mr. BRYAN. Would the majority leader yield for a question?

Mr. LOTT. Let me respond to the taxpayers bill of rights. It is my understanding, with regard to Senator GLENN's concerns, that the Finance Committee chairman has agreed to move, in a future appropriate tax bill, Senator GLENN's amendment to impose criminal penalties for the unauthorized browsing of confidential taxpayer information by IRS employees. I believe that is the assurance that he wanted. That is my understanding, and I feel sure that would be lived up to.

Mr. DASCHLE. I am informed that that is the commitment he was looking for. On that basis, I think we would be prepared to move to that particular piece of legislation.

Mr. BRYAN. Will the majority leader yield for a question?

Mr. LOTT. I will be glad to.

Mr. BRYAN. What is the nature of the unanimous-consent agreement that is being propounded?

Mr. LOTT. I did not actually propound one. I am asking whether it is possible that the concerns that have been raised have been worked out. I understand they have been, and this would be a unanimous-consent request to pass the taxpayers bill of rights. In view of that, let me go through, then, some requests.

UNANIMOUS-CONSENT REQUEST—S. 1936

Mr. LOTT. Mr. President, I ask for an agreement with regard to nuclear waste. I ask unanimous consent that the Senate proceed to the consideration of S. 1936, the nuclear waste bill, on Tuesday, July 23, at 12 noon, and immediately after the bill is called up, the majority leader be recognized for the purpose of filing a cloture motion on the bill, and there then be 15 minutes for debate prior to the cloture vote.

This is the latest version. The time is equally divided in the usual form, with the cloture vote occurring at 2:15 on Tuesday, July 23. If cloture is invoked, the bill will immediately be laid aside and it will become the pending business on Tuesday, September 3, 1996, at a time to be determined by the two leaders; and following final passage of the bill, if in the affirmative, then it would be in order for the Senate to insist on its amendments, if applicable, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. I object.

Mr. LOTT. Could I inquire of the Senator from Nevada what his objection is to that?

Mr. BRYAN. I would be happy to state my objection. As you know, the Senators from Nevada have worked with the majority leader, with those on the other side of the aisle who are proponents of this legislation. We have had an exchange of proposals, as the majority leader knows, during the course of this afternoon.

The latest proposal that was brought back by the other side of the aisle had a provision in it which had not previously been discussed and was unacceptable, so we could not accept it.

Mr. LOTT. The provision with regard to going to conference?

Mr. BRYAN. That is the provision that had not heretofore been discussed, as the majority leader knows, and we had assumed within the parameters of what was being discussed all rights would be reserved under rule XXII, including any options that might be available to us in the event that this legislation moved to conference.

So it was on that basis that we interposed our objection.

Mr. LOTT. I want to make sure I understood. I just note that if every opportunity was taken with regard to going to conference, that could lead to at least three more votes, three more debatable motions, and would take up days, and therefore without that, we have accomplished almost nothing with that.

Mr. REID. Will the Senator yield?

Mr. LOTT. I would be glad to yield.

Mr. REID. I do have the right to object. I think there has been an objection. I say respectfully to my friend the majority leader and to the minority leader, we have an obligation to move legislation along here. We agree with the statement of the majority leader, we should move legislation, but take it a step at a time.

What we thought we were doing, the Senators from Nevada, is moving this—

we were jumping two steps. We were willing to do away with those, but we cannot waive all of our rights, and we know how important it is to move legislation. We felt that by going directly to the Defense appropriations bill, getting that completed, doing other things that will be able to be completed, without the two Senators from Nevada exercising their rights—under the rules, we felt we were doing the country and the two leaders here, in effect, a favor, but to have us avoid three or four different procedural moves that we have, seems to be a little bit too much.

We appreciate you trying to work with us. I object.

UNANIMOUS-CONSENT REQUEST—S. 1894

Mr. LOTT. Mr. President, I ask unanimous consent during the pendency of S. 1894, the Department of Defense appropriations bill, that it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form, 1 hour on all first-degree amendments which must be relevant, 30 minutes on all relevant second-degree amendments.

I further ask unanimous consent that any rollcall votes ordered with respect to the DOD appropriations bill on Friday, July 12, on Monday, July 15, occur beginning at 9:30 a.m., on Tuesday, July 16, and following the disposition of all amendments, S. 1894 be read for a third time, the Senate proceed immediately to H.R. 3610, the House companion bill, all after the enacting clause be stricken, the text of S. 1894, as amended, be inserted, and H.R. 3610 be read for a third time, and final passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII, and that no call for the regular order serve to displace the Department of Defense appropriations bill.

Mr. President, as I state that, I want to emphasize no matter what happens on the nuclear waste issue, we still have this Department of Defense appropriations bill awaiting action. The chairman is here ready to go. I am trying to get some order and some reasonable manner in which to handle this very important bill.

I am glad to yield to the Senator from Alaska.

The PRESIDING OFFICER. Is an objection heard?

Mr. BRYAN. Objection.

The PRESIDING OFFICER. The objection is heard.

Mr. STEVENS. There is an objection? I thought that was cleared on the other side.

The PRESIDING OFFICER. The objection is heard.

Mr. STEVENS. Will the majority leader yield?

Mr. LOTT. I am glad to yield.

Mr. STEVENS. There is a cloture motion pending, which I understand will ripen into a vote on Tuesday. We are not in session on Monday, but it would be Monday if we are in session.

I regret that very much. This will accomplish the same thing. Under cloture, we will have an hour on each amendment, actually have an hour on two amendments if you wish to do so, but Mr. President, we have lost 2 days in the defense bill already. We will have a very tough time to try and conference this bill. We are trying our best to work with the administration to see if we can get the bill signed once again this year. The Senator from Hawaii and I have accommodated the White House on several matters already. We are trying to work this out, but we need time.

I think the Senator is putting us in the position where we are not going to be able to go out in August if we keep this up. I do not understand the objection to this because it is the same thing—if we had voted cloture on Tuesday, by definition, we cannot get to it until Tuesday, anyway. I do not know why we cannot proceed with this bill.

The alternative, as far as I am concerned, it is the pending measure and I am going to ask the distinguished leader that we just stay in on this bill. I can guarantee the Senator we will have some votes tonight and tomorrow if we stay in. The bill is the pending measure, and I would like to stay in and get going on this bill. I do not know what the leader wants to do.

Mr. REID. Will the leader yield, if the Senator is finished.

Mr. LOTT. I am glad to yield.

Mr. REID. I respectfully say to my friend from Alaska, through the majority leader, that we understand the rules also—maybe not as well as the distinguished Senator from Alaska. We feel we know what our rights are. If it is the wish of the Senate to stay in tonight, that is fine. But I think there is going to be a lot of business conducted.

We have been willing to play by the rules. To hear that we are holding up progress in the Senate is also to understand that we feel that a lot of the time being wasted, if not all the time, is based on the fact that we have a bill that was brought out that is very selective in nature. We have all kinds of other things we need to do. The President said he will veto this. We feel the waste of time is not on the shoulders of the two Senators from Nevada. I am sure the Senator from Alaska did not mean it that way, but in fact if there is some effort to threaten, or the fact that we will be in late tonight, I have no place else to go. I will be here late tonight.

Mr. LOTT. I ask unanimous consent we have a cloture vote on the defense appropriations bill at 7 o'clock tonight.

Mr. REID. I object.

Mr. LOTT. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I feel constrained to say, over the last recess I had the privilege of being able to fish at home on the river, and the men and women from throughout the country kept asking me one thing: What is gridlock? Why do we have gridlock? I think the American public is getting very disturbed about this. I have to say, it is obvious I am getting disturbed.

We have worked a long time to frame a bill that I think is possible to pass both the Senate and come out of conference, and go to the President. I think it is one of the most contentious issues facing America today, and that is the continued funding of our defense system. I do not understand why we cannot get going on it. It has nothing to do with nuclear waste. It has nothing to do with delay on nuclear waste. Nuclear waste will be the subject of a cloture motion vote on Tuesday. I just do not understand why we have to be gridlocked on defense. Of all the matters that we ought to be dealing with, it is defense. Why should we have a gridlock on defense? The people in this country, I think, have a right to ask this Congress why should you gridlock on defense? This is a gridlock, as far as I am concerned. We have tried for 2 days to get this bill going and the delay has nothing to do with defense, I am told, nothing at all. If it has nothing to do with defense, why should anyone object to our proceeding with this bill?

I hope the leader will let me continue. I can show you how we will have some votes tonight and tomorrow. I can guarantee you we will have votes if we keep going.

Mrs. BOXER. Will the majority leader yield?

Mr. LOTT. I yield for a question.

Mrs. BOXER. As I listened to the Senator from Alaska, there is a way to break through all this.

As I hear the Senators in Nevada, they will not object to moving to the defense bill at all. As a matter of fact, as long as I have known them, they have worked hard on those bills, as hard as anyone else here. But they are saying, if this particular bill dealing with nuclear waste would be pulled, they would not object. If I might ask my friends, are they not saying that the reason they are objecting is because they are bringing this nuclear waste bill forward?

Mr. REID. Will the majority leader yield so that I may answer the question?

Mr. LOTT. I yield for the Senator to answer the question.

Mr. REID. I say to the Senator from California, I am a supporter of this bill. I am on the Appropriations Committee. One of the most troubling things I have done since I have been in the Senate is to have my friend, the senior Senator from Hawaii, come to me and say, ''Can we move this bill?'' and I say, ''No.'' There is no one in the Senate I have more respect for than the senior Senator from Hawaii.

We feel that the shoe is on the other foot. We are not the ones holding things up. It is being held up because they are moving on this bill, which the President said he is going to veto. Maybe we cannot continue this forever.

But it is going to take weeks of the Senate's time on nuclear waste.

We know what our rights are, and we felt that we offered a reasonable proposal to move this along, get the appropriations bills done before the September reconvening of the Senate. But this is an issue that is important. It is important not only to the people in the State of Nevada but for this country. And for us to say we are going to walk away from this would be something that we cannot do.

Mr. LOTT. Mr. President, if I could respond to the comments. Again, I have said several times today that I understand the feelings of the Senators from Nevada. I am sympathetic to them. But this legislation has been crafted very carefully, in a bipartisan way, by the committee of jurisdiction, the Energy and Natural Resources Committee. It has been in the making literally for years. I am under the impression that 65 Senators will vote to end the debate on this, will vote for cloture.

How can the majority leader refuse to bring up a bill and try to pass a bill of this consequence, which involves radioactive nuclear waste, when 65 Senators want an opportunity to vote on it? Now, I understand how they feel, but two Senators are thwarting the wishes of 65 Senators and their constituents all across America. I have no option but to bring up legislation of this importance, which involves that many States with that many Senators.

Mrs. BOXER. May I ask the majority leader this. I understand his point, but 74 or so Senators voted for the minimum wage, and we do not seem to get action on that. So it is a matter of priorities, I say.

Mr. LOTT. You got action on it because I worked with your leader and we made it happen, and it is going to be acted on and wind up on the President's desk.

Mr. REID. Will the Senator yield for one more question?

Mr. LOTT. I will be glad to, sure.

Mr. REID. I say, respectfully, to the majority leader, with whom I served in the House in a leadership position there and now in a leadership position here, that we know you have the right to bring this up. But, also, I, the Senator from Nevada, did not work out these rules. These rules were worked out many years ago. It started with the Constitution and the Senate rules that are in existence. I did not draw them up. I am just playing by the rules. The majority leader knew—or should have known, as we say in the law—that this would happen. You are—and I do not mean ''you'' in the pejorative sense—holding up the progress; we are not. We could move on and we could have this bill passed, the one now before the body, our defense appropriations bill. We could do foreign operations. This should have all been done. But there is going to be a lot more delay, I say to my friends, the majority and minority leaders. We have certain rights, and we have an obligation to protect those.

TAXPAYER BILL OF RIGHTS 2

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 374, H.R. 2337, the taxpayer bill of rights legislation.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2337) to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. ROTH. Mr. President, today the Senate will pass the Taxpayer Bill of Rights 2 which provides taxpayers with added protections in their dealings with the Internal Revenue Service. I urge the President to sign this bipartisan legislation.

One of my longstanding concerns relates to serious complaints by taxpayers that the tax laws can and are being enforced unfairly by the Internal Revenue Service. With the broad authority conferred on this agency, the Internal Revenue Service has the potential to abuse its power at the expense of law-abiding and well-meaning taxpayers. The Taxpayer Bill of Rights 2 is the taxpayers' arsenal against an often heavy-handed IRS.

When the Federal Government thinks it has more rights to your paycheck than you do, something is terribly wrong with the system. That is why this legislation, which returns power to the taxpayers, is so important. While it is not a complete solution by any means, it is a good first step.

The Finance Committee has worked on this legislation for several years on a bipartisan basis. I would like to give special recognition to Senators GRASSLEY and PRYOR for their tenacity in pursuing enactment of these taxpayer protections.

Let me also mention that the procedure for this is somewhat unique. In the usual course, a tax bill from the House of Representatives would be referred to the Senate Finance Committee for review before consideration by the full Senate. However, Taxpayer Bill of Rights 2 provisions were previously approved by the Finance Committee and included in the Balanced Budget Act of 1995, which was vetoed by President Clinton. The Finance Committee worked closely with the Ways and Means Committee on this new bill, which was unanimously passed by the House of Representatives. In order to expedite passage of this important legislation, I decided that this bill should bypass the Finance Committee and go directly to the full Senate.

Mr. President, the bill provides the following provisions which increase taxpayer protections:

1. ESTABLISH OFFICE OF THE TAXPAYER ADVOCATE

The bill establishes a taxpayer advocate, which would replace the taxpayer ombudsman, at the Internal Revenue Service [IRS] to assist taxpayers. The taxpayer advocate must annually provide an independent report to Congress without review or censure by Treasury or the IRS.

2. EXPAND TAXPAYER ASSISTANCE AUTHORITY

The bill provides the taxpayer advocate with additional tools to help taxpayers deal with the IRS. In order to prevent the IRS from dragging its feet in complying with the taxpayer advocate's orders, the bill requires such matters to be resolved on a timely basis.

3. NOTICE OF REASON FOR TERMINATION OF INSTALLMENT AGREEMENTS

The bill requires the IRS to notify taxpayers 30 days before altering, modifying, or terminating any installment agreement for paying taxes. An exception is provided if collection is in jeopardy.

4. ADMINISTRATIVE REVIEW OF TERMINATION OF INSTALLMENT AGREEMENT

The bill requires the IRS to establish an additional administrative reiew before terminating installment agreements.

5. EXPAND AUTHORITY TO ABATE INTEREST

The bill expands the IRS's ability to abate interest due to IRS error or delay.

6. JUDICIAL REVIEW OF IRS FAILURE TO ABATE INTEREST

The bill grant the Tax Court jurisdiction to review whether the IRS's failure to abate interest was an abuse of discretion.

7. EXTEND INTEREST-FREE PERIOD TO PAY TAX

The bill extends the interest-free period to pay tax from 10 to 21 calendar days from noticve and demand when the total tax liability is less than $100,000.

8. ABATE PENALTY FOR FAILURE TO DEPOSIT PAYROLL TAX

The bill allows the IRS to abate penalties for certain inadvertent failures to deposit payroll tax.

9. STUDIES OF JOINT RETURN ISSUES MUST BE CONDUCTED

10. JOINT RETURN MAY BE MADE AFTER SEPARATE RETURNS WITHOUT FULL PAYMENT OF JOINT RETURN TAX

11. DISCLOSURE OF COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURNS

The bill requires the IRS, upon request, to disclose in writing whether the IRS has attempted to collect unpaid taxes from the other individual who joined in the filing of a joint return.

12. WITHDRAWAL OF NOTICE OF LIEN

The bill allows the IRS to withdraw a public notice of tax lien prior to full payment by the indebted taxpayer. Upon request, the IRS must make reasonable efforts to notify credit agencies, etc.

13. RETURN OF LEVIED PROPERTY

The bill allows the IRS to return levied property without full payment of tax debt.

14. MODIFY CERTAIN LEVY EXEMPTION AMOUNTS

The bill increases the amount exempt from a tax levy for personal property

from $1,650 to $2,500 and for books and tools of a trade from $1,100 to $1,250. These amounts will be indexed after 1997.

15. OFFERS-IN-COMPROMISE

The bill streamlines the procedure for settling tax debts under $50,000 by increasing from $500 to $50,000 the amount requiring a written opinion from the Office of Chief Counsel in order to settle a tax debt.

16. CIVIL DAMAGES FOR FRAUDULENT FILING OF INFORMATION RETURNS

The bill creates a civil cause of action by an individual against any person who files a fraudulent information return with respect to purported payments made to the individual. The plaintiff may obtain the greater of $5,000 or the actual amount of damages, costs, and attorney's fees.

17. IRS MUST CONDUCT REASONABLE INVESTIGATION OF INFORMATION RETURNS

The bill requires the IRS to prove that its position in court was substantially justified if a taxpayer asserts a reasonable dispute with respect to an information return and fully cooperates with the IRS. The IRS is not presumed to be correct as under current law.

18. AWARDING OF COSTS AND FEES: IRS MUST PROVE ITS POSITION WAS SUBSTANTIALLY JUSTIFIED

The bill provides that once a taxpayer substantially prevails over the IRS in a tax dispute, the IRS has the burden of proving that its position was substantially justified. The taxpayer may be awarded attorney's fees if the IRS does not meet its burden.

19. INCREASE LIMIT ON ATTORNEY'S FEES FROM $75 TO $110 PER HOUR AND INDEXED AFTER 1996

20. FAILURE TO AGREE TO EXTENSION NOT TAKEN INTO ACCOUNT

The bill provides that in making a determination whether a taxpayer is eligible for an attorney's fees award, any failure to agree to an extension of the statute of limitations may not be considered in determining whether a taxpayer exhausted administrative remedies.

21. AWARD OF LITIGATION COSTS PERMITTED IN DECLARATORY JUDGMENT PROCEEDINGS

The bill eliminates the present-law restrictions on awarding attorney's fees in all declaratory judgment proceedings.

22. INCREASE LIMIT ON RECOVERY OF CIVIL DAMAGES FOR UNAUTHORIZED COLLECTION ACTIONS

The bill increase—from $100,000 to $1 million—the amount a taxpayer may be awarded for reckless or intentional action by an IRS officer or employee.

23. COURT DISCRETION TO REDUCE AWARD FOR LITIGATION COSTS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES

The bill permits, but does not require, a court to reduce an award if the taxpayer has not exhausted administrative remedies.

24. PRELIMINARY NOTICE REQUIREMENT

The bill requires the IRS to issue a notice to an individual the IRS has determined to be a responsible person for unpaid trust fund taxes, i.e., payroll taxes, at least 60 days before issuing a notice and demand penalties.

25. DISCLOSURE OF CERTAIN INFORMATION WHERE MORE THAN ONE PERSON LIABLE FOR PENALTY

The bill requires the IRS, if requested in writing by a person the IRS believes is responsible for unpaid trust fund taxes, to disclose in writing information about collection activity against others for the same tax liability.

26. RIGHT OF CONTRIBUTION WHERE MORE THAN ONE PERSON LIABLE FOR PENALTY

The bill creates a Federal cause of action for contribution. Persons who paid an amount in excess of their proportionate share of trust fund tax penalties may sue other responsible persons for their proportionate share. The proceeding must be separate from an IRS proceeding.

27. VOLUNTEER BOARD MEMBERS OF TAX-EXEMPT ORGANIZATIONS ARE EXEMPT FROM PENALTY

The bill clarifies that volunteer, unpaid board members serving on an honorary basis are not subject to responsible person penalties for unpaid trust fund taxes.

28. ENROLLED AGENTS ARE THIRD-PARTY RECORD KEEPERS

29. SAFEGUARDS RELATING TO DESIGNATED SUMMONSES

The bill limits the issuance of designated summonses to examinations involving the largest 1600 corporate taxpayers and requires review by regional counsel before issuance.

30. ANNUAL REPORT ON NUMBER OF DESIGNATED SUMMONSES WITHIN PRECEDING 12 MONTHS

31. RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS WITHIN 18 MONTH SAFE-HARBOR

The bill generally prohibits Treasury regulations from being effective before publication in the Federal Register. Exceptions are provided to prevent abuse or if the regulation is filed or issued within 18 months of enactment of the statute to which it relates. Taxpayers may elect to retroactively apply a regulation.

32. INFORMATION RETURNS MUST INCLUDE THE PHONE NUMBER OF THE CONTACT PERSON

33. REQUIRED NOTICE TO TAXPAYERS OF CERTAIN PAYMENTS

The bill requires the IRS to make reasonable efforts to notify within 60 days taxpayers who have made payments which the IRS cannot trace to the taxpayer.

34. CIVIL DAMAGES FOR UNAUTHORIZED ENTICEMENT OF INFORMATION DISCLOSURE

The bill allows a taxpayer to sue the United States for up to $500,000 if any officer or employee of the United States intentionally compromises collection or determination of tax due from an attorney, certified public accountant, or enrolled agent representing the taxpayer in exchange for information concerning the taxpayer's tax liability.

35. ANNUAL REMINDERS TO TAXPAYERS WITH OUTSTANDING TAX DEBTS

36. FIVE-YEAR EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS

The bill allows the IRS to churn the income earned in an undercover operation to pay for its expenses.

37. DISCLOSURE OF RETURNS ON CASH TRANSACTIONS

Any person who receives more than $10,000 in cash in one transaction, or two or more related transactions must file a form with the IRS. The bill allows the IRS to disclose information from this form to other Federal and State agencies.

38. DISCLOSURE OF RETURNS AND RETURN INFORMATION TO DESIGNEE OF TAXPAYER

The bill deletes the word ''written'' from the requirement that written consent from a taxpayer is required for disclosure of taxpayer information. This change facilitates development of the tax system modernization projects.

39. REPORT ON NETTING OF INTEREST ON OVERPAYMENTS AND LIABILITIES

The bill requires Treasury to conduct a study on the netting of interest on overpayments and underpayment.

40. USE OF NON-POSTAL DELIVERY SERVICES FOR TIMELY-MAILING-AS-TIMELY-FILING RULE

Under current law, only items mailed with the U.S. Postal Service are deemed filed with the IRS when they are mailed. The bill expands the timely-mailing-as-timely-filing rule to designated delivery services.

41. ANNUAL REPORTS ON MISCONDUCT BY IRS EMPLOYEES

The bill requires the IRS to make annual reports to the tax writing committees on all allegations of IRS employee misconduct.

Mr. President, passage of the Taxpayer Bill of Rights 2 is the first step in eliminating unfair enforcement of our tax laws by giving taxpayers an arsenal against the IRS. I again urge my colleagues to approve this important legislation and urge President Clinton to sign it.

Mr. BAUCUS. Mr. President, when I came to the Senate a few years back, one of the first bills I introduced was the Taxpayers' Bill of Rights, to protect taxpayers in disputes with the Internal Revenue Service. At that time I noted:

> Oliver Wendell Holmes reasoned that ''Taxes are what we pay for a civilized society.'' However, Justice Holmes did not consider additional burdens imposed on taxpayers—added costs and delays that result from inefficiencies and inconsistencies in the administration of tax law.

That was back in 1979. And it took a while, but we finally scored a big win in 1988 with the enactment of a comprehensive Taxpayer Bill of Rights. That went a long ways toward defining taxpayer rights and providing protection against arbitrary actions by the IRS.

The Taxpayers' Bill of Rights required the IRS to give at least 30 days written notice before levying on a taxpayers' property, so that he or she would have time to file an appeal. It

expanded the kinds of property exempt from IRS levies, and raised the wage total exempt from collection. It allowed taxpayers to collect costs and attorney's fees from the Government if the IRS was not substantially justified in bringing an action. And it let taxpayers sue the Government for damages if IRS employees acted recklessly in collecting taxes or intentionally disregarded any provision of the Internal Revenue Code.

These were important steps toward accountability and fairness. But they did not solve all the problems. A few years ago I spent a day working at Rocky Mountain Log Homes in Hamilton, MT. The business is owned by Mark Moreland and a couple of partners. They put together prefabricated log homes, which add a lot of value to the timber and create skilled, high-paying jobs. These homes sell all over the world, and are especially popular in Japan.

But then last year, Mark sent me a letter to tell me about the trouble he was having with the Service on an ''independent contractor'' issue. The dispute goes all the way back to 1986.

Mark went through many meetings with the Service, including two meetings in which he thought the matter had been settled. But then in 1995—9 years later—he was told that the matter remained ''open'' and that they owed the IRS a great deal of money.

So I wrote to the Commissioner to ask what was going on. But we did not get much satisfaction. Mark wrote me a couple of months later to let me know how it went. He said:

> I felt you would want to know what has happened subsequently. In spite of your efforts, the IRS pursued the matter and we were forced to retain counsel. Our attorney was able to keep the IRS from attaching our assets and challenged their contentions based on the IRS' 20 point test. For several months we were forced to produce documents and try to refute their position.
>
> Once we were on the brink of going to court on the matter, we received the enclosed communication. Unbelievably, they had disposed of all the pertinent records related to our case back in 1986! They had absolutely no basis for attempting to collect the original $28,000 let alone the additional $60,000 to $70,000 in penalties and interest. Through what can only be referred to as a bluff, they threatened and postured, hoping we would roll over and pay. The cost to us in legal fees, time lost from our businesses and practices, and mental anguish is immense.

So here is a case in which the IRS, with little justification to begin with, and at the end with no evidence at all, put a good business through 9 years of misery. And Mark's experience is not an isolated event. I have received many letters—far too many—who have gone through experiences like his. Good, law-abiding people are fed up with the means the IRS uses to resolve disputes with taxpayers. It is no wonder that many believe the IRS should be eliminated and the current tax system torn out by the roots.

Today we will do something to help. The Taxpayer Bill of Rights II builds off the start we made in 1989. To be specific, it creates an Office of Taxpayer Advocate within the IRS to help taxpayers resolve their problems with the IRS; expands the ability of taxpayers to take the IRS to court in order to abate interest; raises the damages a taxpayer can collect in the event an IRS agent recklessly or intentionally disregards the Internal Revenue Code from $100,000 to $1 million; and eases the burden of proof a taxpayer must show in order to collect attorney's fees and costs when he or she successfully challenges an IRS decision.

These are commonsense ideas. They will help folks like Mark who are victimized by reckless and irresponsible IRS procedures. So let's pass this bill, and restore some fairness and accountability to tax collection in this country.

Mr. GRASSLEY. Mr. President, first of all, I want to commend Majority Leader LOTT for taking up the Taxpayer Bill of Rights II so that we can consider and pass this necessary legislation quickly. I have worked with others for a long time to finally get this done.

As most taxpayers have struggled to file their taxes by the deadline last April 15, and we recognize Tax Freedom Day today, the issue of taxpayers' rights takes on a special importance. Although most IRS employees provide valuable and responsible service, taxpayer abuse by the Government is an ongoing problem. With this in mind, I am very happy to have joined Senator PRYOR and others in reintroducing the Taxpayer Bill of Rights II in the Senate, as S. 258. This is very necessary legislation that builds upon the original Taxpayer Bill of Rights passed into law in 1988, sponsored by Senator PRYOR and myself.

For me, the long process of trying to ensure taxpayer protections began in the early 1980's, when I was a member and then chairman of the Finance Subcommittee on IRS Oversight. We made progress, but it was only the beginning.

Senator PRYOR helped continue the cause when he succeeded me as chairman in 1987. At that time, he took the initiative and asked me to work with him in pushing for a Taxpayer Bill of Rights by expanding legislation I and others had introduced. It took nearly 2 years, but we ultimately succeeded in achieving this goal.

We now have a 7-year record of implementation regarding the Taxpayer Bill of Rights. Great strides toward taxpayer protection were achieved through this legislation.

However, the Taxpayer Bill of Rights of 1988 was never expected to be the final chapter of the book on taxpayer protection. But, it was a major step in the continuing process of stamping out taxpayer abuse. And that process continues today, as we look into ways to improve the current law.

In reviewing the record, it is clear that much more needs to be done. There is no question that much more needs to be done. There is no question that breakdowns in implementing the law have occurred, and there are gaps in the law that need to be filled.

For instance, we believe the current ombudsman position is too limited and too beholden to IRS insiders. Our legislation will turn the ombudsman into a more independent office of taxpayer advocate that will have expanded powers to take the initiative in helping taxpayers who are being treated unfairly by the IRS.

Other important provisions include the abatement of interest with respect to unreasonable errors or delays by the IRS. Taxpayers would also have to be notified when and why installment agreements are terminated.

We also substantially increase the amount of civil damages taxpayers can claim for unauthorized collection actions, and taxpayers will not have protections against retroactive IRS regulations. And, of course, there are many more taxpayer protection provisions in the bill.

Mr. President, we were successful in passing a similar proposal through the Congress in 1992. However, the underlying legislation that the proposal was attached to was vetoed by former President Bush for reasons unrelated to taxpayers rights. So, we have come back again in the last two Congresses, working toward final passage.

Since 1987, Senator PRYOR and I have worked in a cooperative, bipartisan effort to further taxpayer rights. We have continued working with the House to improve taxpayer rights. Congresswoman JOHNSON and Chairman ARCHER are commended for their successful efforts to pass this bill out of the House.

This is truly a bipartisan effort. Even President Clinton mentioned to me last year that he supported our efforts.

And we have had quite a few meetings with IRS and Treasury officials, who finally came to understand and agree that problems exist and need to be dealt with.

So, I urge my colleagues to join us in the cause to help make the IRS more responsible and more accountable to the taxpayers of this country.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

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

The bill (H.R. 2337) was deemed read the third time, and passed.

Mr. REID. Mr. President, if I could ask a question on this bill, the one referred to in the unanimous-consent agreement. I wrote the first taxpayer bill of rights that passed. I authored that. It was through the good offices of a member of the Finance Committee, Senator PRYOR, and his diligent work that it passed. So I am very happy that the taxpayer bill of rights 2, which has been pushed through the Senate with a

lot of trouble by the Senator from Arkansas. He is to be commended. This is a great thing to happen to him in that he has now decided not to run again. I appreciate the work of the two leaders in getting the taxpayer bill of rights 2 passed.

Mr. DASCHLE. Mr. President, let me just say, in that regard, the Senator from Nevada makes a very good point. The Senator from Arkansas, Senator PRYOR, has labored on this issue probably longer than anybody here in the Senate and deserves much praise for his efforts. This is his second work product, along with others. We commend him for that.

GAMBLING IMPACT STUDY COMMISSION

Mr. LOTT. Mr. President, I inquire of the Democratic leader, what is the status with regard to the gambling impact study commission we had talked earlier about? You needed time to look at that and see if there were any problems with it, or whether amendments are required. What has the Senator been able to determine?

Mr. DASCHLE. If the majority leader will yield. As I understand it, we have three amendments that may be offered by one of the members of our caucus. At this point, he would like to be protected to offer those at the appropriate time.

Mr. LOTT. Are these germane amendments?

Mr. DASCHLE. As I understand it, they are germane amendments.

Mr. LOTT. I would like to try again to do this in such a way that it would not take much of the Senate's time. In fact, I do not think we can do it if we cannot get it done by unanimous consent. Could we ask for copies of these amendments to look at the text?

Mr. DASCHLE. Absolutely. If the majority leader will yield. I was not aware amendments were pending. As we tried to clear it, we were told that at least one Member—I think it is only one Member—has amendments. He said there were three. We would be happy to share them with you. He may be willing to agree to time agreements in an effort to expedite the situation.

Mr. LOTT. I would like to say that I did advise Senators on our side of the aisle that if there would be amendments, we probably would not even be able to bring it up because we do not have the time. We have killed 2 days here with these issues.

So I hope that Senators on both sides and Senators LUGAR and SIMON will work with us and see if we cannot get some sort of agreement so we can handle this quickly. I feel like I have fulfilled my commitment.

I yield to the chairman.

Mr. STEVENS. There is a managers' amendment, I point out, that Senator GLENN and I have worked up. So if we get a time agreement, I would like the managers to have the right to offer their amendment.

Mr. LOTT. I believe that is in the unanimous-consent request.

EXECUTIVE SESSION

NOMINATION OF WALKER MILLER, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 591, the nomination of Walker Miller, of Colorado, to be U.S. district judge for the District of Colorado; I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. Reserving the right to object. As the request is propounded, we do not get off the Department of Defense appropriations bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BRYAN. I have no objection.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The nomination was considered and confirmed, as follows:

THE JUDICIARY

Walker D. Miller, of Colorado, to be United States District Judge for the District of Colorado.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

CONFEREE APPOINTMENTS

Mr. LOTT. Mr. President, I had planned to ask unanimous consent again to appoint conferees on health care reform—health insurance reform. I see the Senator from Massachusetts here. I would like very much for us to get these conferees appointed. I know that there is still discussion underway regarding medical savings accounts.

I now have something on paper. If we could review it, I will talk to Senator ROTH, Senator KASSEBAUM, and Congressman HASTERT and Congressman ARCHER. We will take a look at it. I had just about concluded that there was no intent at all to get health insurance reform. Now we have something we can review. I think it is a big mistake not to appoint conferees on this bill or any bill to go to conference. We labored for weeks and finally got conferees with the Coast Guard authorization bill. We got that done this morning at 10 o'clock, after all these weeks working on that.

My intent is, in short order, next week, to move to appoint conferees on the small business tax relief package, which includes minimum wage. I think we need to also appoint these. I will not ask for it tonight because I want to review the proposal I have.

Mr. DASCHLE. Mr. President, let me just say two things.

First, reference was made to the fact that the Democratic caucus—and those of us who are concerned about going to conference on health care also—oppose going to conference on the minimum wage. That was not the case. We do not oppose going to conference on the minimum wage. The unanimous consent was propounded in a way that combined the two, and, obviously, under those circumstances, we oppose.

I am pleased to hear the distinguished majority leader's comments that it is his desire to go to conference next week, and I am hopeful that on both these issues they can be resolved.

The second issue has to do again with the conferees. I do not want to be any more repetitive than he is. But since we tend to be repetitive on the floor to make our points, it is important again that I indicate our desire to be participants in conferences. We will be watching this Coast Guard conference very carefully because that will really be one of the prototypes. We are under new leadership now. It is my expectation that with new leadership there will be a new opportunity for bipartisan discussion, dialog, and resolution when it comes to the conference. This will be a good opportunity to demonstrate our good faith. I am hopeful that with that one over, we can move to others and see equal demonstrations of good faith and real bipartisanship in conferences. I have a feeling we will not have this conference problem in the future were that to be the case.

I yield the floor.

Mr. STEVENS. Mr. President, will the majority leader yield to me once again?

Mr. LOTT. Mr. President, I want to note with regard to the Coast Guard authorization that two of the Senators that are going to be in control of that are Senator STEVENS—once again he has been known and will be a conferee I am sure—and the Senator from South Carolina is going to be a conferee; bipartisan. Both of them represent coastal areas. Neither one of them wants us to end this session without a Coast Guard authorization bill. Yet, this issue has been held up by an issue involving claimless lawsuits that are being filed in the Federal court system—an issue which I really felt certainly did not justify all of the delay that has occurred here. But I believe that in conference they will work it out. They never are going to work it out until they get to conference. It took us weeks to get to conference. But now we are in it. I think these two guys, working with the House counterparts, are going to find a solution.

Mr. President, I yield to the Senator from Alaska.

Mr. STEVENS. I thank the leader. I can assure the leader that we will find an agreement on the Coast Guard bill. It is a very essential bill. I also state that there is no question about it, it has some very new initiatives, good new initiatives.

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR 1997

Mr. STEVENS. Mr. President, I want to try once again on the defense bill.

As I understand it, Mr. President, under the situation we have now, if we are going to be in session tomorrow, the amendments in first degree on the defense bill must be filed by tomorrow. If we are in session on Monday, the second-degree amendments have to be filed Monday.

I certainly hope that I will not see the day when the Senate will vote against cloture on a defense bill, particularly one that has total bipartisan support; voted out of our committee without objection.

I can state to my good friend and partner from Hawaii that I am certain that we have personally reviewed every request made by each Senator and have discussed with each Senator every request made and have accommodated every Senator, or explained why it could not be accommodated. We have had no objection raised, to my knowledge, to any decision that has been made so far.

What I am concerned about is that means we are going into cloture on Tuesday, which means we are not going to get through our bill until at least this time next week.

I would like once again to see if there is not some way we can work out that question to come in tomorrow and handle amendments that are in agreement, come in Monday afternoon and handle amendments in agreement, and take up the amendments that are in contention on Monday and vote, and vote finally on our bill Tuesday afternoon.

That is the essence of what the request was in the unanimous consent proposal of the leader which we wrote.

Is there any way that any Senator would tell us what we could do to accommodate the concept of trying to move this bill forward?

Mr. LOTT. Mr. President, I might say to the Senator from Alaska and to the Senator from Nevada that their situation is in the mill. They are protected. I do not see why we cannot get an agreement to take up the Department of Defense appropriations bill and deal with it, recognizing your rights are still fully protected. Why can we not do that? I do not quite understand that.

Mr. BRYAN. Mr. President, if I might respond to the majority leader, the Senators on the floor currently have an understanding of the rules, as does the Senator from Alaska, and obviously the majority leader.

The Senators from Nevada are fighting for their lives. The legislation that is being proposed with respect to interim nuclear waste dumps is without precedent in the history of the country and the history of the Senate. Therefore, to ask the Senators from Nevada to surrender any of the parliamentary rights which this body confers upon us is to ask us to abandon the constituents that we represent.

I have not been here as long as my senior colleague, but I know that each of the Senators on the floor are advocates and tenacious supporters of their constituents. We can be no less with our own.

So the issue that is all important for us is the interim storage of nuclear waste, and there is no reason why that needs to go forward. The technical review people and scientists tell us there is no reason. It is only the nuclear utility lobby that puts us in this position.

Mr. LOTT. Mr. President, does either Senator from Alaska wish to say anything at this point or try anything else?

I thought I might propound another unanimous consent request.

I ask unanimous consent that the cloture vote with respect to nuclear waste occur at 10 a.m. on Tuesday, July 16, and it be in order to consider S. 1894 prior to the cloture vote regarding nuclear waste.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, will the leader allow me to respond to my friend?

Mr. LOTT. I yield to the Senator from Nevada.

Mr. REID. Mr. President, I state to my friend and colleague from Nevada that I serve on the Appropriations Committee. I would like this bill to move on. But for reasons that have been explained, we cannot do that. The Senator from Alaska knows that if we agree that the Defense bill go on before the two cloture votes on Monday or Tuesday, we give up certain rights, important rights that we have. And so I respectfully say that I think we cannot give those rights up.

I would only say in addition to what my friend from Nevada said, we, we believe, are not only protecting the rights of the people of the State of Nevada, but there are going to be tens of thousands of tons of nuclear waste transported on railroads and trucks all over the United States that is unnecessary. The nuclear review board has said leave it where it is—the technical review board.

So we understand the importance of moving legislation. We want to move legislation. But we cannot do it with this nuclear cloud hanging over our head.

Mr. LOTT addressed the Chair.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I yield. In fact, Mr. President——

Mr. STEVENS. I will be brief. I would only say, if I might, Mr. President, I have been here a long time, and I have seen a lot of filibusters. I have seen a lot of delaying of the Senate. I have never seen any Senator—and I would challenge anyone to show me—that any Senator filibustering has ever held up a bill that is in the interest of national security. This Senator never has. I know Jim Allen never did. I do not remember any such parliamentary tactic being used against a Defense bill.

As a matter of fact, I think this is the first time I can remember we have had to file cloture to get the Defense appropriations bill passed. This is not just a run-of-the-mill bill. This is the most important bill we pass every Congress to maintain the defenses of this country. This is our second duty when we take the oath. We swear under the Constitution that we will maintain the defenses of this country.

I admire my friends from Nevada for standing up for their State. I take no back seat to anyone in standing up for my State. And I have taken every right that I have had on the floor to protect my State, but I have never held up a bill that is in the interest of national security.

I do not believe the Senators from Nevada are correct in asserting that somehow they would lose any rights by allowing us to proceed with this bill. Their rights are protected under the rules in terms of handling the issue that affects their State. Their rights are protected, of course, in handling whatever they want to do with regard to the bill that I have the privilege to manage, but they would lose none of their rights, and I would not be a party to taking rights away from them, by proceeding with the Defense bill.

Blocking the Defense bill has nothing to do with the national security as far as this country is concerned. My bill, our bill does. And it means now we will probably not get finished with this bill until about a week from now, and that means we will probably not be able to get back here, before we recess in August, with a conference report. We will not be able to know whether the President agrees. And we will be behind this bill that the Senators from Nevada are talking about all the way. If we are delayed now, we will be delayed later when it comes up again. It is going to come up again in terms of the conference report, in terms of appointing conferees. I say it is in the best interests of this country to get this bill out of the way.

I challenge the Senators from Nevada to demonstrate what they have said. Proceeding on this bill of ours now will not harm their rights with regard to the issue that affects their State in any single way.

Mr. REID. I would accept the challenge, if I could, through the majority leader.

Mr. STEVENS. I would be happy to have it.

Mr. LOTT. Mr. President, I believe I will yield the floor and let Senators get recognition in their own right.

Mr. STEVENS and Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. If I could be more explicit, I will try. The rules do not provide any protection for the Senators from Nevada with regard to delay of the defense bill. I would challenge them to so state, and I do challenge them to so state. What they are doing today is just merely delaying getting to the bill that they object to with regard to Nevada. It is a timing question, until the cloture motion was filed. When the cloture motion was filed, we all know when we will vote on the issue pertaining to Nevada. But to say that it must wait, the decision on that must wait before we proceed on the bill—it is the pending business. It was the pending business this morning. We tried to raise it yesterday. And now we have spent the day today. I will be back tomorrow. I will be back Monday. I will be back Tuesday. I am going to be out on the floor every day. And I want to say to my good friends from Nevada, I am going to tell the world they are holding up the defense of the United States.

Mr. CRAIG. Will the Senator yield?

Mr. REID addressed the Chair.

Mr. STEVENS. I do yield to my friend from Nevada.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BRYAN addressed the Chair.

Mr. STEVENS. I yield for a question.

Mr. CRAIG. The Senator from Idaho, in working with the Senators from Nevada, assured them the protection that they now ask that they have and is granted under the rules of the Senate. There was no way to change their protection. The process we used to bring this bill to the floor is the process of the Senate.

So the Senator from Alaska is absolutely right. The Senators from Nevada, their full rights are protected. Now they use the defense bill, tragically enough, because I agree with the Senator from Alaska, while it is clearly within their rights to do what they do, and I do not dispute that now and I do not think the Senator from Alaska does, I believe their action is unprecedented.

I think it is important the RECORD show the Senator from Idaho has worked very hard to bring this national nuclear waste bill to the floor so that we can deal with a national problem. I dealt with the Senators from Nevada in a very forthright way to assure them that all of their rights would be protected and that I or any other Senator interested in this legislation was not in any way going to attempt to step on their rights, because in the Senate we do not do that. So they were protected in an adequate way.

I yield back to the Senator from Alaska.

Mr. STEVENS. Mr. President, does the Senator from Nevada wish to——

Mr. BRYAN. Mr. President, could I be recognized?

The PRESIDING OFFICER. The Senator from Alaska has the floor. The Senators from Nevada are seeking the floor.

Mr. STEVENS. I have no desire to end up today having the Senators from Nevada start filibustering my bill at this late hour. I will be happy to yield to the Senators for a question, but I hope that we either go ahead with my bill or decide when we will go ahead with my bill without regard to a filibuster on the nuclear issues. I will be glad——

Mr. BRYAN. Will the Senator yield for a question?

Mr. STEVENS. To have the Senators ask a question.

The PRESIDING OFFICER. The junior Senator from Nevada is recognized for a question.

Mr. BRYAN. I am sure the Senator from Alaska is aware that the Senators from Nevada are not trying to do anything that would compromise or jeopardize national defense. The Senators from Nevada, like the Senator from Alaska, have a strong conviction—come from a State in which national defense interests are of paramount consideration, as they are in the State which the Senator so ably represents.

We are talking about an appropriations bill that will go into effect October 1 of this year for the next fiscal year, so there is no imminent crisis that we face at the moment.

If I might indirectly respond to a question in the statement made by the Senator from Idaho, the Senators from Nevada have tried throughout this afternoon to offer a series of proposals that would allow us to move immediately not only to the defense appropriations bill but to other pieces of legislation that are pending as well. And we would be prepared to do that.

I think it is fair to say that some on the other side of the aisle were prepared to accept the proposals the Senators from Nevada were offering, but the Senator from Idaho and others indicated that they would be unprepared to accept the proposal which would move us immediately to the consideration of this bill only if the Senators from Nevada surrendered their parliamentary rights conferred under the rules with respect to a process which might occur if the nuclear waste bill ever went to conference, something at this point we do not know for sure.

So I do not believe it is fair to characterize that the Senators from Nevada are unwilling to try to deal with this bill, the Department of Defense bill. We have offered several proposals, and they have been rejected. I regret that because I think that would be the appropriate course of action for us to follow this evening.

Mr. REID. Will the Senator from Alaska yield for a question?

Mr. STEVENS. Mr. President, let me respond to this first now. I want to make it clear—and we stand out here and say these are our friends in the Chamber. The Senators from Nevada come from a small State like I do in terms of population. We are friends. But I disagree. We currently have an order we will vote on the cloture motion on the nuclear waste disposal bill on Tuesday.

There is absolutely nothing that can be lost, in terms of rights of the two Senators from Nevada with regard to that bill by letting our bill go forward. As a matter of fact, letting it be voted on before, we could have it finished before that cloture vote.

I understand the idea of trying to delay getting to a bill in terms of trying to delay the bill ahead of it. But that is past, as I said. Once the cloture motion was filed, the time runs under the rule from then, and there is nothing that can be done to harm the position of the Senators from Nevada with regard to that bill by proceeding with the pending business.

I respectfully say again, we have a strange situation this year with regard to this bill. We know we are presenting a bill that is beyond the request of the President. We are working on a strategy to present the President a bill we think he will sign. That will take time. In any event, we need to know if the bill is to be signed. If it is not to be signed, then—if he wants to veto it—then we have to go back and finish that process. But we have to do it all within the period of September in order to finish, and this year is an election year. This is the second year of a Congress. We will go out of session in October.

I am saying again to the Senators, the worst thing that could happen to the defense of the United States is to act under a continuing resolution. We must get a bill for this subject, on defense, or else we cannot enter into long-term contracts. We cannot enter into contracts that save the taxpayers' money. We pointed out here today, on three occasions, what we will save by virtue of this bill; $1 billion in one acquisition alone, we will save. It is certified by the GAO. Everybody knows we are going to save money by changing the way we handle some of this acquisition for our defense forces. We cannot do that under a continuing resolution. The whole Government can act, perhaps, on a continuing resolution. The Department of Defense loses money, the taxpayers pay in excess for their defense every time we have to go through a continuing resolution.

I say to my friend, there is no way we are going to get back here and have another bill for defense if the President in fact vetoes the bill in September and we do not get the bill again to him in September. We cannot get through the defense bill in 2 weeks. We are going to be dealing with a continuing resolution. Every single portion of the Department of Defense loses and the taxpayers lose, if we try to operate the Department of Defense on a continuing resolution. I am pleading with my friend from Nevada to let go of our bill. They will not lose any of their rights. Again, I will be pleased to respond to any question the Senators have.

I do think I do know these rules. I challenge anyone to challenge what I have just said, because there is no right the Senator from Nevada will lose by letting us proceed with the pending business with regard to anything they have the right to. They do have the right to do what they are doing, I agree. But they do not lose any rights by letting us go ahead.

Mr. NICKLES. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. NICKLES. The Senator from Alaska has been here a little bit longer than I have, and I compliment him for his years of service as well as the Senator from Hawaii, Senator INOUYE, and I hope we can move forward with this legislation.

I cannot recall—I have been around when we had a few filibusters—but I cannot recall in my 16 years here that anybody has filibustered a bill, not the bill they were opposed to, but filibustering a bill that is coming up prior to the bill that they were opposed to.

Mr. STEVENS. I know Senators have objected to unanimous consent requests on legislation that was preceding an issue they were concerned with. I think that is done.

I do not know of any situation where, after a cloture motion has been filed on the subject of the Senator's interest, where a Senator has then tried to delay any other legislation in order to try to protect a right that he perceived. Because I can perceive no right in such delay after the cloture motion is filed. We either get cloture or we do not get cloture. The Senator's rights are protected either way, under cloture rule or postcloture—the handling of the bill if cloture fails. I do not remember any such circumstance.

Mr. SANTORUM. Will the Senator from Alaska yield for another question?

Mr. STEVENS. Yes.

Mr. SANTORUM. I am trying to understand the rights that might be given up. If the Senators from Nevada do not allow the Defense bill to come up, will there be a cloture vote on the nuclear waste bill at 10 o'clock on Tuesday?

Mr. STEVENS. Yes.

Mr. SANTORUM. If they allow the bill to come up, will there be a cloture vote at 10 on Tuesday on the nuclear waste bill?

Mr. STEVENS. Yes.

Mr. SANTORUM. What rights, then, do they lose if that occurs?

Mr. STEVENS. I perceive none once we get into the cloture motion and vote.

Mr. REID. Will the Senator from Alaska yield, with his retaining his right to the floor?

Mr. STEVENS. Yes, without losing my right to the floor.

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

Mr. REID. I say to my friend from Alaska, it appears to me that we are criticizing the wrong people here. If, in fact, there is such an urge to go forward with this legislation, and much other legislation, it would seem to me it would be the right thing to do to move away from a bill that the President said he is going to veto. Why is all the burden placed on us?

Mr. STEVENS. Let me answer that, respectfully. When we tried yesterday to get to the defense bill, nuclear waste was not on the screen. We tried to get on it this morning, did get on to it, and immediately we have a filibuster because of nuclear waste. The leader did what he should do. He made the motion to call up nuclear waste, and filed the cloture motion so there will be a cloture vote on the motion to proceed to that bill.

The Senators from Nevada not only have the right to insist on a cloture motion on the motion to proceed, but they also have a subsequent right to a cloture motion on the final vote on the bill, they then have the right to cloture motion on appointment of conferees on that bill. I can tell the Senators, if I were the Senators I can guarantee the Senate would not vote on this bill you oppose this year.

But that has nothing to do with my bill. That has nothing to do with my bill. You have every right to protect your own interests with regard to your bill, but you are delaying the defense interests, the basic concern of the defense of the United States, in my opinion.

I am telling you, you lose no rights. I should not address the Senator directly. I apologize. The Senator from Nevada loses no rights, neither Senator, by allowing our bill to proceed. And by consenting to that unanimous-consent request, we would vote either before or after the cloture motion, the bill would go to conference, the defense bill, and we have a chance—a chance of finishing this year with a bill signed and approved by the President.

Mr. President, I cannot deal with this much longer without displaying some of what some people have called an unruly temper. It is not an unruly temper. I know how to use it.

So I would say to my friend from Nevada, I am sorry this is the case. It is my understanding the distinguished assistant minority leader has duties. Mr. President, under the circumstances, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

THE TAXPAYER BILL OF RIGHTS

Mr. NICKLES. Mr. President, I wish to compliment Senator PRYOR and others for passage of the taxpayer bill of rights. I also wish to recognize Senator GRASSLEY, because he worked very energetically in trying to see that the Taxpayer Bill Of Rights 2 would actually become law. I am delighted we were successful in passing that today.

MORNING BUSINESS

TRIBUTE TO LT. GEN. PAUL E. BLACKWELL

Mr. HOLLINGS. Mr. President, today I wish to congratulate Lt. Gen. Paul E. Blackwell, Deputy Chief of Staff for Operations and Plans of the U.S. Army, who will retire on 26 July 1996. Lieutenant General Blackwell's career spans 31 years in which he has given distinguished service as a soldier, leader, and visionary for our military. Let me briefly recount to you the career of this distinguished servant of our Nation.

A native of South Carolina, Lieutenant General Blackwell graduated from Clemson University where he earned both a bachelor and masters of science. He entered active duty as a second lieutenant in 1965 as an infantryman. Since then, he has commanded at platoon through division level.

Lieutenant General Blackwell has served in every type of U.S. Army division—light, airborne, mechanized, motorized, and armor. He has held an extraordinary variety of command and staff positions, including commanding general, 24th Infantry Division (mechanized) and his most recent assignment as deputy chief of staff for operations and plans. Other key assignments include commanding general, 2d Armored Division(-), Garlstedt, Federal Republic of Germany; commander, III Corps (Forward), Maastrich, The Netherlands; assistant division commander, 3d Armored Division and commander, Hanau Military Community, Federal Republic of Germany; deputy director for operations, National Military Command Center, Joint Staff, Washington, DC; commander, 1st Brigade, 9th Infantry Division, Fort Lewis, WA; chief of staff, 9th Infantry Division, Fort Lewis, WA; G3 (operations officer), 9th Infantry Division, Fort Lewis, WA; commander, 1st Battalion, 4th Infantry, 3d Infantry Division, Aschaffenburg; Brigade S3, 2d Brigade, 3d Infantry Division, Kitzingen; S3, 2d Battalion, 325th Infantry, 82d Airborne Division.

Lieutenant General Blackwell's combat experience includes two tours in the Republic of Vietnam and service in Saudi Arabia during Operation Desert Storm. During his tours in Vietnam, he served in various positions to include commander, Company D, 3d Battalion, 60th Infantry, 9th Infantry Division and platoon leader of an airfield security platoon. During Operation Desert Storm, Lieutenant General Blackwell served as the assistant division commander of 3d Armored Division.

Lieutenant General Blackwell's career spanned a period of enormous changes and great turmoil requiring vigilance coupled with decisiveness to ensure our Nation's security. He has adapted to new and diverse and integrated technologies to assist the Army to change both intellectually and organizationally to meet the challenges of the 21st century.

Throughout his three decades of service, Lieutenant General Blackwell provided flawless moral character and vision for our Army. He led by example and significantly contributed to the transformation of the Army from a cold war, forward deployed force, into a power projection force, ready to defend the national interest in any corner of the world, whenever the Nation called. While meeting the challenges of today, he prepared the Army for tomorrow as well, with a farsighted and far-reaching vision of the conduct of future war. His determination to keep the Army ''trained and ready,'' his sense of responsibility to his soldiers and the Nation, and his understanding of both our history and the future of armed conflict have given this Nation an Army capable of achieving decisive victory now and into the 21st century.

Lieutenant General Blackwell's career reflects selfless service to our Nation and the essence excellence we expect from our military leaders. Through the decades of service and sacrifice, he has been supported by a loving family. Lieutenant General Blackwell's family is a critical part of his success. Janet Blackwell and his son, Paul, have served the Nation by providing unconditional love and support through numerous deployments and countless family moves to maintain the homefront for this dedicated soldier.

Lt. Gen. Paul E. Blackwell is the quintessential professional, loyal servant of the Constitution, and caring leader for America's sons and daughters, on behalf of the Congress of the United States and the people we represent, I offer our sincere thanks for your service.

BILL LEE

Mr. JOHNSTON. Mr. President, today, I join thousands of Americans and other admirers around the world in paying tribute to Bill Lee, retired chairman of Duke Power Co. and a personal friend, who died on July 10, 1996, in New York at age 67.

To eulogize William States Lee as Duke's former chairman, while accurate, does not begin to do justice to the scope of Bill's talents, vision, and accomplishments. In a career at Duke that spanned four decades, Bill presided over one of the most successful electric utilities in the Nation. He provided the leadership for the most successful nuclear power program in the Nation. It was his determination to bring safe, clean, and reliable power for North and South Carolina electricity consumers that resulted in the construction of the Oconee, McGuire, and Catawba nuclear powerplants, which have admirable served the people of the region for many years.

Bill Lee's achievements do not stop at the bounds of Duke's service territory. He is revered as the driving force behind the national and international organizations that today do so much to ensure the safety of the United States and world nuclear powerplants. It is those contributions, perhaps even more that his contributions at Duke Power, that constitute his true legacy and assure his place in the history for the electric power industry.

After the 1979 accident at the Three Mile Island, Bill Lee, then president and chief operating officer of Duke Power, was called in to lead the recovery effort. It was Bill who spawned the idea that the nuclear industry needed its own watchdog organization to assure excellence in operation at every plant. He went on to create the Institute for Nuclear Power Operations, headquartered in Atlanta, which includes every nuclear utility in the Nation as its members. He served as INPO chairman from 1979 to 1982.

The news of the Chernobyl accident was only days old in 1986 when Lee launched a personal diplomatic crusade to bring the former East bloc countries into an organization like INPO. In was his often-stated belief that ''radiation knows no national boundaries.'' Thanks largely to his personal ability to persuade and the respect he commanded on both sides of the Atlantic, the World Association of Nuclear Operators [WANO] was founded in 1986. Lee served as WANO president from 1989 to 1991. Today, WANO continues to be a major force for global nuclear safety, as a vehicle for sharing Western safety and performance expertise throughout the world.

Bill Lee was a native of Charlotte, NC. He was graduated from Princeton in 1951, with a degree in civil engineering, and after a stint in the U.S. Navy, joined Duke Power as a junior engineer in 1955. He was named vice president of engineering in 1965, and a board member 3 years later. He became chairman and president in 1989, and remained in that position until his retirement in 1994, when he became Duke's first chairman emeritus.

The business magazine Financial World named Bill a winner in its CEO of the Year competition for 4 consecutive years. In 1989, the magazine named him ''Utility CEO of the Decade.''

Bill also was active in numerous civic organizations, especially as an advocate for education reform. He is survived by his wife, Jan, his son, States, his two daughters, Helen and Lisa, his mother, Sara Toy, and five grandchildren. He will be greatly missed—and long remembered—by both family and his many admiring associates.

I will personally miss his boundless enthusiasm. This enthusiasm was always there, whether he was raising money for charity, keeping Duke Power on the cutting edge of excellence, or taking up some new adventure-like skiing at the age of 40. I worked with Bill on some of the toughest legislative issues the Energy and Natural Resources Committee faced. He was a great ally: Tough, razor sharp, sophisticated, always able to see the big picture. He was a leader who was a gentleman, a man with great integrity and a keen sense of the public interest. In an industry obsessed with the bottom line and next week's stock price, Bill was a visionary who took responsibility for the future. We need more Bill Lees, but were not likely to find any like him.

Bill Lee did it all, and he enjoyed all. I know my colleagues join me in paying tribute to this remarkable man and extending condolences to his family and many friends.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, 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.)

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress that the cost of Government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolla, Missouri.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress that the

cost of Government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn; to the Committee on Governmental Affairs.

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–3290. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–3291. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled ''Powerplant and Industrial Fuel Use Repeal Act,''; to the Committee on Energy and Natural Resources.

EC–3292. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the rule entitled ''Interest Rate Risk,'' received on July 9, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3293. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a report on investors who are senior citizens; to the Committee on Banking, Housing, and Urban Affairs.

EC–3294. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of eight rules relative to TV broadcast stations, received on July 9, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3295. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of twenty rules entitled ''Alteration of Jet Route J–66,'' (RIN2120–AA66, 2120–AA65, 2120–AA64, 2120–AA83) received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3296. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to consent agreements, (FRL5378–3) received on July 9, 1996; to the Committee on Environment and Public Works.

EC–3297. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules relative to nonattainment areas for ozone (FRL5536–1, 5532–4, 5524–2, 5381–7, 5381–4) received on July 8, 1996; to the Committee on Environment and Public Works.

EC–3298. A communication from Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation relative to a deep-draft navigation project; to the Committee on Environment and Public Works.

EC–3299. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to access filings for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC–3300. A communication from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting, pursuant to law, an annual report relative to services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC–3301. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Ocean Salmon Fisheries Off the Coasts of Washington, Oregon and California,'' received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3302. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska,'' received on July 8, 1996; to the Committee on Commerce, Science and Transportation.

EC–3303. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska,'' received on July 8, 1996; to the Committee on Commerce, Science and Transportation.

EC–3304. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3305. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement 96–63 (Processing of Returns Filed by Exempt Organizations to be Centralized in the Ogden Service Center),'' received on June 27, 1996; to the Committee on Finance.

EC–3306. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 96–33,'' received on June 27, 1996; to the Committee on Finance.

EC–3307. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 96–36 (Weighted Average Interest Rate Update),'' received on June 27, 1996; to the Committee on Finance.

EC–3308. A communication from the President of the United States, transmitting, pursuant to law, the report to Congress concerning emigration laws and policies of the Russian Federation; to the Committee on Finance.

EC–3309. A communication from the President of the United States, transmitting, pursuant to law, the report to Congress concerning emigration laws and policies of Romania; to the Committee on Finance.

EC–3310. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Work Incentive Programs for AFDC Recipients,'' (RIN1205–AB12) received on June 27, 1996; to the Committee on Finance.

EC–3311. A communication from the Administrator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs,'' received on June 28, 1996; to the Committee on Finance.

EC–3312. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the evaluation of the Grant Program for rural health care transition; to the Committee on Finance.

EC–3313. A communication from Acting Assistant Administrator for Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska,'' (RIN0648–AG41) received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3314. A communication from General Counsel, Department of Transportation, transmitting, pursuant to law, the report of four rules entitled ''Establishment of Class E Airspace,'' (RIN2120–AA66) received on July 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3315. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3316. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC–3317. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled ''Amendment to the International Traffic in Arms Regulations,'' received on July 5, 1996; to the Committee on Foreign Relations.

EC–3318. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the prevention of nuclear proliferation for calendar years 1994 and 1995; to the Committee on Foreign Relations.

EC–3319. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule relative to terrorists, received on June 26, 1996; to the Committee on Foreign Relations.

EC–3320. A communication from the Director of Budget, Management and Information and Chief Information Officer, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Removal of CFR Chapter,'' (RIN0644–XX01) received on July 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3321. A communication from the Office of the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Disclosure and Notice of Change Rates and Other Service Terms for Pipeline Common Carriage,'' received on July 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3322. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of seven rules entitled ''Navigation Safety Equipment for Towing Vessels,'' (RIN2115–AE91, 2115–AF33, 2115–AA97, 2115–AE66) received on July 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3323. A communication from the Office of the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Disclosure, Publication and Notice of Change of Rates and Other Service Terms for Rail Common Carriage,'' received on July 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3324. A communication from the Deputy Assistant Administrator of the Office of

Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the rule entitled ''Waiver of Requirements for the Distribution of Prescription Drug Products that Contain List I Chemicals'' received on July 8, 1996; to the Committee on the Judiciary.

EC–3325. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule concerning visas, received on July 1, 1996; to the Committee on the Judiciary.

EC–3326. A communication from the Attorney for National Council of Radiation Protection and Measurements, transmitting, pursuant to law, the report of financial statements and schedules for calendar year 1995; to the Committee on the Judiciary.

EC–3327. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, a rule concerning a notice of opposition, (RIN0651–AA89) received on July 9, 1996; to the Committee on the Judiciary.

EC–3328. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the report of the Proceedings of the Judicial Conference of the United States; to the Committee on the Judiciary.

EC–3329. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled ''Acquisition of Citizenship,'' (RIN1115–AD75) received on July 1, 1996; to the Committee on the Judiciary.

EC–3330. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled ''Fees Assessed for Defaulted Payments,'' (RIN1115–AD92) received on July 1, 1996; to the Committee on the Judiciary.

EC–3331. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled ''Effect of Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility'' (RIN1115–AD92) received on July 8, 1996; to the Committee on the Judiciary.

EC–3332. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Pension and Welfare Benefits Administration,'' (RIN1210–AA51) received on July 8, 1996; to the Committee on Labor and Human Resources.

EC–3333. A communication from Assistant Secretary of Labor for Mine Safety and Health Agency Contact, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Safety Standards for Explosives at Metal and Nonmetal Mines,'' (RIN1219–AA84) received on July 8, 1996; to the Committee on Labor and Human Resources.

EC–3334. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report relative to the final funding priority for the Rehabilitation Research and Training Center; to the Committee on Labor and Human Resources.

EC–3335. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Commerce, Science, and Transportation.

EC–3336. A communication from the Director of the Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices,'' received on June 28, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3337. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report entitled ''Office of Vocational and Adult Education School-to-Work Opportunities,''; to the Committee on Labor and Human Resources.

EC–3338. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report entitled ''Safe and Drug-Free Schools and Communities Federal Activities Grants Program,''; to the Committee on Labor and Human Resources.

EC–3340. A communication from the Assistant Attorney General, transmitting, pursuant to law, the report of the Asset Forfeiture Program for fiscal year 1994; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1997'' (Rept. No. 104–316).

By Mr. COCHRAN, from the Committee on Appropriations, with amendments:

H.R. 3603. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–317).

By Mr. BOND, from the Committee on Appropriations, with amendments:

H.R. 3666. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–318).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on July 10, 1996:

By Mr. THURMOND, from the Committee on Armed Services:

Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

(The above nomination was reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. REID, Mr. DEWINE, Mr. DORGAN, Mr. MACK, Mr. BRYAN, and Mr. CONRAD):

S. 1943. A bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself, Mr. GRASSLEY, and Mr. HARKIN):

S. 1944. A bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism; to the Committee on Labor and Human Resources.

By Mr. DEWINE:

S. 1945. A bill to broaden the scope of certain firearms offenses; to the Committee on the Judiciary.

S. 1946. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

S. 1947. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. KERRY):

S. 1948. A bill to amend section 2241 of title 18, United States Code, to provide for Federal jurisdiction over sexual predators; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BAUCUS, Mr. HARKIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. EXON, Mr. BINGAMAN, and Mr. HEFLIN):

S. 1949. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. REID, Mr. DEWINE, Mr. DORGAN, Mr. MACK, Mr. CONRAD, and Mr. BRYAN):

S. 1943. A bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such Act, and for other purposes; to the Committee on Labor and Human Resources.

THE FAIR LABOR STANDARDS ACT OF 1938 AMENDMENT ACT OF 1996

Mr. GRAHAM. Mr. President, with my colleague, Senator REID, we introduce today legislation which will clarify the Fair Labor Standards Act and the issue of minimum wage, as it applies to prisoners incarcerated in State and local institutions. I send the legislation to the desk.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. GRAHAM. Mr. President, the main points of this legislation are as follows. No. 1, it will exempt prison workers from the minimum wage provisions. No. 2, it will put an end to a cascade of lawsuits that our States have been faced with by prisoners demanding back wages. It enables the effective prison work and employment training programs that have been developed within many of our State corrections facilities to continue without the fear of these lawsuits.

Mr. President, I am pleased to be able to cosponsor this legislation with my colleague, Senator REID, who, during

the last Congress and previously, has brought this issue so effectively to our attention. This legislation has engendered bipartisan support and today we are joined by Senators MACK, DEWINE, BRYAN and DORGAN in our efforts to correct the application of minimum wage to State prisons.

This is an issue of national concern. Class action lawsuits by prisoners demanding backpay at minimum wage are entangling Federal courts in many sectors of the country. Florida alone has faced two such class action lawsuits in the last 24 months. In 1992, 18 States asked Congress for clarification of this issue. Today, 4 years later, we have yet to answer their call for help. It seems appropriate that we should address this issue in the very week that we have taken action to increase the minimum wage in the law.

Many prisoners participate in job training and work programs which provide numerous benefits. This legislation restricts its applicability in terms of prohibition from the application of the minimum wage to those prison industry programs which are providing goods or services to either a local, State, or Federal governmental agency. We are not including where there might be the production of products or the delivery of services that would be beneficial and therefore in competition with commercial, private-sector activities.

Not only are these activities beneficial in terms of providing services which range, in my State, from supplies such as furniture and printed materials, to the provision of services which are valuable to local, State, or Federal governments, but they also deal with one of the major issues that affects recidivism, the likelihood of a person upon release from prison returning to a life of crime. Consistently, one of the key factors in the likelihood of a prisoner either living a life of law and order and production or returning to their previous criminal behavior is whether they leave the prison prepared to hold a job.

These programs provide that kind of on-the-job training and experience that make prisoners, upon release, more likely to be employable, more likely to have the cultural skills, the understanding of what it means to go to work every day in order to get and hold a job.

I am very proud that in our State, the recidivism rate among those prisoners who have been through our prison industry program is one-fifth of the recidivism rate of the population as a whole. We want to protect these programs by eliminating the prospect that they might be subjected to the minimum wage.

What would happen if the minimum wage were to be made applicable to these prison work programs? Again, using the State of Florida as an example, it has been estimated that if the State were to lose the class action suit that is before it, it would cost millions of dollars in backpay and an additional $24 million every year to continue the programs as they are currently in place.

In a time of tight State budgets, there is very little likelihood that there would be this $24 million forthcoming, and, therefore, the prospect would be that this effective program that is serving so many important interests would be terminated.

So, Mr. President, this legislation is beneficial to the States and the communities that are the direct beneficiaries of the products and services produced by these prison industries. There is even a greater benefit in terms of reducing the likelihood of prisoners, upon release, returning to a life of crime and, therefore, being a predator upon society.

But it also gives us a chance, frankly, to eliminate a provision which makes us appear to be foolish to the American public. If you were to tell the average citizen in New Hampshire, did you know that there is an interpretation of the Federal minimum wage law that requires your State, if a prisoner is working while they are incarcerated, doing something productive, helping prepare themselves for their post-incarceration life, requiring the State to pay minimum wage to that person, in spite of the fact that the State is also providing them a place to live, to eat, their medical services, all of the requirements, and then to say they have to receive the minimum wage, which is now going to be raised over the next 2 years to $5.15 an hour, you would first encounter bemusement and then, I think, public anger at what they would see to be such a foolish idea.

So, Mr. President, I hope that, albeit 4 years late, we would respond to the request of the States to clarify that we do not intend to apply the minimum wage to those persons engaged in prison industries and allow the States to continue with this thoroughly rational and important part of their corrections program.

It is my honor to turn the remainder of the time to my colleague and cosponsor, Senator REID.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate very much the efforts of my colleague. When this matter was first introduced in August 1992, Senator GRAHAM was a steadfast supporter of this legislation. He indicated that I have been a good advocate of this legislation. I say, Mr. President, not good enough. It seems that we should have this in law. We have not been able to do that.

I think it is fair to say that we should put the committee of jurisdiction, or committees of jurisdiction, on notice that we are going to move forward with this legislation. It is important we do so, and if we do not get it done in the committees, then we are going to have to do it here on the floor. We have waited too long.

The legislation that I introduced in 1992 was in response to the decision of the Ninth Circuit Court of Appeals that all inmates working in correctional institutions and industries in those institutions are covered by the Fair Labor Standards Act. That was stunning to me. As my colleague from Florida has indicated, this decision is beyond the ability to comprehend.

The decision has been overturned, and the courts around this country are confused on this issue, and it calls for a clarification. In fact, it is a pending court case in Florida that has brought Senator GRAHAM and I to the floor this morning to reintroduce the prison wage bill. Clarification is needed, not only for the direction of the courts, but to dissuade prisoner lawsuits to recover minimum wage payments for work done while in prison.

If inmates were covered by the Fair Labor Standards Act, they would not only be eligible—listen to this—for minimum wage, but it would open the door for unemployment compensation for prisoners, it would open the door for worker's compensation for prisoners, it would open the door for paid vacations for prisoners, it would open the door for overtime pay for prisoners. I mean, is this ridiculous?

If the Federal Government or States are required to pay minimum wage, it would mean the end of most prison work programs. We simply would not be able to afford them. State governments are already staggering from budget deficits. Inmates would lose their job training, in most instances, lose their opportunity to produce something during their incarceration and lose the incentive to reform themselves and return to society. Prisoners would sit idle in their cells. Taxpayers already pay for room, board, even cable TV for prisoners. I do not believe they want to pay for minimum wage as well.

Mr. President, I, frankly, would like to go further. I do not think they should have cable television. I do not think they should have some of the things they have in prison that they do have, but I am going to let well enough alone and see if we can move forward on this very meaningful legislation.

We in Congress just spent months, as my colleague has indicated, fighting for an increase in the minimum wage. Were we fighting for a worker trying to raise a family on $8,500 a year—that is minimum wage—or were we fighting for a wage increase for prisoners? I know that I was fighting for the working family and not the prisoner who has not played by the rules of society and is supposed to be punished, in my estimation.

Some opponents of this bill have raised the question of low-wage inmate competition with the private sector. But this issue has already been adequately explained by my colleague. This issue has already been, I repeat, addressed by the Ashurst-Sumners Act, as well as the Prison Industry Enhancement Certification Program. This is only talk.

Further, in our bill, we provide specifically that our language does not affect programs certified pursuant to the Ashurst-Sumners Act.

Mr. President, I asked, sometime ago, the General Accounting Office to look into this matter, and they rendered a very fine report on prison labor. I quote from this report:

> If the prison systems we visited were required to pay minimum wage to their inmate workers and did so without reducing the number of inmate hours worked, they would have to pay hundreds of millions of dollars more each year for inmate labor. Consequently, these prison systems generally regard minimum wage for prison work as unaffordable, even if substantial user fees (e.g.: charges for room and board) were imposed on the inmates.

They went on to say:

> Prison systems officials consistently identified large-scale cutbacks in inmate labor as likely and, in their view, a dangerous consequence of having to pay minimum wage. They believed that less inmate work means more idle time and increased potential for violence and misconduct.

Therefore, paying minimum wage to prisoners would not only be expensive, but dangerous and counterproductive.

The Fair Labor Standards Act of 1938 was enacted as a progressive measure to ensure all able-bodied working men and women a fair day's pay for a fair day's work. It was never, never intended to cover criminals in our prisons.

By Mr. HATFIELD (for himself, Mr. GRASSLEY, and Mr. HARKIN):

S. 1944. A bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism; to the Committee on Labor and Human Resources.

THE HAROLD HUGHES COMMISSION ON ALCOHOLISM ACT OF 1996

• Mr. HATFIELD. Mr. President, it is my honor today, along with my distinguished colleagues, Senators GRASSLEY and HARKIN, to introduce legislation that will fulfill a lifetime dream. The Honorable Harold Hughes, the ''man from Ida Grove,'' has made the struggle against alcoholism and its affects on individuals and their families his life work. Harold Hughes vision is to combat alcoholism, not only on a personal level, but on a community and national level as well. His dream will be fulfilled with the creation of a commission on all matters related to alcoholism and its affects on America.

The Talmud defines a good man as, ''one who needs no monuments because their deeds are shrines.'' The Honorable Harold Hughes deeds are indeed shrines. My distinguished friend has devoted his life to helping others. He has served as Governor of Iowa, U.S. Senator, and now as a leader in the fight against the abuse of alcohol and drugs. He is the founder and chairman of the Hughes Foundation as well as the Harold Hughes Centers for Alcoholism and Drug Treatment. He has become a front-line soldier in the war against alcohol abuse in the United States.

Alcohol use and abuse in the United States affects all of us. Although alcohol is a legal drug, its effects are devastating. Alcoholism tears apart marriages, families and communities. As a Nation, we cannot allow the devastating effects to continue.

Alcohol abuse and dependency affects 10 percent of Americans, 18.5 million, but we all pay the price for this addiction.

About 56 percent of American families are affected by alcoholism.

If alcohol were never carelessly used in our society, 105,000 fewer people would die each year.

Alcohol is a factor in one-half of all homicides, suicides, and motor vehicle fatalities.

Treatment, support, direct health care costs, as well as lost work time and premature death cost the public $98.6 billion in 1990.

The Harold Hughes Commission on Alcoholism will provide the President, Congress, and the American people with the tools that are necessary to address the effects of this disease. Unlike commissions of the past, which studied the affects of alcoholism on our society, the work of this Commission will be uniquely narrowly tailored. The focus will not be on the big picture of alcoholism in the United States, rather it will be on the limited, practical, and cost-effective solutions to our growing crisis with alcoholism. The Commission will examine better ways to coordinate existing Government programs, improve education on the affects of alcohol, improve alcoholism research, and increase public/private sector cooperation in combating this disease. This work will be carried out by small working groups that will include academics, business executives and alcoholism experts. These working groups will focus on single policy issues in order to produce recommendations that will lead to tangible solutions to alcoholism.

Currently, the National Institute on Alcohol Abuse and Alcoholism under the National Institutes of Health is the leading research and funding organization for issues dealing with alcohol abuse. NIAAA conducts 90 percent of all research in these areas. Current research in the area of alcoholism includes: Searching for the genome for genetic markers that are linked to alcoholism; developing and approving a new drug, Naltexone, for the treatment of alcoholism; educating mothers on the risks drinking poses during pregnancy; preventing alcoholism through educational programs developed for schools, the workplace, and the community. This research and programming will greatly reduce the overall cost of alcohol abuse to society.

The Harold Hughes Commission will be a vehicle for existing programs like NIAAA as well as other research programs and Government agencies to increase their effectiveness. The coordination of exsisting programs will increase the success rate of all the programs.

This legislation marks the beginning of a renewed congressional commitment to fighting alcoholism in America. It also pays tribute to a man who made a similar commitment in his own life for himself, his community, and others who are fighting the battle against alcoholism.•

By Mr. DEWINE:

S. 1945. A bill to broaden the scope of certain firearms offenses; to the Committee on the Judiciary.

GUN CRIMES LEGISLATION

• Mr. DEWINE. Mr. President, prosecutions of gun criminals are down 20 percent under the Clinton administration. At a time when 10 million Americans every year become victims of violent crime, the administration is not making the prosecution of armed criminals a major priority.

I think that's a mistake. I think we have to do more to get violent felons off the streets. And I am introducing a bill that will help make sure this happens.

Recently, the Supreme Court handled down a unanimous decision that essentially disarmed a very effective weapon that Federal prosecutors use to combat violence and drug abuse. The bill I am introducing will rearm Federal prosecutors—and it will do so in a way that it will not be open to reinterpretation by the courts. Congress must leave no doubt that when a criminal commits a violent crime or completes a drug deal, and a gun is around, the gun is a part of the offense, and the criminal will get 5 years added to his prison sentence.

Prior to December 6, 1995, Federal prosecutors used title 18, section 924(c)(1) to impose an additional mandatory 5 years in prison for those criminals who use or carry a firearm during or in relation to a violent crime or a drug trafficking crime.

The purpose of this statute was to send violent criminals and drug traffickers to jail—where they belong. And this provision was an effective law enforcement tool because the lower courts defined ''use'' very broadly. In fact, if the defendant simply had a gun nearby, it was sufficient to convict under section 924(c)(1)—because the courts ruled that the proximity of the gun served to ''embolden'' the defendant.

According to the U.S. Sentencing Commission, in 1994 alone, over 2,000 defendants were sentenced to longer terms under section 924(c)(1).

The Supreme Court's ruling last year ended the effectiveness of this statute as a crime-fighting tool. The court ruled that, in order to charge a defendant under section 924(c)(1), the Government must show that the defendant actively employed a firearm during or in relation to a violent or drug trafficking crime. Therefore, if a firearm merely served to embolden a criminal, the court said, it was not being ''used''

within the meaning of section 924(c)(1), and the criminal would not receive the additional 5 years in prison.

When Congress passed this statute, it was sending a clear message to drug dealers and violent criminals—Guns and drugs are a recipe for disaster. And, if you mix them, you are going to pay a price. I believe that this Congress should act to restore this crime fighting tool, and we should do it in a way that leaves nothing to the reckoning of the courts.

My legislation would do just that. It would amend section 924(c)(1) to cover all circumstances in which a drug dealer or violent criminal is caught with a firearm that is being used to further his drug trafficking or violent enterprise. Under this legislation, a drug dealer, for example, would be subject to a mandatory additional 5-year prison sentence for drug trafficking, if he ''uses or carries a firearm, or has a firearm in close proximity to illegal drugs or drug proceeds, or has a firearm in close proximity at the time of arrest or at the point of sale of illegal drugs.''

I believe that this legislation will do a great deal to help the law enforcement officials on the front lines of the war on drugs. It makes our law stronger—and helps get these felons off the streets, out of our communities, and into prison.●

By Mr. DEWINE:

S. 1946. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

CRIME LEGISLATION

● Mr. DEWINE. Mr. President, a few weeks ago, I spoke on the floor about the current administration's record on crime. The facts clearly demonstrate that the administration's actions do not fulfill its rhetoric on this issue.

I think it is time to give law enforcement officers the tools they need to do their jobs—protecting American families. Today, I am introducing legislation aimed at doing just that, in one significant way.

The bill I am introducing today would establish, for the first time in the Federal Criminal Code, a general attempt provision. Thankfully, criminals do not succeed every time they set out to commit a crime. We need to take advantage of these failed crimes to get criminals off the streets.

Mr. President, under current Federal law, there is no general attempt provision applicable to all Federal offenses. This has forced Congress to enact separate legislation to cover specific circumstances. This approach to the law has led to a patchwork of attempt statutes—leaving gaps in coverage, and failing to adequately define exactly what constitutes an attempt in all circumstances.

Since statutes include attempt language within the substantive offense, but don't bother to define exactly what an attempt is. Others define, as a separate crime, conduct which is only a step toward commission of a more serious offense. Moreover, there is no offense of attempt for still other serious crimes, such as disclosing classified information to an unauthorized person.

This ad hoc approach to attempt statutes is causing problems for law enforcement officials. At what point is it OK for law enforcement officials to step in to prevent the completion of a crime? If someone is seriously dedicated to committing a crime, law enforcement must be able to intervene and prevent it—without having to worry whether doing so would cause a criminal to walk. In the absence of a statutory definition of an attempt, the courts have been called upon to decide whether specific actions fit within existing statutory language.

When a criminal is attempting to commit a crime where attempt is not an offense, then law enforcement must wait until the crime is completed, or find some other charge to fit the criminal's actions. Law enforcement should never be placed in either of these positions.

The bill that I am introducing today will solve these problems in the current law. As I mentioned earlier, this legislation will add a general attempt provision to the U.S. Criminal Code. It provides congressional direction in defining what constitutes an attempt in all circumstances. And, it will serve to fill in the irrational gaps in attempt coverage.

In my view, it is time for the American people—acting through the Congress—to clarify their intention when it comes to this area of the law.

Millions of Americans work hard every day to make ends meet and raise their families and provide a better life for their children.

But, there are some people who choose a different approach to life—a life of crime. We as Americans need to leave no doubt where we stand on that choice. If you even try to commit a crime, we're going to prosecute you and convict you. This bill will make it easier for our law enforcement officers to protect our families and our communities.●

By Mr. DEWINE:

S. 1947. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

THE CLONE PAGER AUTHORIZATION ACT OF 1996

● Mr. DEWINE. Mr. President, I recently made some remarks on the Senate floor about the current administration's record on crime. The facts are clear: The administration's actions on crime do not meet its rhetoric.

To stop crime, we have to do more. That doesn't mean another rhetorical assault on crime—or even a flashy 10-point program. Rather, we have to do more of the little things that—when you put them all together—make a big difference.

The most important of these is giving law enforcement officials the tools they need to do their jobs. Today, I am introducing legislation that will help us do that.

The bill I am introducing today would simply rectify an imbalance in current Federal law which makes it more difficult for law enforcement officials to fight drug trafficking. Today, drug traffickers have taken advantage of technological advances to advance their own criminal interests.

Drug traffickers—on a regular basis—use digital display paging devices—better known as beepers—in transacting their business. They do this because it gives them the freedom to run their criminal enterprise out of any available phone booth, and to avoid police surveillance. If law enforcement officials knew from whom they were receiving the calls to their beepers it would certainly aid efforts in tracking down drug traffickers.

The technology now exists to allow law enforcement to receive the digital display message, without intercepting the content of any conversation or message. It is called a clone pager. This clone pager is programmed identically to the suspect's pager and allows law enforcement to receive the digital displays at the same time as the suspect.

This device functions identically to a pen register. Mr. President, as you may know, a pen register is a device which law enforcement attaches to a phone line to decode the numbers which have called a specific telephone. Like a clone pager, the pen register only intercepts phone numbers, not the content of any conversation or message.

Since both devices serve the same purpose, a reasonable person would conclude that both the system for receiving authorization to use these devices, and the procedures mandated by the courts once the authorization was granted would be the same. However, in both cases it is not.

Under current law, the requirements for obtaining authorization to use a clone pager are much more stringent than they are for using a pen register. I would like to briefly outline the differences.

In order to obtain authorization to use a pen register, a Federal prosecutor must certify to a district court judge the phone number to which the pen register will be attached, the phone company that delivers service to that number, and that the pen register serves a legitimate law enforcement purpose. In other words, the prosecutor must show only that the use of the pen register is based on an ongoing investigation. The district court judge may then grant the authorization on a mere finding that the prosecutor has made the required certification. The pen register can then be used for a period of 60 days—with no requirement that law enforcement report pen register activity to the court.

In contrast, the U.S. attorney for a particular district must sign off on a request for clone pager authorization. Once this occurs, a prosecutor may

then go before a district court judge where he must show that there is probable cause to suspect an individual has committed a crime—a much higher standard than what is required for a pen register authorization. He must also detail what other investigative techniques have been used, why they have not been successful, and why they will continue to be unsuccessful. Moreover, the prosecutor must disclose other available investigative techniques and why they are unlikely to be successful. Only after all of this is done can authorization to use a clone pager be granted.

But these are not the only differences in treatment. After the authorization is granted, it can only be used for 30 days. During that 30 days, the prosecutor must report activity from the clone pager to the issuing judge at least once every 2 weeks.

I do not believe that the authorization disparity in authorization for these two devices is warranted.

The legislation that I am introducing today would simply amend the Federal code to end this disparity. This bill would give law enforcement agents ready access, with warranted limitations, to the tools they need to do their jobs. This bill will bring Federal law enforcement into the 21st century. The drug traffickers are already there. It's time for law and order to catch up with them.●

By Mr. D'AMATO (for himself and Mr. KERRY):

S. 1948. A bill to amend section 2241 of title 18, United States Code, to provide for Federal jurisdiction over sexual predators; to the Committee on the Judiciary.

CRIME LEGISLATION

● Mr. D'AMATO. Mr. President, I offer a bill, originally sponsored in the House by my colleague from New York, Representative SLAUGHTER. The bill will allow local district attorneys the option to federally prosecute repeat sexual offenders. Authorizing local district attorneys the opportunity to pursue Federal prosecution of habitual sexual offenders ensures that the toughest penalties will be imposed on these predators. They deserve nothing less.

It is horrendous that a rapist's average sentence is only 10½ years, with even less time being served. The sentence for child sex offenders is no better. Too often, these monsters are on the street ready to prey on their next victim.

In addition, repeat offenders convicted under this section of the bill will be sentenced to life for their second offense. Criminals repeatedly convicted of rape and serious sexual assaults must be taken off our streets and removed from our communities forever.

I urge my colleagues to review the merits of this bill, join as cosponsors and urge its immediate passage.●

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BAUCUS, Mr. HARKIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. EXON, Mr. BINGAMAN and Mr. HEFLIN):

S. 1949. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

THE CATTLE INDUSTRY IMPROVEMENT ACT OF 1996

Mr. DASCHLE. Mr. President, today several colleagues and I are introducing the Cattle Industry Improvement Act of 1996. This legislation addresses the deep concern of cattle, hog, and sheep producers across the Nation that the livestock industry does not operate in a free and open market. Livestock producers, especially cattle producers, are receiving the lowest prices in recent memory. Producers can barely make ends meet, let alone make a profit. The Cattle Industry Improvement Act is a fair, substantive bill which offers commonsense solutions to problems that have plagued the livestock industry for a long time.

For the last 2 years the issue of livestock concentration has been the No. 1 agricultural issue in South Dakota, even exceeding interest in the farm bill. Livestock concentration and low cattle prices do not just affect farmers and ranchers in my State. The impact is felt by the entire economy of South Dakota, affecting people who live in cities, towns, and rural communities alike. A recession in the cattle industry has a ripple effect throughout the entire State the consequences of which are potentially devastating. Farm foreclosures, job layoffs by agriculture related businesses and bank failures are all likely if cattle prices do not rebound in the immediate future.

I began the effort to address the issue of livestock concentration last year with the introduction of legislation creating a livestock commission to review the impact of packer concentration. This bill was a bipartisan effort that passed the Senate but was blocked in the House.

Fortunately, Secretary Glickman rescued the effort by creating the USDA Advisory Committee on Agricultural Concentration. This advisory committee, which included livestock producers, has served a vital role in addressing concentration in agriculture. The advisory committee submitted its findings and recommendations to Secretary Glickman on June 6. Some of its recommendations can be implemented administratively and are currently under review by Department of Agriculture officials to determine their feasibility. Others require legislative action. The conclusion the committee reached is unequivocal: the status quo is unacceptable. Modern livestock production has changed, the USDA must keep pace, and Congress must give the Department of Agriculture the tools necessary to respond to these changes in a way that gives producers a chance to make an honest living and compete fairly in the marketplace.

The Cattle Industry Improvement Act of 1996 gives the Department those tools. The bill requires the Secretary to define and prohibit noncompetitive practices. It mandates price reporting for all sales transactions conducted by any entity who has greater than 5 percent of the national slaughter business, and requires timely reporting of quantity and price of all imports and exports of meat and meat by products. Livestock producers will be able to count on Federal protection against packers and buyers who retaliate against them for public comments made regarding industry practices. Federal agriculture credit policies will be reviewed to determine if they are adequate to address the cyclical nature of modern livestock production.

The bill also calls for the review of Federal lending practices to determine if the Government is contributing to packer concentration, and directs the President and the Secretaries of Agriculture and Health and Human Services to formulate a plan consolidating and streamlining the entire food inspection system.

Finally the bill requires the USDA to develop a system for labeling U.S. meat and meat products. Companies will be encouraged to voluntarily participate in labeling their products as originating from U.S. livestock producers.

Swift congressional action is crucial for our Nation's livestock producers. Free and open markets are one of the foundations of our Nation and our economy. We as consumers all suffer if markets, especially food markets, do not operate freely. The Cattle Industry Improvement Act is critical to ensuring a fair shake for hard-working livestock producers and the Nation's consumers

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1949

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 ''Cattle Industry Improvement Act of 1996''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Expedited implementation of Fund for Rural America.
Sec. 3. Prohibition on noncompetitive practices.
Sec. 4. Domestic market reporting.
Sec. 5. Import and export reporting.
Sec. 6. Protection of livestock producers against retaliation by packers.
Sec. 7. Review of Federal agriculture credit policies.
Sec. 8. Streamlining and consolidating the United States food inspection system.
Sec. 9. Labeling system for meat and meat food products produced in the United States.

Sec. 10. Spot transactions involving bulk cheese.

SEC. 2. EXPEDITED IMPLEMENTATION OF FUND FOR RURAL AMERICA.

Section 793(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(b)(1)) is amended by striking ''January 1, 1997,'' and all that follows through ''October 1, 1999,'' and inserting ''November 10, 1996, October 1, 1997, and October 1, 1998,''.

SEC. 3. PROHIBITION ON NONCOMPETITIVE PRACTICES.

Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) in subsection (g), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following:

''(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.''.

SEC. 4. DOMESTIC MARKET REPORTING.

(a) PERSONS IN SLAUGHTER BUSINESS.—Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended—

(1) by inserting ''(1)'' before ''To collect''; and

(2) by adding at the end the following:

''(2) Each person engaged in the business of slaughtering livestock who carries out more than 5 percent of the national slaughter for a given species shall report to the Secretary in such manner as the Secretary shall require, as soon as practicable but not later than 24 hours after a transaction takes place, such information relating to prices and the terms of sale for the procurement of livestock and the sale of meat food products and livestock products as the Secretary determines is necessary to carry out this subsection.

''(3) Whoever knowingly fails or refuses to provide to the Secretary information required to be reported by paragraph (2) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(4) The Secretary shall encourage voluntary reporting by any person engaged in the business of slaughtering livestock who carries out 5 percent or less of the national slaughter for a given species.

''(5) The Secretary shall make information received under this subsection available to the public only in the aggregate and shall ensure the confidentiality of persons providing the information.''.

(b) ELIMINATION OF OUTMODED REPORTS.—The Secretary of Agriculture, after consultation with producers and other affected parties, shall periodically—

(1) eliminate obsolete reports; and

(2) streamline the collection and reporting of data related to livestock and meat and livestock products, using modern data communications technology, to provide information to the public on as close to a real-time basis as practicable.

(c) DEFINITION OF ''CAPTIVE SUPPLY''.—For the purpose of regulations issued by the Secretary of Agriculture relating to reporting under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), the term ''captive supply'' means livestock obligated to a packer in any form of transaction in which more than 7 days elapses from the date of obligation to the date of delivery of the livestock.

SEC. 5. IMPORT AND EXPORT REPORTING.

(a) EXPORTS.—Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by inserting after ''products thereof,'' the following: ''and meat food products and livestock products (as the terms are defined in section 2 of the Packers and Stockyards Act, 1921 (7 U.S.C. 182)),''.

(b) IMPORTS.—

(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Commerce shall, using modern data communications technology to provide the information to the public on as close to a real-time basis as practicable, jointly make available to the public aggregate price and quantity information on imported meat food products, livestock products, and livestock (as the terms are defined in section 2 of the Packers and Stockyards Act, 1921 (7 U.S.C. 182)).

(2) FIRST REPORT.—The Secretaries shall release to the public the first report under paragraph (1) not later than 60 days after the date of enactment of this Act.

SEC. 6. PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.

(a) RETALIATION PROHIBITED.—Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended—

(1) by striking ''or subject'' and inserting ''subject''; and

(2) by inserting before the semicolon at the end the following: '', or retaliate against any livestock producer on account of any statement made by the producer (whether made to the Secretary or a law enforcement agency or in a public forum) regarding an action of any packer''.

(b) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193), is amended by adding at the end the following:

''(e) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.—

''(1) CONSIDERATION BY SPECIAL PANEL.—The President shall appoint a special panel consisting of 3 members to receive and initially consider a complaint submitted by any person that alleges prohibited packer retaliation under section 202(b) directed against a livestock producer.

''(2) COMPLAINT; HEARING.—If the panel has reason to believe from the complaint or resulting investigation that a packer has violated or is violating the retaliation prohibition under section 202(b), the panel shall notify the Secretary who shall cause a complaint to be issued against the packer, and a hearing conducted, under subsection (a).

''(3) EVIDENTIARY STANDARD.—In the case of a complaint regarding retaliation prohibited under section 202(b), the Secretary shall find that the packer involved has violated or is violating section 202(b) if the finding is supported by a preponderance of the evidence.''.

(c) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193) (as amended by subsection (b)), is amended by adding at the end the following:

''(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—

''(1) IN GENERAL.—If a packer violates the retaliation prohibition under section 202(b), the packer shall be liable to the livestock producer injured by the retaliation for not more than 3 times the amount of damages sustained as a result of the violation.

''(2) ENFORCEMENT.—The liability may be enforced either by complaint to the Secretary, as provided in subsection (e), or by suit in any court of competent jurisdiction.

''(3) OTHER REMEDIES.—This subsection shall not abridge or alter a remedy existing at common law or by statute. The remedy provided by this subsection shall be in addition to any other remedy.''.

SEC. 7. REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.

The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

SEC. 8. STREAMLINING AND CONSOLIDATING THE UNITED STATES FOOD INSPECTION SYSTEM.

(a) PREPARATION.—In consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and all other interested parties, the President shall prepare a plan to consolidate the United States food inspection system that ensures the best use of available resources to improve the consistency, coordination, and effectiveness of the United States food inspection system, taking into account food safety risks.

(b) SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress the plan prepared under subsection (a).

SEC. 9. LABELING SYSTEM FOR MEAT AND MEAT FOOD PRODUCTS PRODUCED IN THE UNITED STATES.

(a) LABELING.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

''(g) LABELING OF MEAT OF UNITED STATES ORIGIN.—

''(1) IN GENERAL.—The Secretary shall develop a system for the labeling of carcasses, parts of carcasses, and meat produced in the United States from livestock raised in the United States, and meat food products produced in the United States from the carcasses, parts of carcasses, and meat, to indicate the United States origin of the carcasses, parts of carcasses, meat, and meat food products.

''(2) ASSISTANCE.—The Secretary shall provide technical and financial assistance to establishments subject to inspection under this title to implement the labeling system.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 10. SPOT TRANSACTIONS INVOLVING BULK CHEESE.

(a) IN GENERAL.—The Secretary of Agriculture shall collect and publicize, on a weekly basis, statistically reliable information, obtained from all cheese manufacturing areas in the United States, on prices and terms of trade for spot transactions involving bulk cheese, including information on the national average price, and regional average prices, for bulk cheese sold through spot transactions.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under this section shall be kept confidential by each officer and employee of the Department of Agriculture, except that general weekly statements may be issued that are based on the reports of a number of spot transactions and that do not identify the information provided by any person.

(c) FUNDING.—The Secretary may use funds that are available for dairy market data collection to carry out this section.

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of the Cattle Industry Improvement Act, which addresses an issue that is critical to our livestock and dairy industries—the concentration of economic

power. I want to applaud the Minority Leader [Senator DASCHLE] for his extraordinary leadership on this issue. Last year he led the effort to establish a commission to investigate concentration in meat packing and processing, introducing legislation that passed in the Senate. That legislation ultimately led to the report Concentration in Agriculture—A Report of the USDA Advisory Committee on Agricultural Concentration—issued this June, which confirmed the extensive concentration occurring through the entire livestock marketing chain. The report warned that concentration in processing and manufacturing is likely to harm farmers more than anyone else in the marketing chain given their already low market power in the face of a few large corporate buyers. That report made a number of recommendations to Congress, the administration and the livestock industry for steps that could be taken to address these problems. The legislation Senator DASCHLE is introducing today takes action on a number of those recommendations.

The trend towards concentration in the livestock industry is particularly disturbing in light of the current record low prices in cattle markets and record high prices for feed—the most important and costly input to livestock production. In Wisconsin, low cattle prices have hit our dairy farmers hard as they obtain a substantial portion of their income from the sale of cull cows and veal calves. When beef prices are low, Wisconsin's 27,000 dairy farmers are equally hard hit.

According to the USDA report, while prices are distressingly low for producers, returns for meat packers are still quite high. As some of my colleagues have pointed out, with four firms slaughtering 80 percent of the cattle in this country, it is no wonder that producers in Wisconsin and elsewhere are concerned about the disparate economic health of livestock producers and livestock packing and processing industry. While it isn't clear that concentration has caused the low prices, the USDA report confirmed that given the circumstances in the livestock industry, market manipulation for large packers and processors is certainly possible.

The Cattle Industry Improvement Act includes provisions designed to improve market information in the cattle industry which suffers from inadequate market information. Less than 2 percent of fed cattle are sold through an open ''price discovery'' process, providing producers with very little information about what other cattle producers are receiving for their cattle and what buyers are paying for cattle. The market information provisions of this bill will allow producers to deal with their buyers on a more level playing field.

In addition, this bill provides additional flexibility and authority for the Secretary of Agriculture to aggressively target noncompetitive activities in livestock markets under the Packers and Stockyards Act. Another extremely important provision in this bill is the mandated review of Federal agriculture credit policies to determine whether or not our lending practices are facilitating the growth of larger livestock and dairy operations. Many dairy farmers have complained to me that they have a difficult time getting credit for both operating purposes and for capital investments because lenders insist that farmers greatly expanding their herd size in order to be credit worthy. Many small farmers simply cannot get credit for minor herd expansion. That is neither fair to our family sized farmers nor is it sound policy. Such practices create self-fulfilling prophecies—forcing small farms to grow significantly larger or to exit the industry. I am looking forward to reviewing the results of the study required by this legislation.

Finally, Mr. President, I want to thank Senator DASCHLE for his cooperation in including a provision in this bill which I proposed to address concentration concerns and market information inadequacies in dairy markets. The cheese industry operates in a market that suffers from a lack of pricing information that is even more extreme than in the cattle industry. While less than 2 percent of the cattle in the United States are sold on markets with open and competitive bidding, less than one-half of one percent of the cheese in the United States is sold on an open cash market—the National Cheese Exchange in Green Bay, WI.

Even so, the price opinion of the National Cheese Exchange directly and decisively affects the price that farmers throughout the nation receive for their milk. Milk prices are tied directly to that price through the Basic Formula Price, calculated by USDA. The BFP determines the class III price for milk under the Federal milk marketing order system. Even if that linkage did not exist, however, milk prices would still be dramatically affected by the exchange opinion because it is used as the benchmark in virtually all forward contracts for bulk cheese. Ninety to ninety-five percent of bulk cheese in the United States is sold through forward contracts. In other words, virtually all cheese sold in the country is priced based on the opinion price at the cheese exchange. Additionally, concentration in cheese processing is high and increasing. The top four manufacturers and marketers of processed cheese market 69 percent of the tonnage of processed cheese nationally. Most if not all of those manufacturers are traders on the exchange.

The National Cheese exchange has been the subject of great controversy among dairy farmers because the small amount of trading on the exchange has such a substantial impact on farmers. A recently released report by the University of Wisconsin-Madison and the Wisconsin Department of Agriculture, Trade and Consumer Protection concluded that characteristics of the Green Bay cheese exchange make it vulnerable to price manipulation by the most powerful member-firms of the exchange. While such behavior may or may not violate antitrust laws, it is certainly not good policy to rely solely on this type of thin cash market to determine milk prices or cheese prices for the Nation.

Like cattle producers, dairy farmers suspect that the price they receive for their product may be controlled by a few large processors that trade on the National Cheese Exchange. A one cent change in the opinion price at the exchange translates into a 10 cent change in the price of milk to farmers. When prices on the exchange drop suddenly and precipitously, dairy farmers nationally lose millions of dollars in producer receipts and begin to wonder whether the price decline was truly reflective of market conditions. Others suspect that in times of rising milk prices, such as today, traders on the exchange are able to prevent prices from rising as high as they might given the market conditions.

Unfortunately, no alternative to the National Cheese Exchange exist for cheese price discovery. It is the only cash market in the country for bulk cheese. While there is a futures market for cheese and other dairy products, trading of futures contracts have been weak making the futures prices unreliable benchmarks. Furthermore, there is little or no market information on prices for spot transactions of cheese collected by the Department of Agriculture. What little information that is collected is not considered extensive enough to be reliable.

Section 4 of the Cattle Industry Improvement Act includes a provision requiring the Secretary of Agriculture to collect and report weekly statistically reliable prices and terms of trade for spot transactions of bulk cheese from all cheese manufacturing areas of the country. The intent of this provision is straight forward—to increase the amount of market information on cheese prices that is available to producers and processors.

This provision is not the end solution to the policy challenges imposed by the National Cheese Exchange. Those solutions will be considered by the Department of Agriculture through their Federal milk marketing order reform process and by the regulators of the exchange. This provision is a first step towards solving a complicated and multi-faceted problem. This market data collection effort may only collect 5–10 percent of bulk cheese transactions nationally. However, even if the data captures only 5 percent of the transactions, it will still represent a 10-fold increase in the amount of market information available to producers and processors today.

As the USDA advisory report concluded ''It is of the utmost importance that information about market conditions and trends be widely available to sellers and buyers at all levels of the

industry. . . It is widely agreed that equal and accurate market information improves the price discovery and determination process.'' While that report was referring to cattle, not cheese, the principle that more market information is always better holds true for cheese as well.

USDA collection of prices for spot transaction of bulk cheese was recommended by the joint UW-Madison/Wisconsin Department of Agriculture report as a possible solution to the thin market problem at the Cheese Exchange. During a recent House Livestock, Dairy and Poultry Subcommittee hearing on the National Cheese Exchange, the Department of Agriculture also suggested an approach similar to that described in Section 4 of this legislation as a way to improve cheese market information. Other witnesses, such as the National Farmers Union and Kraft General Foods, also suggested increased reporting of spot transactions of cheese as a method of improving price discovery in cheese markets.

Mr. President, this is a very modest data collection effort. This is a first step towards improving market information in the dairy industry and lessening the influence of the exchange. It will not and is not intended to replace the National Cheese Exchange. The data collection required in the bill will merely supplement existing market information and hopefully, improve price discovery.

There is much more work to be done at both the State and Federal level to address the challenges posed by the National Cheese Exchange. But I think this is a logical first step forward.

Once again, I thank the minority leader for his recognition of the importance of the cheese price reporting provision in addressing concentration and market information concerns in the dairy industry and for his cooperation in including this provision in his important legislation.

ADDITIONAL COSPONSORS

S. 287

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 607

At the request of Mr. WARNER, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 791

At the request of Mr. COCHRAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 791, a bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes.

S. 1701

At the request of Mr. PELL, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1701, a bill to end the use of steel jaw leghold traps on animals in the United States, and for other purposes.

S. 1740

At the request of Mr. NICKLES, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1740, a bill to define and protect the institution of marriage.

S. 1794

At the request of Mr. GREGG, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1794, a bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

S. 1830

At the request of Mr. BROWN, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1830, a bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe.

S. 1838

At the request of Mr. FAIRCLOTH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1838, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

S. 1939

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1939, a bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock producers, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

STEVENS AMENDMENT NO. 4439

Mr. STEVENS proposed an amendment to the bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 8, line 1, strike the number ''$17,700,859,000'' and insert in lieu thereof ''$17,696,659,000''.

On page 9, line 11, strike the number ''$9,953,142,000'' and insert in lieu thereof ''$9,887,142,000''.

On page 12, line 22, strike the number ''$1,069,957,000'' and insert in lieu thereof ''$1,140,157,000''.

MCCAIN AMENDMENTS NOS. 4440–4444

(Ordered to lie on the table.)

Mr. MCCAIN submitted five amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4440

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of Defense and the Secretary of State shall jointly conduct an audit of security measures at all United States military installations outside the United States to determine the adequacy of such measures to prevent or limit the effects of terrorist attacks on United States military personnel.

(b) Not later than March 31, 1997, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report on the results of the audit conducted under subsection (a), including a description of the adequacy of—

(1) physical and operational security measures;

(2) access and perimeter control;

(3) communications security;

(4) crisis planning in the event of a terrorist attack, including evacuation and medical planning;

(5) special security considerations at nonpermanent facilities;

(6) potential solutions to inadequate security, where identified; and

(7) cooperative security measures with host nations.

AMENDMENT NO. 4441

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Section 221 of title 10, United States Code, is amended by adding at the end the following:

''(d) The President shall submit to Congress each year, at the same time the President submits to Congress the budget for that year under section 1105(a) of title 31, the future-years defense program (including associated annexes) that the Chief of the National Guard Bureau and the chiefs of the reserve components submitted to the Secretary of Defense in that year in order to assist the Secretary in preparing the future-years defense program in that year under subsection (a).''.

Effective Date: This section shall take effect beginning with the President's budget submission for fiscal year 1999.

AMENDMENT NO. 4442

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended for any program, project, or activity which is not included in the future-years defense program of the Department of Defense for fiscal years 1997 through 2002 submitted to Congress in 1996 under section 221 of title 10, United States Code, unless the Secretary of Defense certifies to Congress that—

(1) the program, project, or activity fulfills an existing, validated military requirement;

(2) the program, project, or activity is of a higher priority than any other program, project, or activity included in that future-years defense program for which no funds are appropriated or otherwise made available by this Act; and

(3) if additional funds will be required for the program, project, or activity in future fiscal years, such funds will be included in the future-years defense program to be submitted to Congress under such section in 1997.

AMENDMENT NO. 4443

On page 8, line 1, strike out ''$17,700,859,000'' and insert in lieu thereof ''$17,698,859,000''.

AMENDMENT NO. 4444

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the funds appropriated or otherwise made available for the Department of Defense by this Act, $14,000,000 shall be available to the Secretary of Defense for activities to meet the anti-terrorism requirements of the Department, including intelligence support, physical security measures, and education and training for anti-terrorism purposes.

THE WATER RESOURCES DEVELOPMENT ACT OF 1996

CHAFEE AMENDMENT NO. 4445

Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 65, line 9, strike ''1995'' and insert ''1996''.

Beginning on page 66, strike line 7 and all that follows through page 67, line 4, and insert the following:

(a) PROJECTS WITH REPORTS.—Except as otherwise provided in this subsection, 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 the respective reports designated in this subsection:

On page 67, between lines 4 and 5, insert the following:

(1) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,116,000 and an estimated non-Federal cost of $5,064,000.

On page 67, line 5, strike ''(1)'' and insert ''(2)''.

On page 67, line 13, strike ''(2)'' and insert ''(3)''.

On page 67, line 22, strike ''(3)'' and insert ''(4)''.

On page 68, between lines 3 and 4, insert the following:

(5) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated October 1994, at a total cost of $18,820,000, with an estimated Federal cost of $14,120,000 and an estimated non-Federal cost of $4,700,000.

On page 68, line 4, strike ''(4)'' and insert ''(6)''.

Beginning on page 68, strike line 15 and all that follows through page 69, line 5, and insert the following:

(7) ILLINOIS SHORELINE STORM DAMAGE REDUCTION, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for lake level flooding and storm damage reduction, extending from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs that the non-Federal interest incurs in constructing the breakwater near the South Water Filtration Plant, Chicago, Illinois.

On page 69, line 6, strike ''(6)'' and insert ''(8)''.

On page 69, between lines 16 and 17, insert the following:

(9) POND CREEK, KENTUCKY.—The project for flood control, Pond Creek, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,865,000, with an estimated Federal cost of $11,243,000 and an estimated non-Federal cost of $5,622,000.

On page 69, line 17, strike ''(7)'' and insert ''(10)''.

On page 70, line 3, strike ''(8)'' and insert ''(11)''.

On page 70, line 9, strike ''(9)'' and insert ''(12)''.

On page 70, line 21, strike ''(10)'' and insert ''(13)''.

On page 71, line 9, strike ''(11)'' and insert ''(14)''.

On page 71, between lines 15 and 16, insert the following:

(15) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for hurricane and storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of $72,091,000, with an estimated Federal cost of $46,859,000 and an estimated non-Federal cost of $25,232,000.

On page 71, line 16, strike ''(12)'' and insert ''(16)''.

On page 71, line 24, strike ''(13)'' and insert ''(17)''.

On page 72, strike lines 5 through 16.

On page 72, line 17, strike ''(16)'' and insert ''(18)''.

On page 72, between lines 23 and 24, insert the following:

(19) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total cost of $508,757,000, with an estimated Federal cost of $286,141,000 and an estimated non-Federal cost of $222,616,000.

On page 72, line 24, strike ''(17)'' and insert ''(20)''.

On page 73, line 11, strike ''(18)'' and insert ''(21)''.

On page 73, line 16, strike ''$257,900,000'' and insert ''$229,581,000''.

On page 73, after line 23, add the following:

(b) PROJECTS SUBJECT TO FAVORABLE 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 favorable final report (or in the case of the project described in paragraph (6), a favorable feasibility report) of the Chief of Engineers, if the report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of $10,365,000, with an estimated Federal cost of $4,344,000 and an estimated non-Federal cost of $6,021,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,342,000, with an estimated Federal cost of $4,006,000 and an estimated non-Federal cost of $1,336,000.

(3) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $57,300,000, with an estimated Federal cost of $42,975,000 and an estimated non-Federal cost of $14,325,000, consisting of—

(i) approximately 24 miles of slurry wall in the levees along the lower American River;

(ii) approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal;

(iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and

(iv) modifications to the flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any of the features authorized under this paragraph before the date on which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) INTERIM OPERATION.—Until such time as a comprehensive flood control plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) OTHER COSTS.—The non-Federal interest shall be responsible for—

(i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph; and

(ii) the costs of the variable flood control operation of the Folsom Dam and Reservoir.

(4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for hurricane and storm damage reduction, Santa Monica breakwater, California, at a total cost of $6,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(5) LOWER SAVANNAH RIVER BASIN, SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA.—The project for environmental restoration, Lower Savannah River Basin, Savannah River, Georgia and South Carolina, at a total cost of $3,419,000, with an estimated Federal cost of $2,551,000 and an estimated non-Federal cost of $868,000.

(6) NEW HARMONY, INDIANA.—The project for shoreline erosion protection, Wabash River at New Harmony, Indiana, at a total cost of $2,800,000, with an estimated Federal cost of $2,100,000 and an estimated non-Federal cost of $700,000.

(7) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor channels, Delaware and Maryland, at a total cost of $33,000,000, with an estimated Federal cost of $25,000,000 and an estimated non-Federal cost of $8,000,000.

(8) POPLAR ISLAND, MARYLAND.—The project for beneficial use of clean dredged material in connection with the dredging of Baltimore Harbor and connecting channels, Poplar Island, Maryland, at a total cost of $307,000,000, with an estimated Federal cost of $230,000,000 and an estimated non-Federal cost of $77,000,000.

(9) LAS CRUCES, NEW MEXICO.—The project for flood damage reduction, Las Cruces, New Mexico, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(10) CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Cape Fear River deepening, North Carolina, at a total cost of $210,264,000, with an estimated Federal cost of $130,159,000 and an estimated non-Federal cost of $80,105,000.

(11) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor, South Carolina, at a total cost of $116,639,000, with an estimated Federal cost of $72,798,000 and an estimated non-Federal cost of $43,841,000.

On page 74, between lines 1 and 2, insert the following:

(a) MOBILE HARBOR, ALABAMA.—The undesignated paragraph under the heading ''MOBILE HARBOR, ALABAMA'' in section 201(a) of the Water Resources Development Act of 1986 (Public 99–662; 100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: ''In disposing of dredged material from the project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives consisting of beneficial uses of dredged material and environmental restoration.''.

(b) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the project for flood control on the San Francisco River at Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of $21,100,000, with an estimated Federal cost of $13,800,000 and an estimated non-Federal cost of $7,300,000.

(c) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—The project for navigation, Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091), is modified to provide that, for the purpose of section 101(a)(2) of the Act (33 U.S.C. 2211(a)(2)), the sewer outfall relocated over a distance of 4,458 feet by the Port of Los Angeles at a cost of approximately $12,000,000 shall be considered to be a relocation.

On page 74, line 2, strike ''(a)'' and insert ''(d)''.

On page 74, line 19, strike ''(b)'' and insert ''(e)''.

On page 75, line 11, strike ''(c)'' and insert ''(f)''.

On page 76, line 1, strike ''(d)'' and insert ''(g)''.

On page 76, between lines 5 and 6, insert the following:

(h) TYBEE ISLAND, GEORGIA.—The Secretary shall provide periodic beach nourishment for a period of up to 50 years for the project for beach erosion control, Tybee Island, Georgia, constructed under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

On page 76, line 6, strike ''(e)'' and insert ''(i)''.

On page 76, strike lines 13 through 24 and insert the following:

March 1994, at a total cost of $34,228,000, with an estimated Federal cost of $20,905,000 and an estimated non-Federal cost of $13,323,000.

On page 77, line 1, strike ''(g)'' and insert ''(j)''.

On page 77, line 10, strike ''(h)'' and insert ''(k)''.

Beginning on page 77, strike line 20 and all that follows through page 79, line 12, and insert the following:

(l) COMITE RIVER, LOUISIANA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the Comite River diversion project for flood control authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to construct the project at a total cost of $121,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $51,023,000.

(m) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by the matter under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), is modified to require the Secretary, as part of the operations and maintenance segment of the project, to assume responsibility for periodic maintenance dredging of the Chalmette Slip to a depth of minus 33 feet mean low gulf, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(n) RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to, and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

(o) WESTWEGO TO HARVEY CANAL, LOUISIANA.—If a favorable post authorization change report is issued not later than December 31, 1996, the project for hurricane damage prevention and flood control, Westwego to Harvey Canal, Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to include the Lake Cataouatche area levee as part of the project at a total cost of $14,375,000, with an estimated Federal cost of $9,344,000 and an estimated non-Federal cost of $5,031,000.

(p) TOLCHESTER CHANNEL, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if before December 31, 1996, it is determined to be feasible and necessary for safe and efficient navigation, to implement the straightening as part of project maintenance.

(q) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861). The design memorandum shall include an evaluation of the Federal interest in construction of that part of the project that includes the secondary flood wall, but shall not include an evaluation of the reconstruction and extension of the levee system for which construction is scheduled to commence in 1996. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the secondary flood wall, or the most feasible alternative, at a total project cost of not to exceed $11,600,000. The Federal share of the cost shall be 75 percent.

On page 79, line 13, strike ''(k)'' and insert ''(r)''.

On page 79, between lines 21 and 22, insert the following:

(s) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4803), is modified to provide that the Secretary shall reimburse the non-Federal sponsors (or other appropriate non-Federal interests) for the Federal share of any costs that the non-Federal sponsors (or other appropriate non-Federal interests) incur in carrying out the project consistent with the project cooperation agreement entered into with respect to the project.

(t) NEWARK, NEW JERSEY.—The project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by paragraph (18) of section 101(a) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4607) (as amended by section 102(p) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4807)), is modified to separate the project element described in subparagraph (B) of the paragraph. The project element shall be considered to be a separate project and shall be carried out in accordance with the subparagraph.

(u) ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.—The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4232) is amended by inserting before the period at the end the following: '', except that the Federal share of scoping and reconnaissance work carried out by the Secretary under this section shall be 100 percent''.

On page 79, line 22, strike ''(l)'' and insert ''(v)''.

On page 80, between lines 8 and 9, insert the following:

(w) BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.—The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (Public Law 85–500; 72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4808), is further modified to provide for

the reallocation of a sufficient quantity of water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

(x) COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.—The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes'', approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the deep draft channel between the mouth of the river and river mile 34, at a cost not to exceed $2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

(y) GRAYS LANDING, LOCK AND DAM 7, MONONGAHELA RIVER, PENNSYLVANIA.—The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4110), is modified to authorize the Secretary to carry out the project in accordance with the post authorization change report for the project dated September 1, 1995, at a total Federal cost of $181,000,000.

On page 80, line 9, strike ''(m)'' and insert ''(z)''.

On page 80, between lines 18 and 19, insert the following:

(aa) WYOMING VALLEY, PENNSYLVANIA.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary—

(1) to include as part of the construction of the project mechanical and electrical upgrades to stormwater pumping stations in the Wyoming Valley; and

(2) to carry out mitigation measures that the Secretary is otherwise authorized to carry out but that the general design memorandum for phase II of the project, as approved by the Assistant Secretary of the Army having responsibility for civil works on February 15, 1996, provides will be carried out for credit by the non-Federal interest with respect to the project.

On page 80, line 19, strike ''(n)'' and insert ''(bb)''.

Beginning on page 81, strike line 3 and all that follows through page 82, line 15, and insert the following:

(cc) INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The first sentence of section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4258) is amended—

(1) by striking ''$500,000'' and inserting ''$1,300,000''; and

(2) by striking ''$250,000'' each place it appears and inserting ''$650,000''.

(dd) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation, Corpus Christi Ship Channel, Corpus Christi, Texas, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 22, 1922 (42 Stat. 1039), is modified to include the Rincon Canal system as a part of the Federal project that shall be maintained at a depth of 12 feet, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(ee) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—The flood protection works constructed by the non-Federal interest along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the plan implemented for the Dallas Floodway Extension component of the Trinity River, Texas, project authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091). The cost of the works shall be credited toward the non-Federal share of project costs without regard to further economic analysis of the works.

On page 82, line 16, strike ''(q)'' and insert ''(ff)''.

On page 83, line 1, strike ''(r)'' and insert ''(gg)''.

On page 83, line 9, strike ''$12,370,000'' and insert ''$12,870,000''.

On page 83, line 10, strike ''$8,220,000'' and insert ''$8,580,000''.

On page 83, line 11, strike ''$4,150,000'' and insert ''$4,290,000''.

On page 83, line 12, strike ''(s)'' and insert ''(hh)''.

Beginning on page 83, strike line 21 and all that follows through page 84, line 4, and insert the following:

(ii) HAYSI DAM, VIRGINIA AND KENTUCKY.—

(1) IN GENERAL.—The Secretary shall construct the Haysi Dam feature of the project authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), substantially in accordance with Plan A as set forth in the preliminary draft general plan supplement report of the Huntington District Engineer for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995.

(2) RECREATIONAL COMPONENT.—The non-Federal interest shall be responsible for not more than 50 percent of the costs associated with the construction and implementation of the recreational component of the Haysi Dam feature.

(3) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), operation and maintenance of the Haysi Dam feature shall be carried out by the Secretary.

(B) PAYMENT OF COSTS.—The non-Federal interest shall be responsible for 100 percent of all costs associated with the operation and maintenance.

(4) ABILITY TO PAY.—Notwithstanding any other provision of law, the Secretary shall apply section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the construction of the Haysi Dam feature in the same manner as section 103(m) of the Act is applied to other projects or project features constructed under section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339).

On page 84, line 5, strike ''(u)'' and insert ''(jj)''.

On page 84, line 13, strike ''(v)'' and insert ''(kk)''.

On page 84, line 20, strike ''perform'' and insert ''provide''.

On page 85, between lines 1 and 2, insert the following:

(a) BRANFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The 2,267 square foot portion of the project for navigation in the Branford River, Branford Harbor, Connecticut, authorized by the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 13, 1902 (32 Stat. 333), lying shoreward of a line described in paragraph (2), is deauthorized.

(2) DESCRIPTION OF LINE.—The line referred to in paragraph (1) is described as follows: beginning at a point on the authorized Federal navigation channel line the coordinates of which are N156,181.32, E581,572.38, running thence south 70 degrees, 11 minutes, 8 seconds west a distance of 171.58 feet to another point on the authorized Federal navigation channel line the coordinates of which are N156,123.16, E581,410.96.

On page 85, line 2, strike ''(a)'' and insert ''(b)''.

On page 85, line 21, strike ''(b)'' and insert ''(c)''.

On page 86, line 24, strike ''(c)'' and insert ''(d)''.

On page 89, line 1, strike ''(d)'' and insert ''(e)''.

On page 90, between lines 3 and 4, insert the following:

(f) STONY CREEK, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), located in the 6-foot deep maneuvering basin, is deauthorized: beginning at coordinates N157,031.91, E599,030.79, thence running northeasterly about 221.16 feet to coordinates N157,191.06, E599,184.37, thence running northerly about 162.60 feet to coordinates N157,353.56, E599,189.99, thence running southwesterly about 358.90 feet to the point of beginning.

(g) THAMES RIVER, CONNECTICUT.—

(1) MODIFICATION.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), is modified to reconfigure the turning basin in accordance with the following alignment: beginning at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees, 25 minutes, 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees, 24 minutes, 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees, 41 minutes, 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees, 16 minutes, 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees, 1 minute, 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees, 0 minutes, 0 seconds, east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(2) PAYMENT FOR INITIAL DREDGING.—Any required initial dredging of the widened portions identified in paragraph (1) shall be carried out at no cost to the Federal Government.

(3) DEAUTHORIZATION.—The portions of the turning basin that are not included in the reconfigured turning basin described in paragraph (1) are deauthorized.

On page 90, line 4, strike ''(e)'' and insert ''(h)''.

On page 91, line 10, strike ''(f)'' and insert ''(i)''.

On page 92, between lines 6 and 7, insert the following:

(j) COHASSET HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C.

577), are deauthorized: a 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, beginning at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, beginning at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, beginning at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

On page 92, line 7, strike ''(g)'' and insert ''(k)''.

On page 92, between lines 14 and 15, insert the following:

(l) COCHECO RIVER, NEW HAMPSHIRE.—

(1) IN GENERAL.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01, is deauthorized.

(2) MAINTENANCE DREDGING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall perform maintenance dredging for the remaining authorized portions of the Federal navigation channel under the project described in paragraph (1) to restore authorized channel dimensions.

(m) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended is deauthorized.

On page 92, line 15, strike ''(h)'' and insert ''(n)''.

Beginning on page 92, strike line 21 and all that follows through page 95, line 2, and insert the following:

(o) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), consisting of the 6-foot deep channel, is deauthorized: beginning at a point, N223269.93, E513089.12, thence running northwesterly to a point N223348.31, E512799.54, thence running southwesterly to a point N223251.78, E512773.41, thence running southeasterly to a point N223178.00, E513046.00, thence running northeasterly to the point of beginning.

(p) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFERS OF PROPERTY.—

(A) TRANSFER TO STATE OF WISCONSIN.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in subparagraph (E), including all works, structures, and other improvements to the lands, but excluding lands transferred under subparagraph (B).

(B) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this paragraph, on the date of the transfer under subparagraph (A), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in subparagraph (E). The lands shall be described in accordance with subparagraph (C)(ii)(I) and may not exceed a total of 1,200 acres.

(C) TERMS AND CONDITIONS.—

(i) IN GENERAL.—The Secretary shall make the transfers under subparagraphs (A) and (B) only if—

(I) the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of lands and improvements subject to the transfer under subparagraph (A); and

(II) on or before October 30, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in clause (ii), with the tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) of the Ho-Chunk Nation.

(ii) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in clause (i)(II) shall contain, at a minimum, the following:

(I) A description of sites and associated lands to be transferred to the Secretary of the Interior under subparagraph (B).

(II) An agreement specifying that the lands transferred under subparagraphs (A) and (B) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(III) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under subparagraphs (A) and (B).

(IV) A provision requiring a review of the plan referred to in subclause (III) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under subparagraphs (A) and (B). The provision may include a plan for the transfer to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(V) An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation, if public disclosure would jeopardize the cultural or religious integrity of the site.

(D) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under subparagraph (B), and any lands transferred to the Secretary of the Interior under the memorandum of understanding entered into under subparagraph (C), or under any revision of the memorandum of understanding agreed to under subparagraph (C)(ii)(IV), shall be held in trust by the United States for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(E) LAND DESCRIPTION.—The lands referred to in subparagraphs (A) and (B) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in paragraph (1) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(4) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfers under paragraph (2).

(5) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in paragraph (1) until the date of the transfers under paragraph (2).

On page 95, between lines 3 and 4, insert the following:

(a) RED RIVER, ARKANSAS.—The Secretary shall—

(1) conduct a study to determine the feasibility of carrying out a project to permit navigation on the Red River in southwest Arkansas; and

(2) in conducting the study, analyze regional economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

On page 95, line 4, strike ''(a)'' and insert ''(b)''.

On page 95, line 14, strike ''(b)'' and insert ''(c)''.

On page 96, line 4, strike ''(c)'' and insert ''(d)''.

On page 96, line 12, strike ''(d)'' and insert ''(e)''.

On page 96, line 21, strike ''(e)'' and insert ''(f)''.

On page 97, line 3, strike ''(f)'' and insert ''(g)''.

On page 97, line 9, strike ''(g)'' and insert ''(h)''.

On page 97, line 14, strike ''(h)'' and insert ''(i)''.

On page 98, line 6, strike ''(i)'' and insert ''(j)''.

On page 98, line 13, strike ''(j)'' and insert ''(k)''.

On page 98, line 19, strike ''(k)'' and insert ''(l)''.

On page 98, line 24, strike ''(l)'' and insert ''(m)''.

On page 99, line 4, strike ''(m)'' and insert ''(n)''.

On page 99, line 18, strike ''(n)'' and insert ''(o)''.

On page 99, line 22, strike ''(o)'' and insert ''(p)''.

On page 100, line 3, strike ''(p)'' and insert ''(q)''.

On page 100, line 12, strike ''(q)'' and insert ''(r)''.

On page 100, line 23, strike ''(r)'' and insert ''(s)''.

On page 101, between lines 4 and 5, insert the following:

(t) WILLAMETTE RIVER, OREGON.—The Secretary shall conduct a study to determine the Federal interest in carrying out a nonstructural flood control project along the Willamette River, Oregon, for the purposes of floodplain and ecosystem restoration.

(u) LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) review the report entitled ''Report of the Chief of Engineers: Lackawanna River at Scranton, Pennsylvania'', dated June 29, 1992, to determine whether changed conditions in the Diamond Plot and Green Ridge sections, Scranton, Pennsylvania, would result in an economically justified flood damage reduction project at those locations; and

(2) submit to Congress a report on the results of the review.

(v) CHARLESTON, SOUTH CAROLINA.—The Secretary shall conduct a study of the Charleston, South Carolina, estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

On page 101, line 5, strike ''(s)'' and insert ''(w)''.

On page 101, line 6, strike ''The'' and insert ''Not later than 2 years after the date of enactment of this Act, the''.

On page 101, line 11, strike ''and''.

On page 102, line 5, strike the period and insert a semicolon.

On page 102, between lines 5 and 6, insert the following:

(3) use other non-Federal engineering analyses and related studies in determining the feasibility of sediment removal and control as described in paragraph (1); and

(4) credit the costs of the non-Federal engineering analyses and studies referred to in paragraphs (2) and (3) toward the non-Federal share of the feasibility study conducted under paragraph (1).

(x) MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.—The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

On page 102, line 6, strike ''(t)'' and insert ''(y)''.

On page 102, between lines 8 and 9, insert the following:

(z) PRINCE WILLIAM COUNTY, VIRGINIA.—The Secretary shall conduct a study of flooding, erosion, and other water resource problems in Prince William County, Virginia, including an assessment of the wetland protection, erosion control, and flood damage reduction needs of the county.

(aa) PACIFIC REGION.—The Secretary shall conduct studies in the interest of navigation in the part of the Pacific Region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. For the purpose of this subsection, the cost-sharing requirements of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215) shall apply.

(bb) MORGANZA, LOUISIANA TO THE GULF OF MEXICO.—

(1) STUDY.—The Secretary shall conduct a study of the environmental, flood control and navigational impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study currently being conducted under the Morganza, Louisiana to the Gulf of Mexico feasibility study. In preparing such study, the Secretary shall consult the South Terreboone Tidewater Management and Conservation District and consider the District's Preliminary Design Document, dated February 1994. Further, the Secretary shall evaluate the findings of the Coastal Wetlands Planning, Protection and Restoration Federal Task Force, as authorized by P.L. 101–646, relating to the lock structure.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations on immediate implementation not later than 6 months after the enactment of this Act.

On page 102, between lines 10 and 11, insert the following:

SEC. 201. GRAND PRAIRIE REGION AND BAYOU META BASIN, ARKANSAS.

The project for flood control and water supply, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized under section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary if, not later than 1 year after the date of enactment of this Act, the Secretary submits a report to Congress that—

(1) describes necessary modifications to the project that are consistent with the functions of the Army Corps of Engineers; and

(2) contains recommendations concerning which Federal agencies (such as the Natural Resources Conservation Service, the United States Fish and Wildlife Service, the Bureau of Reclamation, and the United States Geological Survey) are most appropriate to have responsibility for carrying out the project.

On page 102, line 11, strike ''**201**'' and insert ''**202**''.

On page 103, line 1, strike ''**202**'' and insert ''**203**''.

On page 103, line 10, strike ''**203**'' and insert ''**204**''.

On page 103, line 22, strike ''**204**'' and insert ''**205**''.

On page 104, line 8, strike ''$121,000,000'' and insert ''$156,000,000''.

On page 104, line 21, strike ''**205**'' and insert ''**206**''.

On page 105, between lines 18 and 19, insert the following:

SEC. 207. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) DEVELOP.—The term ''develop'' means any preconstruction or land acquisition planning activity.

(2) SOUTH FLORIDA ECOSYSTEM.—The term ''South Florida ecosystem'' means the Florida Everglades restoration area that includes lands and waters within the boundary of the South Florida Water Management District, the Florida Keys, and the near-shore coastal waters of South Florida.

(3) TASK FORCE.—The term ''Task Force'' means the South Florida Ecosystem Restoration Task Force established by subsection (c).

(b) SOUTH FLORIDA ECOSYSTEM RESTORATION.—

(1) MODIFICATIONS TO CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) DEVELOPMENT.—The Secretary shall, if necessary, develop modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), to restore, preserve, and protect the South Florida ecosystem and to provide for the water-related needs of the region.

(B) CONCEPTUAL PLAN.—

(i) IN GENERAL.—The modifications under subparagraph (A) shall be set forth in a conceptual plan prepared in accordance with clause (ii) and adopted by the Task Force (referred to in this section as the ''conceptual plan'').

(ii) BASIS FOR CONCEPTUAL PLAN.—The conceptual plan shall be based on the recommendations specified in the draft report entitled ''Conceptual Plan for the Central and Southern Florida Project Restudy'', published by the Governor's Commission for a Sustainable South Florida and dated June 4, 1996.

(C) INTEGRATION OF OTHER ACTIVITIES.—Restoration, preservation, and protection of the South Florida ecosystem shall include a comprehensive science-based approach that integrates ongoing Federal and State efforts, including—

(i) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802);

(ii) the project for flood protection, West Palm Beach Canal, Florida (canal C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), as modified by section 205 of this Act;

(iii) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8);

(iv) the project for Central and Southern Florida authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), as modified by section 204 of this Act;

(v) activities under the Florida Keys National Marine Sanctuary and Protection Act (Public Law 101–65; 16 U.S.C. 1433 note); and

(vi) the Everglades construction project implemented by the State of Florida under the Everglades Forever Act of the State of Florida.

(2) IMPROVEMENT OF WATER MANAGEMENT FOR ECOSYSTEM RESTORATION.—The improvement of water management, including improvement of water quality for ecosystem restoration, preservation, and protection, shall be an authorized purpose of the Central and Southern Florida project referred to in paragraph (1)(A). Project features necessary to improve water management, including features necessary to provide water to restore, protect, and preserve the South Florida ecosystem, shall be included in any modifications to be developed for the project under paragraph (1).

(3) SUPPORT PROJECTS.—The Secretary may develop support projects and other facilities necessary to promote an adaptive management approach to implement the modifications authorized to be developed by paragraphs (1) and (2).

(4) INTERIM IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Before the Secretary implements a component of the conceptual plan, including a support project or other facility under paragraph (3), the Jacksonville District Engineer shall submit an interim implementation report to the Task Force for review.

(B) CONTENTS.—Each interim implementation report shall document the costs, benefits, impacts, technical feasibility, and cost-

effectiveness of the component and, as appropriate, shall include documentation of environmental effects prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) ENDORSEMENT BY TASK FORCE.—

(i) IN GENERAL.—If the Task Force endorses the interim implementation report of the Jacksonville District Engineer for a component, the Secretary shall submit the report to Congress.

(ii) COORDINATION REQUIREMENTS.—Endorsement by the Task Force shall be deemed to fulfill the coordination requirements under the first section of 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 (33 U.S.C. 701–1).

(5) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall not initiate construction of a component until such time as a law is enacted authorizing construction of the component.

(B) DESIGN.—The Secretary may continue to carry out detailed design of a component after the date of submission to Congress of the interim implementation report recommending the component.

(6) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs of preparing interim implementation reports under paragraph (4) and implementing the modifications (including the support projects and other facilities) authorized to be developed by this subsection shall be 50 percent.

(B) WATER QUALITY FEATURES.—

(i) IN GENERAL.—Subject to clause (ii), the non-Federal share of the cost of project features necessary to improve water quality under paragraph (2) shall be 100 percent.

(ii) CRITICAL FEATURES.—If the Task Force determines, by resolution accompanying endorsement of an interim implementation report under paragraph (4), that the project features described in clause (i) are critical to ecosystem restoration, the Federal share of the cost of the features shall be 50 percent.

(C) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interests for the Federal share of any reasonable costs that the non-Federal interests incur in acquiring land for any component authorized by law under paragraph (5) if the land acquisition has been endorsed by the Task Force and supported by the Secretary.

(c) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A) The Secretary of the Interior, who shall serve as chairperson of the Task Force.

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(I) 1 representative of the Seminole Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(J) 3 representatives of the State of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(K) 2 representatives of the South Florida Water Management District, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(L) 2 representatives of local governments in the South Florida ecosystem, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(2) DUTIES.—

(A) IN GENERAL.—The Task Force shall—

(i)(I) coordinate the development of consistent policies, strategies, plans, programs, and priorities for addressing the restoration, protection, and preservation of the South Florida ecosystem; and

(II) develop a strategy and priorities for implementing the components of the conceptual plan;

(ii) review programs, projects, and activities of agencies and entities represented on the Task Force to promote the objectives of ecosystem restoration and maintenance;

(iii) refine and provide guidance concerning the implementation of the conceptual plan;

(iv)(I) periodically review the conceptual plan in light of current conditions and new information and make appropriate modifications to the conceptual plan; and

(II) submit to Congress a report on each modification to the conceptual plan under subclause (I);

(v) establish a Florida-based working group, which shall include representatives of the agencies and entities represented on the Task Force and other entities as appropriate, for the purpose of recommending policies, strategies, plans, programs, and priorities to the Task Force;

(vi) prepare an annual cross-cut budget of the funds proposed to be expended by the agencies, tribes, and governments represented on the Task Force on the restoration, preservation, and protection of the South Florida ecosystem; and

(vii) submit a biennial report to Congress that summarizes the activities of the Task Force and the projects, policies, strategies, plans, programs, and priorities planned, developed, or implemented for restoration of the South Florida ecosystem and progress made toward the restoration.

(B) AUTHORITY TO ESTABLISH ADVISORY SUBCOMMITTEES.—The Task Force and the working group established under subparagraph (A)(v) may establish such other advisory subcommittees as are necessary to assist the Task Force in carrying out its duties, including duties relating to public policy and scientific issues.

(3) DECISIONMAKING.—Each decision of the Task Force shall be made by majority vote of the members of the Task Force.

(4) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(A) CHARTER; TERMINATION.—The Task Force shall not be subject to sections 9(c) and 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) NOTICE OF MEETINGS.—The Task Force shall be subject to section 10(a)(2) of the Act, except that the chairperson of the Task Force is authorized to use a means other than publication in the Federal Register to provide notice of a public meeting and provide an equivalent form of public notice.

(5) COMPENSATION.—A member of the Task Force shall receive no compensation for the service of the member on the Task Force.

(6) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency, tribe, or government that the member represents.

SEC. 208. ARKANSAS CITY AND WINFIELD, KANSAS.

Notwithstanding any other provision of law, for the purpose of commencing construction of the project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), and the project for flood control, Winfield, Kansas, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1078), the project cooperation agreements for the projects, as submitted by the District Office of the Army Corps of Engineers, Tulsa, Oklahoma, shall be deemed to be approved by the Assistant Secretary of the Army having responsibility for civil works and the Tulsa District Commander as of September 30, 1996, if the approvals have not been granted by that date.

SEC. 209. MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA.

Section 844 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4177) is amended by adding at the end the following:

''(c) COMMUNITY IMPACT MITIGATION PLAN.—Using funds made available under subsection (a), the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer dated August 1995, that, to the maximum extent practicable, provides for mitigation or compensation, or both, for the direct and indirect social and cultural impacts that the project described in subsection (a) will have on the affected areas referred to in subsection (b).''.

SEC. 210. COLDWATER RIVER WATERSHED, MISSISSIPPI.

Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Demonstration Erosion Control Project, as authorized by Public Law 98–8 (97 Stat. 13).

On page 105, line 19, strike ''**206**'' and insert ''**211**''.

On page 106, line 8, strike ''**207**'' and insert ''**212**''.

On page 106, between lines 14 and 15, insert the following:

SEC. 213. YALOBUSHA RIVER WATERSHED, MISSISSIPPI.

The project for flood control at Grenada Lake, Mississippi, shall be extended to include the Yalobusha River Watershed (including the Toposhaw Creek), at a total cost of not to exceed $3,800,000. The Federal share of the cost of flood control on the extended project shall be 75 percent.

On page 106, line 15, strike ''**208**'' and insert ''**214**''.

On page 107, line 4, strike ''**209**'' and insert ''**215**''.

On page 107, line 11, strike ''**210**'' and insert ''**216**''.

On page 108, line 1, strike ''**211**'' and insert ''**217**''.

Beginning on page 108, strike line 7 and all that follows through page 109, line 25, and insert the following:

SEC. 218. QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) lies between the southerly high water line (as of the date of enactment of this Act) of Anable Basin (also known as the ''11th Street Basin'') and the northerly high water line (as of the date of enactment of this Act) of Newtown Creek; and

(3) extends from the high water line (as of the date of enactment of this Act) of the

East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREA BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) APPLICABILITY OF FEDERAL LAW.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

SEC. 219. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) ACQUISITION OF EASEMENTS.—

(1) IN GENERAL.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T–152–N, R–104–W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the land described in subparagraph (A) within or contiguous to the boundaries of the Buford-Trenton Irrigation District that has been affected by rising ground water and the risk of surface flooding.

(2) SCOPE.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) PAYMENT.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands to be acquired by the Federal Government. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands as if the lands had not been affected by rising ground water and the risk of surface flooding.

(b) CONVEYANCE OF DRAINAGE PUMPS.—Notwithstanding any other law, the Secretary shall—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump-sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $34,000,000, to remain available until expended.

SEC. 220. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.

(a) REVISIONS TO WATER CONTROL MANUALS.—In consultation with the State of South Dakota and the James River Water Development District, the Secretary shall review and consider revisions to the water control manuals for the Jamestown Dam and Pipestem Dam, North Dakota, to modify operation of the dams so as to reduce the magnitude and duration of flooding and inundation of land located within the 10-year floodplain along the James River in South Dakota.

(b) FEASIBILITY STUDY.—

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

(A) complete a study to determine the feasibility of providing flood protection for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

On page 110, line 1, strike ''**213**'' and insert ''**221**''.

On page 110, line 17, strike ''**214**'' and insert ''**222**''.

On page 111, line 1, strike ''**215**'' and insert ''**223**''.

On page 111, line 16, strike ''**216**'' and insert ''**224**''.

On page 112, line 1, strike ''**217**'' and insert ''**225**''.

On page 112, line 23, strike ''**218**'' and insert ''**226**''.

On page 113, strike lines 6 and 7 and insert the following:

SEC. 227. VIRGINIA BEACH, VIRGINIA.

(a) ADJUSTMENT OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share

On page 113, between lines 19 and 20, insert the following:

(b) EXTENSION OF FEDERAL PARTICIPATION.—

(1) IN GENERAL.—In accordance with section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (Public Law 87–874; 76 Stat. 1177).

(2) DURATION.—Federal participation under paragraph (1) shall extend until the earlier of—

(A) the end of the 50-year period provided for in section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f); and

(B) the completion of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, as modified by section 102(cc) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4810).

On page 115, strike lines 21 through 25 and insert the following:

SEC. 303. NATIONAL DAM SAFETY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1)(A) dams are an essential part of the national infrastructure;

(B) dams fail from time to time with catastrophic results; and

(C) dam safety is a vital public concern;

(2) dam failures have caused, and may cause in the future, loss of life, injury, destruction of property, and economic and social disruption;

(3)(A) some dams are at or near the end of their structural, useful, or operational life; and

(B) the loss, destruction, and disruption resulting from dam failures can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(i) improved design and construction standards and practices supported by a national dam performance resource bank located at Stanford University in California;

(ii) safe operation and maintenance procedures;

(iii) early warning systems;

(iv) coordinated emergency preparedness plans; and

(v) public awareness and involvement programs;

(4)(A) dam safety problems persist nationwide;

(B) while dam safety is principally a State responsibility, the diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving the Federal Government, State governments, and the private sector; and

(C) an expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of the loss, destruction, and disruption resulting from dam failure by an amount far greater than the cost of the program;

(5)(A) there is a fundamental need for a national program for dam safety hazards reduction, and the need will continue; and

(B) to be effective, such a national program will require input from, and review by, Federal and non-Federal experts in—

(i) dam design, construction, operation, and maintenance; and

(ii) the practical application of dam failure hazard reduction measures;

(6) as of the date of enactment of this Act—

(A) there is no national dam safety program; and

(B) the coordinating authority for national leadership concerning dam safety is provided through the dam safety program of the Federal Emergency Management Agency established under Executive Order 12148 (50 U.S.C. App. 2251 note) in coordination with members of the Interagency Committee on Dam Safety and with States; and

(7) while the dam safety program of FEMA is a proper Federal undertaking, should continue, and should provide the foundation for a national dam safety program, statutory authority is needed—

(A) to meet increasing needs and to discharge Federal responsibilities in dam safety;

(B) to strengthen the leadership role of FEMA;

(C) to codify the national dam safety program;

(D) to authorize the Director of FEMA to communicate directly with Congress on authorizations and appropriations; and

(E) to build on the hazard reduction aspects of dam safety.

(b) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program

to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

(c) DAM SAFETY PROGRAM.—Public Law 92–367 (33 U.S.C. 467 et seq.) is amended—

(1) by striking the first section and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'National Dam Safety Program Act'.";

(2) by striking sections 5 and 7 through 14;

(3) by redesignating sections 2, 3, 4, and 6 as sections 3, 4, 5, and 11, respectively;

(4) by inserting after section 1 (as amended by paragraph (1)) the following:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) BOARD.—The term 'Board' means a National Dam Safety Review Board established under section 8(h).

"(2) DAM.—The term 'dam'—

"(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

"(i) is 25 feet or more in height from—

"(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

"(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

"(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

"(B) does not include—

"(i) a levee; or

"(ii) a barrier described in subparagraph (A) that—

"(I) is 6 feet or less in height regardless of storage capacity; or

"(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

"(3) DIRECTOR.—The term 'Director' means the Director of FEMA.

"(4) FEDERAL AGENCY.—The term 'Federal agency' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

"(5) FEDERAL GUIDELINES FOR DAM SAFETY.—The term 'Federal Guidelines for Dam Safety' means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

"(6) FEMA.—The term 'FEMA' means the Federal Emergency Management Agency.

"(7) HAZARD REDUCTION.—The term 'hazard reduction' means the reduction in the potential consequences to life and property of dam failure.

"(8) ICODS.—The term 'ICODS' means the Interagency Committee on Dam Safety established by section 7.

"(9) PROGRAM.—The term 'Program' means the national dam safety program established under section 8.

"(10) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

"(11) STATE DAM SAFETY AGENCY.—The term 'State dam safety agency' means a State agency that has regulatory authority over the safety of non-Federal dams.

"(12) STATE DAM SAFETY PROGRAM.—The term 'State dam safety program' means a State dam safety program approved and assisted under section 8(f).

"(13) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.";

(5) in section 3 (as redesignated by paragraph (3))—

(A) by striking "SEC. 3. As" and inserting the following:

"SEC. 3. INSPECTION OF DAMS.

"(a) IN GENERAL.—As"; and

(B) by adding at the end the following:

"(b) STATE PARTICIPATION.—On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

"(1) provide information to the State dam safety agency on the construction, operation, or maintenance of the dam; or

"(2) allow any official of the State dam safety agency to participate in the Federal inspection of the dam.";

(6) in section 4 (as redesignated by paragraph (3)), by striking "SEC. 4. As" and inserting the following:

"SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.

"As";

(7) in section 5 (as redesignated by paragraph (3)), by striking "SEC. 5. For" and inserting the following:

"SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND PROPERTY.

"For";

(8) by inserting after section 5 (as redesignated by paragraph (3)) the following:

"SEC. 6. NATIONAL DAM INVENTORY.

"The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

"SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

"(a) ESTABLISHMENT.—There is established an Interagency Committee on Dam Safety—

"(1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and

"(2) chaired by the Director.

"(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property through—

"(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

"(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.

"SEC. 8. NATIONAL DAM SAFETY PROGRAM.

"(a) IN GENERAL.—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

"(1) be administered by FEMA to achieve the objectives set forth in subsection (c);

"(2) involve, to the extent appropriate, each Federal agency; and

"(3) include—

"(A) each of the components described in subsection (d);

"(B) the implementation plan described in subsection (e); and

"(C) assistance for State dam safety programs described in subsection (f).

"(b) DUTIES.—The Director shall—

"(1) not later than 270 days after the date of enactment of this paragraph, develop the implementation plan described in subsection (e);

"(2) not later than 300 days after the date of enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

"(3) by regulation, not later than 360 days after the date of enactment of this paragraph—

"(A) develop and implement the Program;

"(B) establish goals, priorities, and target dates for implementation of the Program; and

"(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

"(c) OBJECTIVES.—The objectives of the Program are to—

"(1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;

"(2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;

"(3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

"(4) develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;

"(5) develop technical assistance materials for Federal and non-Federal dam safety programs; and

"(6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

"(d) COMPONENTS.—

"(1) IN GENERAL.—The Program shall consist of—

"(A) a Federal element and a non-Federal element; and

"(B) leadership activity, technical assistance activity, and public awareness activity.

"(2) ELEMENTS.—

"(A) FEDERAL.—The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 7 to implement the Federal Guidelines for Dam Safety.

"(B) NON-FEDERAL.—The non-Federal element shall consist of—

"(i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain dams; and

"(ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

"(3) FUNCTIONAL ACTIVITIES.—

"(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMA and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.

"(B) TECHNICAL ASSISTANCE.—The technical assistance activity shall consist of the transfer of knowledge and technical information among the Federal and non-Federal elements described in paragraph (2).

"(C) PUBLIC AWARENESS.—The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters.

''(e) IMPLEMENTATION PLAN.—The Director shall—

''(1) develop an implementation plan for the Program that shall set, through fiscal year 2001, year-by-year targets that demonstrate improvements in dam safety; and

''(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.

''(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

''(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs—

''(A) in accordance with the criteria specified in paragraph (2); and

''(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.

''(2) CRITERIA.—For a State to be eligible for primary assistance under this subsection, a State dam safety program must be working toward meeting the following criteria, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and be working toward meeting the advanced requirements and standards established under paragraph (1)(B):

''(A) AUTHORIZATION.—For a State to be eligible for assistance under this subsection, a State dam safety program must be authorized by State legislation to include, at a minimum—

''(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;

''(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;

''(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;

''(iv)(I) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and

''(II) a procedure for more detailed and frequent safety inspections;

''(v) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;

''(vi) the authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary;

''(vii) regulations for carrying out the legislation of the State described in this subparagraph;

''(viii) provision for necessary funds—

''(I) to ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and

''(II) if the owner of the dam does not take action described in subclause (I), to take appropriate action as expeditiously as practicable;

''(ix) a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and

''(x) an identification of—

''(I) each dam the failure of which could be reasonably expected to endanger human life;

''(II) the maximum area that could be flooded if the dam failed; and

''(III) necessary public facilities that would be affected by the flooding.

''(B) FUNDING.—For a State to be eligible for assistance under this subsection, State appropriations must be budgeted to carry out the legislation of the State under subparagraph (A).

''(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program of the State to reach a level of program performance specified in the contract.

''(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such agreement with the Director as the Director requires to ensure that the State will maintain the aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of the expenditures for the 2 fiscal years preceding the fiscal year.

''(5) APPROVAL OF PROGRAMS.—

''(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director.

''(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to substantially meet the requirements of paragraphs (1) through (3).

''(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program does not meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

''(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property, and the Director concurs, the Director shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

''(g) DAM SAFETY TRAINING.—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.

''(h) BOARD.—

''(1) ESTABLISHMENT.—The Director may establish an advisory board to be known as the 'National Dam Safety Review Board' to monitor State implementation of this section.

''(2) AUTHORITY.—The Board may use the expertise of Federal agencies and enter into contracts for necessary studies to carry out this section.

''(3) MEMBERSHIP.—The Board shall consist of 11 members selected by the Director for expertise in dam safety, of whom—

''(A) 1 member shall represent the Department of Agriculture;

''(B) 1 member shall represent the Department of Defense;

''(C) 1 member shall represent the Department of the Interior;

''(D) 1 member shall represent FEMA;

''(E) 1 member shall represent the Federal Energy Regulatory Commission;

''(F) 5 members shall be selected by the Director from among dam safety officials of States; and

''(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

''(4) COMPENSATION OF MEMBERS.—

''(A) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

''(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

''(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

''(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

''SEC. 9. RESEARCH.

''(a) IN GENERAL.—The Director, in cooperation with ICODS, shall carry out a program of technical and archival research to develop—

''(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

''(2) devices for the continued monitoring of the safety of dams.

''(b) CONSULTATION.—The Director shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

''SEC. 10. REPORTS.

''(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of enactment of this subsection, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.

''(b) BIENNIAL REPORTS.—Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

''(1) describes the status of the Program;

''(2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;

''(3) describes the progress achieved in dam safety by States participating in the Program; and

''(4) includes any recommendations for legislative and other action that the Director considers necessary.'';

(9) in section 11 (as redesignated by paragraph (3))—

(A) by striking ''SEC. 11. Nothing'' and inserting the following:

''SEC. 11. STATUTORY CONSTRUCTION.

''Nothing'';

(B) by striking ''shall be construed (1) to create'' and inserting the following: ''shall—

''(1) create'';

(C) by striking ''or (2) to relieve'' and inserting the following:

''(2) relieve''; and

(D) by striking the period at the end and inserting the following: ''; or

''(3) preempt any other Federal or State law.''; and

(10) by adding at the end the following:

''SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

''(a) FUNDING.—

''(1) NATIONAL DAM SAFETY PROGRAM.—

''(A) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 10 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under paragraphs (2) through (5)), $1,000,000 for fiscal year 1997, $2,000,000 for fiscal year 1998, $4,000,000 for fiscal year 1999, $4,000,000 for fiscal year 2000, and $4,000,000 for fiscal year 2001.

''(B) ALLOCATION.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), for each fiscal year, amounts made available under this paragraph to carry out section 8 shall be allocated among the States as follows:

''(I) One-third among States that qualify for assistance under section 8(f).

''(II) Two-thirds among States that qualify for assistance under section 8(f), to each such State in proportion to—

''(aa) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

''(bb) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

''(ii) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this subparagraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

''(iii) DETERMINATION.—The Director and the Board shall determine the amount allocated to States needing primary assistance and States needing advanced assistance under section 8(f).

''(2) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 $500,000 for each fiscal year.

''(3) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 8(g) $500,000 for each of fiscal years 1997 through 2001.

''(4) RESEARCH.—There is authorized to be appropriated to carry out section 9 $1,000,000 for each of fiscal years 1997 through 2001.

''(5) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 $400,000 for each of fiscal years 1997 through 2001.

''(b) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.''.

(d) CONFORMING AMENDMENT.—Section 3(2) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2)) is amended by striking ''the first section of Public Law 92–367 (33 U.S.C. 467)'' and inserting ''section 2 of the National Dam Safety Program Act''.

Beginning on page 137, strike line 13 and all that follows through page 140, line 15, and insert the following:

SEC. 329. WASHINGTON AQUEDUCT.

(a) DEFINITIONS.—In this section:

(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The term ''non-Federal public water supply customer'' means—

(A) the District of Columbia;

(B) Arlington County, Virginia; and

(C) the City of Falls Church, Virginia.

(2) WASHINGTON AQUEDUCT.—The term ''Washington Aqueduct'' means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act, including—

(A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

(C) related water distribution facilities.

(b) REGIONAL ENTITY.—

(1) IN GENERAL.—Congress encourages and grants consent to the non-Federal public water supply customers to establish a public or private entity or to enter into an agreement with an existing public or private entity to—

(A) receive title to the Washington Aqueduct; and

(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of non-Federal public water supply customers.

(2) CONSIDERATION.—An entity receiving title to the Washington Aqueduct that is not composed entirely of the non-Federal public water supply customers shall receive consideration for providing equity for the Aqueduct.

(3) PRIORITY ACCESS.—The non-Federal public water supply customers shall have priority access to any water produced by the Aqueduct.

(4) CONSENT OF CONGRESS.—Congress grants consent to the non-Federal public water supply customers to enter into any interstate agreement or compact required to carry out this section.

(5) STATUTORY CONSTRUCTION.—This section shall not preclude the non-Federal public water supply customers from pursuing any option regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on any progress in achieving a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a public or private entity.

(d) TRANSFER.—

(1) IN GENERAL.—Subject to subsection (b)(2) and any terms or conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary may, with the consent of the non-Federal public water supply customers and without consideration to the Federal Government, transfer all rights, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, and personalty, to a public or private entity established or contracted with pursuant to subsection (b).

(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership to the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with Aqueduct's intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct's service area.

(e) INTERIM BORROWING AUTHORITY.—

(1) BORROWING.—

(A) IN GENERAL.—The Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997 and 1998 as is sufficient to cover any obligations that the United States Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997 and 1998 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title of the Aqueduct has taken place.

(B) LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed $29 million for fiscal year 1997 and $24 million for fiscal year 1998.

(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the non-Federal public water supply customers.

(D) TERMS OF BORROWING.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required in paragraph (2).

(ii) SPECIFIED TERMS.—The term of any amounts borrowed under subparagraph (A) shall be for a period of not less than 20 years. There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Act, and in accordance with paragraph (1), the Chief of Engineers of the Army Corps of Engineers may enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1). Any customer, or customers, may prepay, at any time, the pro-rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty. Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income only from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

(iii) include other conditions not inconsistent with this section that the Secretary of the Treasury determines to be appropriate.

(3) EXTENSION OF BORROWING AUTHORITY.—If no later than 24 months from the date of enactment of this Act, a written agreement in principle has been reached between the Secretary, the non-Federal public water supply customers, and (if one exists) the public or private entity proposed to own, operate, maintain, and manage the Washington Aqueduct, then it shall be appropriated to the

Secretary for fiscal year 1999 borrowing authority, and the Secretary shall borrow, under the same terms and conditions noted in this subsection, in an amount sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements that year for the Washington Aqueduct to ensure continued operations until the transfer contemplated in subsection (b) has taken place, provided that this borrowing shall not exceed $22 million in fiscal year 1999; provided also that no such borrowings shall occur once such non-Federal public or private owner shall have been established and achieved the capacity to borrow on its own.

(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report that assesses the impact of the borrowing authority referred to in this subsection on the near term improvement projects in the Washington Aqueduct Improvement Program, work scheduled during this period and the financial liability to be incurred.

(f) DELAYED REISSUANCE OF NPDES PERMIT.—In recognition of more efficient water-facility configurations that might be achieved through various possible ownership transfers of the Washington Aqueduct, the United States Environmental Protection Agency shall delay the reissuance of the NPDES permit for the Washington Aqueduct until Federal fiscal year 1999.

On page 148, between lines 5 and 6, insert the following:

SEC. 333. SHORE PROTECTION.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(a)), is amended—

(1) by striking ''damage to the shores'' and inserting ''damage to the shores and beaches''; and

(2) by striking ''the following provisions'' and all that follows through the period at the end and inserting the following: ''this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.''.

(b) DEFINITION OF SHORE PROTECTION PROJECT.—Section 4 of the Act of August 13, 1946 (60 Stat. 1057, chapter 960; 33 U.S.C. 426h), is amended—

(1) by striking ''SEC. 4. As used in this Act, the word 'shores' includes all the shorelines'' and inserting the following:

''SEC. 4. DEFINITIONS.

''In this Act:

''(1) SHORE.—The term 'shore' includes each shoreline of each''; and

(2) by adding at the end the following:

''(2) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.''.

On page 148, line 6, strike ''**333**'' and insert ''**334**''.

On page 153, after line 24, add the following:

SEC. 335. REVIEW PERIOD FOR STATE AND FEDERAL AGENCIES.

Paragraph (a) of the first section of 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 (33 U.S.C. 701–1(a)), is amended—

(1) in the ninth sentence, by striking ''ninety'' and inserting ''30''; and

(2) in the eleventh sentence, by striking ''ninety-day'' and inserting ''30-day''.

SEC. 336. DREDGED MATERIAL DISPOSAL FACILITIES.

(a) IN GENERAL.—Section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211) is amended by adding at the end the following:

''(f) DREDGED MATERIAL DISPOSAL FACILITIES.—

''(1) IN GENERAL.—The construction of all dredged material disposal facilities associated with Federal navigation projects for harbors and inland harbors, including diking and other improvements necessary for the proper disposal of dredged material, shall be considered to be general navigation features of the projects and shall be cost-shared in accordance with subsection (a).

''(2) COST SHARING FOR OPERATION AND MAINTENANCE.—

''(A) IN GENERAL.—The Federal share of the cost of operation and maintenance of each disposal facility to which paragraph (1) applies shall be determined in accordance with subsection (b).

''(B) SOURCE OF FEDERAL SHARE.—The Federal share of the cost of construction of dredged material disposal facilities associated with the operation and maintenance of Federal navigation projects for harbors and inland harbors shall be—

''(i) considered to be eligible operation and maintenance costs for the purpose of section 210(a); and

''(ii) paid with sums appropriated out of the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

''(3) APPORTIONMENT OF FUNDING.—The Secretary shall ensure, to the extent practicable, that—

''(A) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered fully before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities under paragraph (1); and

''(B) funds expended for such construction are equitably apportioned in accordance with regional needs.

''(4) APPLICABILITY.—

''(A) IN GENERAL.—This subsection shall apply to the construction of any dredged material disposal facility for which a contract for construction has not been awarded on or before the date of enactment of this subsection.

''(B) AMENDMENT OF EXISTING AGREEMENTS.—The Secretary may, with the consent of the non-Federal interest, amend a project cooperation agreement executed before the date of enactment of this subsection to reflect paragraph (1) with respect to any dredged material disposal facility for which a contract for construction has not been awarded as of that date.

''(5) NON-FEDERAL SHARE OF COSTS.—Nothing in this subsection shall impose, increase, or result in the increase of the non-Federal share of the costs of any existing dredged material disposal facility authorized to be provided before the date of enactment of this subsection.''.

(b) DEFINITION OF ELIGIBLE OPERATIONS AND MAINTENANCE.—Section 214(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2241(2)(A)) is amended by inserting before the period at the end the following: '', dredging and disposal of contaminated sediments that are in or that affect the maintenance of a Federal navigation channel, mitigation for storm damage and environmental impacts resulting from a Federal maintenance activity, and operation and maintenance of a dredged material disposal facility''.

SEC. 337. APPLICABILITY OF COST-SHARING PROVISIONS.

Section 103(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following: ''For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.''.

SEC. 338. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is amended—

(1) by striking ''$3,000,000'' and inserting ''$5,000,000''; and

(2) by striking the second period at the end.

(b) MODIFICATION OF REIMBURSEMENT LIMITATION FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority in an amount not to exceed a total of $5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of enactment of this Act.

SEC. 339. WAIVER OF UNECONOMICAL COST-SHARING REQUIREMENT.

The first sentence of section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended by inserting before the period at the end the following: '', except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest''.

SEC. 340. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a), by inserting '', watersheds, and ecosystems'' after ''basins'';

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking ''$6,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''$300,000'' and inserting ''$500,000''.

SEC. 341. RECOVERY OF COSTS FOR CLEANUP OF HAZARDOUS SUBSTANCES.

Any amount recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Army Corps of Engineers, and any amount recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Secretary for any expenditure for environmental response activities in support of the civil works program, shall be credited to the trust fund account to which the cost of the response action has been or will be charged.

SEC. 342. CITY OF NORTH BONNEVILLE, WASHINGTON.

Section 9147 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1940), is amended to read as follows:

"SEC. 9147. CITY OF NORTH BONNEVILLE, WASHINGTON.

''(a) CONVEYANCES.—

''(1) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (commonly known as the 'Bonneville Project Act of 1937') (50 Stat. 731, chapter 720; 16 U.S.C. 832 et seq.), and modified by section 83 of the Water Resources Development Act of 1974 (Public Law 93–251; 88 Stat. 35), is further modified to authorize the Secretary of the Army to convey to the city of North Bonneville, Washington (referred to in this section as the 'city'), at no further cost to the city, all right, title, and interest of the United States in and to—

''(A) any municipal facilities, utilities, fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically Lots M1 through M15, M16 (known as the 'community center lot'), M18, M19, M22, M24, S42 through S45, and S52 through S60, as shown on the plats of Skamania County, Washington;

''(B) the lot known as the 'school lot' and shown as Lot 2, Block 5, on the plats of relocated North Bonneville, recorded in Skamania County, Washington;

''(C) Parcels 2 and C, but only on the completion of any environmental response activities required under applicable law;

''(D) that portion of Parcel B lying south of the city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, if the Secretary of the Army determines, at the time of the proposed conveyance, that the Department of the Army has taken all actions necessary to protect human health and the environment;

''(E) such portions of Parcel H as can be conveyed without a requirement for further investigation, inventory, or other action by the Secretary of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

''(F) such easements as the Secretary of the Army considers necessary for—

''(i) sewer and water line crossings of relocated Washington State Highway 14; and

''(ii) reasonable public access to the Columbia River across such portions of Hamilton Island as remain in the ownership of the United States.

''(2) TIMING OF CONVEYANCES.—The conveyances described in subparagraphs (A), (B), (E), and (F)(i) of paragraph (1) shall be completed not later than 180 days after the United States receives the release described in subsection (b)(2). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subparagraph of paragraph (1).

''(b) EFFECT OF CONVEYANCES.—

''(1) CONGRESSIONAL INTENT.—The conveyances authorized by subsection (a) are intended to resolve all outstanding issues between the United States and the city.

''(2) ACTION BY CITY BEFORE CONVEYANCES.—As prerequisites to the conveyances, the city shall—

''(A) execute an acknowledgment of payment of just compensation;

''(B) execute a release of all claims for relief of any kind against the United States arising from the relocation of the city or any Federal statute enacted before the date of enactment of this subparagraph relating to the city; and

''(C) dismiss, with prejudice, any pending litigation involving matters described in subparagraph (B).

''(3) ACTION BY ATTORNEY GENERAL.—On receipt of the city's acknowledgment and release described in paragraph (2), the Attorney General shall—

''(A) dismiss any pending litigation arising from the relocation of the city; and

''(B) execute a release of all rights to damages of any kind (including any interest on the damages) under Town of North Bonneville, Washington v. United States, 11 Cl. Ct. 694, *aff'd in part and rev'd in part*, 833 F.2d 1024 (Fed. Cir. 1987), *cert. denied*, 485 U.S. 1007 (1988).

''(4) ACTION BY CITY AFTER CONVEYANCES.—Not later than 60 days after the conveyances authorized by subparagraphs (A) through (F)(i) of subsection (a)(1) have been completed, the city shall—

''(A) execute an acknowledgment that all entitlements to the city under the subparagraphs have been fulfilled; and

''(B) execute a release of all claims for relief of any kind against the United States arising from this section.

''(c) AUTHORITY OF CITY OVER CERTAIN LANDS.—Beginning on the date of enactment of paragraph (1), the city or any successor in interest to the city—

''(1) shall be precluded from exercising any jurisdiction over any land owned in whole or in part by the United States and administered by the Army Corps of Engineers in connection with the Bonneville project; and

''(2) may change the zoning designations of, sell, or resell Parcels S35 and S56, which are designated as open spaces as of the date of enactment of this paragraph.''.

SEC. 343. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(a) of Public Law 100–581 (102 Stat. 2944) is amended—

(1) by striking ''(a) All Federal'' and all that follows through ''Columbia River Gorge Commission'' and inserting the following:

''(a) EXISTING FEDERAL LANDS.—

''(1) IN GENERAL.—All Federal lands that are included within the 20 recommended treaty fishing access sites set forth in the publication of the Army Corps of Engineers entitled 'Columbia River Treaty Fishing Access Sites Post Authorization Change Report', dated April 1995,''; and

(2) by adding at the end the following:

''(2) BOUNDARY ADJUSTMENTS.—The Secretary of the Army, in consultation with affected tribes, may make such minor boundary adjustments to the lands referred to in paragraph (1) as the Secretary determines are necessary to carry out this title.''.

SEC. 344. TRI-CITIES AREA, WASHINGTON.

(a) GENERAL AUTHORITY.—As soon as practicable after the date of enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in subsection (b) of all right, title, and interest of the United States in and to the property described in subsection (b).

(b) PROPERTY DESCRIPTIONS.—

(1) BENTON COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Benton County, Washington, is the property in the county that is designated ''Area D'' on Exhibit A to Army Lease No. DACW–68–1–81–43.

(2) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Franklin County, Washington, is—

(A) the 105.01 acres of property leased under Army Lease No. DACW–68–1–77–20 as executed by Franklin County, Washington, on April 7, 1977;

(B) the 35 acres of property leased under Supplemental Agreement No. 1 to Army Lease No. DACW–68–1–77–20;

(C) the 20 acres of property commonly known as ''Richland Bend'' that is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(D) the 7.05 acres of property commonly known as ''Taylor Flat'' that is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(E) the 14.69 acres of property commonly known as ''Byers Landing'' that is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20; and

(F) all levees in Franklin County, Washington, as of the date of enactment of this Act, and the property on which the levees are situated.

(3) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Kennewick, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(4) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Richland, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(5) CITY OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Pasco, Washington, is—

(A) the property in the city of Pasco, Washington, that is leased under Army Lease No. DACW–68–1–77–10; and

(B) all levees in the city, as of the date of enactment of this Act, and the property on which the levees are situated.

(6) PORT OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the Port of Pasco, Washington, is—

(A) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(B) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(7) ADDITIONAL PROPERTIES.—In addition to properties described in paragraphs (1) through (6), the Secretary may convey to a local government referred to in any of paragraphs (1) through (6) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyances under subsection (a) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(2) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in subsection (b)(2)(F) shall be conveyed only after Franklin County, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United

States shall be provided all easements and rights necessary to carry out the agreement.

(3) SPECIAL RULE FOR CITY OF PASCO.—The property described in subsection (b)(5)(B) shall be conveyed only after the city of Pasco, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(4) CONSIDERATION.—

(A) ADMINISTRATIVE COSTS.—A local government to which property is conveyed under this section shall pay all administrative costs associated with the conveyance.

(B) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this section that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to the property shall revert to the United States.

(C) OTHER PROPERTIES.—Properties to be conveyed under this section and not described in subparagraph (B) shall be conveyed at fair market value.

(d) LAKE WALLULA LEVEES.—

(1) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(A) CONTRACT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall contract with a private entity agreed to under subparagraph (B) to determine, not later than 180 days after the date of enactment of this Act, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(B) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under subparagraph (A) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(2) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of the area under the jurisdiction of the local government to a height not lower than the minimum safe height determined under paragraph (1).

SEC. 345. DESIGNATION OF LOCKS AND DAMS ON TENNESSEE-TOMBIGBEE WATERWAY.

(a) IN GENERAL.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(1) Gainesville Lock and Dam at Mile 266 designated as Howell Heflin Lock and Dam.

(2) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(3) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(4) Lock A at Mile 371 designated as Amory Lock.

(5) Lock B at Mile 376 designated as Glover Wilkins Lock.

(6) Lock C at Mile 391 designated as Fulton Lock.

(7) Lock D at Mile 398 designated as John Rankin Lock.

(8) Lock E at Mile 407 designated as G.V. ''Sonny'' Montgomery Lock.

(9) Bay Springs Lock and Dam at Mile 412 designated as Jamie Whitten Lock and Dam.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to a lock, or lock and dam, referred to in subsection (a) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in the subsection.

SEC. 346. DESIGNATION OF J. BENNETT JOHNSTON WATERWAY.

(a) IN GENERAL.—The portion of the Red River, Louisiana, from new river mile 0 to new river mile 235 shall be known and designated as the ''J. Bennett Johnston Waterway''.

(b) REFERENCES.—Any reference in any law, regulation, document, map, record, or other paper of the United States to the portion of the Red River described in subsection (a) shall be deemed to be a reference to the ''J. Bennett Johnston Waterway''.

On page 154, line 1, strike ''**334**'' and insert ''**348**''.

On page 116, line 6, insert the following after ''authorized'': '', to the extent funds are made available in appropriations acts,''.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

SIMON AMENDMENTS NOS. 4446–4447

(Ordered to lie on the table.)

Mr. SIMON submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4446

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) CONSIDERATION OF PERCENTAGE OF WORK PERFORMED IN THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to evaluate competitive proposals submitted in response to solicitations for a contracts for the procurement of property or services except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a factor in such evaluation, as stated in the solicitation, is the percentage of work under the contract that the offeror plans to perform in the United States; and

(2) a high importance is assigned to such factor.

(b) BREACH OF CONTRACT FOR TRANSFERRING WORK OUTSIDE THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to procure property or services except when it is made known to the Federal official having authority to obligate or expend such funds that each contract for the procurement of property or services includes a clause providing that the contractor is deemed to have breached the contract if the contractor performs significantly less work in the United States than the contractor stated, in its response to the solicitation for the contract, that it planned to perform in the United States.

(c) EFFECT OF BREACH ON CONTRACT AWARDS AND THE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract or exercise an option under a contract, except when it is made known to the Federal official having authority to obligate or expend such funds that the compliance of the contractor with its commitment to perform a specific percentage of work under such a contract inside the United States is a factor of high importance in any evaluation of the contractor's past performance for the purposes of the contact award or the exercise of the option.

(d) REQUIREMENT FOR OFFERORS TO PERFORM ESTIMATE—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract for the procurement of property or services unless the solicitation for the contract contains a clause requiring each offeror to provide an estimate of the percentage of work that the offeror will perform in the United States.

(e) WAIVERS.—

(1) Subsections (a), (b), and (c) shall not apply with respect to funds appropriated to the Department of Defense under this Act when it is made known to the Federal official having authority to obligate or expend such funds that an emergency situation or the national security interests of the United States requires the obligation or expenditure of such funds.

(2) Subsections (a), (b) and (c) may be waived on a subsection-by-subsection basis for all contracts described in subsection (f) if the Secretary of Defense or the Deputy Secretary of Defense—

(A) makes a written determination, on a nondelegable basis, that—

(1) the subsection cannot be implemented in a manner that is consistent with the obligations of the United States under existing Reciprocal Procurement Agreements with defense allies; and

(2) the implementation of the subsection in a manner that is inconsistent with existing Reciprocal Procurement Agreements would result in a net loss of work performed in the United States; and

(B) reports to the Congress, within 60 days after the date of enactment of this Act, on the reasons for such determinations.

(f) SCOPE OF COVERAGE.—This section applies—

(1) to any contract for any amount greater than the simplified acquisition threshold (as specified in section 2302(7) of title 10, United States Code), other than a contract for a commercial item as defined in section 2302 (3)(I); and

(2) to any contract for items described in section 2534(a)(5) of such title.

(g) CONSTRUCTION.—Subsections (a), (b), and (c) may not be construed to diminish the primary importance of considerations of quality in the procurement of defense-related property or services.

(h) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into on or after the date this is 60 days after the date of the enactment of this Act.

AMENDMENT NO. 4447

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 650), is amended under the heading ''NATIONAL SECURITY EDUCATION TRUST FUND'' by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

''(A) awarding scholarships to undergraduate students who—

''(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

''(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;''; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting ''relating to the national security interests of the United States'' after ''international fields''; and

(B) in clause (ii)—

(i) by striking out ''subsection (b)(2)'' and inserting in lieu thereof ''subsection (b)(2)(B)''; and

(ii) by striking out ''work for an agency or office of the Federal Government or in'' and inserting in lieu thereof ''work for, and make their language skills available to, an agency or office of the Federal Government or work in''.

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out '', or of scholarships'' and all that follows through ''12 months or more,'' and inserting in lieu thereof ''or any scholarship'';

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

''(2) will—

''(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

''(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

''(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

''(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

''(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

''(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and''.

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.''.

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting '', including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities'' before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out ''Make recommendations'' and inserting in lieu thereof ''After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations'';

(B) in subparagraph (A), by inserting ''and countries which are of importance to the national security interests of the United States'' after ''are studying''; and

(C) in subparagraph (B), by inserting ''relating to the national security interests of the United States'' after ''of this title'';

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

''(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

''(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.''.

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

JOHNSTON (AND BREAUX) AMENDMENT NO. 4448

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 1, line 2 strike out ''17,698,859,000 and insert in lieu thereof ''17,699,359,000''.

FORD AMENDMENT NO. 4449

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 65, strike out line 8 and all that follows through page 66, line 15, and insert in lieu thereof the following:

SEC. 8059. (a) The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b)(1) The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is as safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not, during the one-year period beginning on the date of the enactment of this Act, enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado unless the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) The Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that there exists no alternative technology that is as safe and cost efficient as incineration for demilitarizing chemical munitions at non-bulk sites and can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) In this section, the term ''assembled chemical munition'' means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(g)(1) Of the amount appropriated by title VI under the heading ''CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE'', $60,000,000 shall be available for the pilot program under this section. Such amount may not be derived from funds to be made available under the chemical demilitarization program for the alternative technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

THE HAWAII JURISDICTION ACT OF 1996

AKAKA AMENDMENT NO. 4450

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill (S. 1906) to include certain territory within the jurisdiction of the State of Hawaii, and for other purposes; as follows:

On page 3, after line 24, add the following:

(9) WAKE ATOLL.—The term ''Wake Atoll'' means all of the islands and appurtenant reefs at the parallel of 19 degrees, 18 minutes, of latitude north of the Equator and at the meridian of 166 degrees, 35 minutes, of longitude east of Greenwich, England, and the territorial waters of the islands and reefs.

On page 4, lines 4 of 5, strike ''and Palmyra Atoll'' and insert ''Palmyra Atoll, and Wake Atoll''.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

KERRY (AND McCAIN) AMENDMENT NO. 4451

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the total amount appropriated under title II, $20,000,000 shall be available subject to authorization, until expended, for payments to Vietnamese commandos captured and incarcerated by North Vietnam after having entered the Democratic Republic of Vietnam pursuant to operations under a Vietnam era operation plan known as ''OPLAN 34A'', or its predecessor, and to Vietnamese operatives captured and incarcerated by North Vietnamese forces while participating in operations in Laos or along the Lao-Vietnamese border pursuant to ''OPLAN 35'', who died in captivity or who remained in captivity after 1973, and who have not received payment from the United States for the period spent in captivity.

BOND (AND OTHERS) AMENDMENT NO. 4452

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. FORD, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated by this Act may be obligated or expended—

(1) to reduce the number of units of special operations forces of the Army National Guard during fiscal year 1997;

(2) to reduce the authorized strength of any such unit below the strength authorized for the unit as of September 30, 1996; or

(3) to apply any administratively imposed limitation on the assigned strength of any such unit at less than the strength authorized for that unit as of September 30, 1996.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold an oversight hearing entitled Implementation of the Small Business Regulatory Enforcement Fairness Act of 1996 on Tuesday, July 23, 1996, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Keith Cole 224–5175.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the benefit of Members and the public that the hearing previously noticed for the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources on several measures relating to the Bureau of Reclamation for July 30, 1996, at 9:30 a.m. and will now commence at 2:30 p.m. in the committee hearing room.

The measures that had been noticed are:

S. 931. To authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes.

S. 1564. To amend the Small Reclamation Projects Act of 1956 to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality, and transmission projects, and for other purposes.

S. 1565. To amend the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation Laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects.

S. 1649. To extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes.

S. 1719. To require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes.

In addition, the subcommittee will receive testimony concerning S. 1921—To authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District, and for other purposes.

As I stated, the hearing will now take place on Tuesday, July 30, 1996, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

Those wishing to testify or submit written statements for the record should contact James Beirne at (202) 224–2564 or Betty Nevitt at (202) 224–0765 of the subcommittee staff or write the Subcommittee on Forests and Public Land Management, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 11, 1996, to conduct a hearing on S. 1800, the Fair ATM Fees for Consumers Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 11, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the issue of competitive change in the electric power industry, focusing on the FERC wholesale open access transmission rule, Order No. 888.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 11, 1996, at 10 a.m., to hold a hearing on S. 1740, the Defense of Marriage Act.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate

on Thursday, July 11, at 3 p.m., to hold a hearing.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 11, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 1738, a bill to provide for improved access to and use of the Boundary Waters Canoe Area Wilderness, and for other purposes.

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

ADDITIONAL STATEMENTS

RETIREMENT OF COL. JOHN R. BOURGEOIS

• Mr. WARNER. Mr. President, I am pleased to recognize the dedication, public service, and patriotism that has personified the career of Col. John R. Bourgeois, U.S. Marine Corps. Colonel Bourgeois will be retiring on July 11, after nearly 40 years in the Marine Corps and after 17 years as director of the U.S. Marine Band. On July 11, which marks the 198th birthday of the Marine Band, he will conduct his final concert as director of ''The President's Own'' at a change of command ceremony at Constitution Hall.

Colonel Bourgeois entered the Marine Corps in 1956 and after his recruit training was stationed in San Francisco as principal French hornist with the Department of the Pacific Marine Band. In 1958, he joined the U.S. Marine Band here in Washington, both as a French hornist and as an arranger.

He became the U.S. Marine Band operations chief in 1968; assistant director in 1974; and director in 1979. John Bourgeois was promoted to the rank of colonel in June 1983.

Col. John Bourgeois's career has spanned nine Presidential administrations, and he has regularly conducted both the Marine Band and the Marine Chamber Orchestra at the Executive Mansion. He has also selected the musical program and directed the band at the U.S. Capitol for four Presidential inaugurations.

As the 25th director of the Marine Band, Colonel Bourgeois has held the traditional post of music director of Washington's prestigious Gridiron Club, and composed the ''Gridiron Centennial'' march to honor the club's centenary in 1985. He is also the producer of the annual satirical productions of the Military Order of the Carabao, a distinguished organization of past and present members of our armed services who served in the Far East.

In recognition of his outstanding contributions to bands and band music, both in the United States and abroad, Colonel Bourgeois has been awarded the Medal of Sudler Order of Merit, and the Star of the Sudler Order of Merit from the John Phillip Sousa Foundation. He has also received the Phi Mu Alpha National Citation for service and dedication to music and country.

Colonel Bourgeois is president of the National Band Association and of the John Phillip Sousa Foundation. He is the past president of the American Bandmasters Association and the American vice president of the International Military Music Society. He is also a member of Washington's celebrated Alfalfa Club.

Under the colonel's leadership the Marine Band presented its first overseas performances in history, visiting the Netherlands, Ireland, Norway, England, and, in 1990, performing an historic 18 day concert tour of the former Soviet Union.

A Louisianan by birth, I am proud to say that John Bourgeois is a Virginian by choice. He resides for much of the year at his home in the beautiful Shenandoah area of Little Washington.

John Bourgeois is a man of great musical achievement and outstanding intellectual qualities. I am honored to call attention to his distinguished career and to wish him well in retirement.•

ARMY BREAST CANCER RESEARCH PROGRAM

• Mr. LEAHY. Mr. President, during the past 4 years, I have stood on the floor of the Senate many times to express my strong committment for Federal support of breast cancer research. I have been joined by colleagues from both sides of the aisle, many whose lives have been personally touched by this deadly disease. Our voices have joined the millions of American families who have known all too well the real consequences of this indiscriminate killer.

In 1992, the Members of this Chamber heeded the message we sent about the inadequacies of Federal dollars provided to researchers to find the causes and cure of breast cancer. It was then that Senator HARKIN and I successfully transfered $210 million from star wars to the Army Breast Cancer Research Program at the Department of Defense. Despite some formidable forces, an additional $250 million has been appropriated for this successful program in the 4 years since that time.

This year, I rise to thank my colleagues for their continued support of the Army Breast Cancer Research Program, particularly Senator STEVENS for his leadership as the chairman of the Appropriations Subcommittee on Defense. When we first began circulating the letter of support for the Army Breast Cancer Program to Members of the Senate, we were encouraged by the number of Senators who supported the program. But when we completed the process, we were extremely excited by the extraordinary support expressed by 54 Senators, the largest number since the birth of this program.

Continued funding for the Department of Defense Breast Cancer Program is more critical now than ever. Over the past 2 years, there have been incredible discoveries at a very rapid rate that offer fascinating insights into the biology of breast cancer, such as the isolation of breast cancer susceptibility genes, and discoveries about the basic mechanism of cancer cells. These discoveries have brought into sharp focus the areas of research that hold promise and will build on the knowledge and investment we have made. The Army Breast Cancer Research Program has provided researchers with the tools to make these tremendous breakthroughs.•

TRIBUTE TO MERLE E. WOOD

• Mrs. FRAHM. Mr. President, I rise today to honor an outstanding Kansan, Merle Wood, who passed away earlier this week. Merle was a resident of Olathe, KS.

Merle spent the first 24 years of his career as a petty officer in the U.S. Navy, serving in both World War II and the Korean Conflict. He retired as the Navy's chief hospital corpsman.

After his first retirement, Merle served as a government relations representative for American Home Products. In 1972 he went to work for Marion Laboratories as director and then vice president of government affairs. In 1985 he was elected to Marion's board of directors. He retired from his second career in 1989 and embarked on his third career as vice president of government and consumer affairs for the Kansas City Royals.

Merle held leadership positions in many national organizations, including the American Quarter Horse Foundation, the Southern Christian Leadership Conference, and the League of the United Latin American Citizens. He received the Legion of Merit and Lifetime Membership Award from the Military Society of Anesthesiology and was a member of the Association of Military Surgeons. He also belonged to the Andrew G. Morrow Society of Cardiovascular Surgeons, which created the Merle E. Wood Scholar Fellowship in his honor.

Mr. President, no one could meet Merle Wood without being charmed by his open personality and impressed by his wide-ranging knowledge. I extend my condolences to his wife, Ellen, and their children. Merle will be greatly missed by the Greater Kansas City community and all who knew him.•

JUNK GUN PROLIFERATION THREATENS POLICE OFFICERS

• Mrs. BOXER. Mr. President, in March, I introduced legislation to prohibit the sale and manufacture of junk guns, or as they are also called, Saturday night specials. The importation of these cheap, easily concealable, and

unsafe weapons has been prohibited since 1968, but their domestic production continues to soar.

In 1995, 8 of the 10 firearms most frequently traced at crime scenes were junk guns.

My bill has received strong support from California's law enforcement leaders. The California Police Chiefs Association has endorsed my bill along with more than two dozen individual police chiefs and sheriffs representing some of California's largest cities and counties.

Law enforcement leaders support my bill because of the terrible threat that junk guns present to police officers. Today, I want to speak about that threat and share with my colleagues a letter I received from Janice Rogers, the wife of a California highway patrolman shot with one of the most common junk gun models.

Janice's husband, Officer Ronald Rogers, was on duty last March, when he stopped to assist a pedestrian walking on a freeway shoulder near Livermore, CA. Before giving him a ride to a phone off the freeway, Ron had to check the pedestrian for weapons. As Ron approached, the man pulled out a junk gun concealed in his pocket and shot Officer Rogers in the face at point blank range. The bullet entered the left side of his face and exited out the right side of his neck. It was a miracle, the doctors later told Ron and Janice, that the bullet missed all vital structures.

The force of the gunshot knocked Officer Rogers down. He tried to draw his weapon but nerve damage caused by the gunshot rendered his right arm useless. The attacker pinned him to the ground and prepared to shoot him in the head a second time, but the gun jammed. He began beating Officer Rogers mercilessly, hitting him in the head repeatedly with the jammed pistol. By the time help arrived, Officer Rogers had not only been shot in the face, but had also been pistol whipped 30 times, fracturing his skull and every bone in his face.

The firearm used in this horrible assault was a Davis Industries P–380. It is the second most frequently traced firearm at crime scenes. This gun is so small that criminals can simply hide it in a pocket, as Ron Rogers' assailant did.

If this firearm were made overseas, it could not be imported legally. It is so small that it would fail the import test on the basis of size alone. However, because of the junk gun double standard—a loophole in the law accidentally created by Congress in 1968—an estimated 100,000 of these guns are produced legally every year. It makes absolutely no sense. If a firearm is such a threat to public safety that its importation should be restricted, its domestic production should also be prohibited. A gun's point of origin is irrelevant.

Ron and Janice Rogers are courageous people. They worked together through months of grueling physical therapy and four reconstructive surgeries. Last month, Officer Ron Rogers resumed full active duty in the California Highway Patrol. The citizens of the bay area are fortunate to have law enforcement officers like Ron Rogers patroling their communities.

Janice Rogers wants to make sure that what happened to her husband never happens to anyone else. That is why she has joined me in calling for a ban on junk guns. I want to read what she wrote to me about my bill:

> Opponents of your legislation might claim that banning these types of weapons won't stop criminals who choose to use weapons. We believe that it is the mass production of these poor quality weapons which effectively place these guns into the hands of criminals.

Janice Rogers is absolutely right. Each year, the companies that dominate the junk gun industry produce more than half a million handguns. Many of those guns find their way into criminals' hands and are used in brutal assaults like the attempted murder of Officer Ron Rogers.

To protect our families, our children, our communities, and our law enforcement officers, we must act now. I urge my colleagues to cosponsor the Junk Gun Violence Protection Act. I ask that the letter I received from Janice Rogers be printed in the RECORD.

The letter follows:

MAY 15, 1996.

Re Banning ''Junk Guns.''

Barbara Boxer, U.S. Senator, 1700 Montgomery Street, Suite 240, San Francisco, California 94111.

From: Ron & Janice Rogers.

DEAR SENATOR BOXER: We read with great interest about your co-sponsoring legislation to prohibit the domestic manufacture, transfer, and possession of Saturday Night Specials. We would like to applaud your efforts to get these weapons off of our streets. This topic holds very special interest to us.

My husband, Ron has been an officer with the California Highway Patrol for thirteen years. On March 11, 1995, while on duty, Ron stopped to assist a pedestrian waling on the shoulder of a freeway in the city of Livermore. The 19-year-old pedestrian asked for a ride and Ron agreed to give him a ride off of the freeway to a phone. Ron told him that he would first have to check him for weapons prior to allowing him to get in the patrol car. At this time, without warning, the 19 year old pulled a Davis P–380 Auto Pistol he had concealed in his pocket and shot Ron point-blank in the face. The bullet entered the left side of Ron's face and exited the right side of his neck. The trauma surgeons described the bullet's path as miraculous in that it narrowly missed all vital structures.

The force of the gunshot knocked Ron down an embankment. His assailant came down after him. Ron was not aware at that time that he had been shot, but he knew that he had been severely injured. Ron attempted to draw him duty weapon as his assailant came down the embankment after him, but due to nerve damage caused by the bullet's path, his right arm and hand would not function. A struggle ensued as they tumbled to the bottom of the embankment. His assailant straddled him and as he pulled the slide back he told Ron he was going to kill him. His assailant fired a second shot but fortunately the barrel of the gun had become plugged with mud from the struggle and the bullet lodged in the barrel. When the Davis P–380 Auto Pistol malfunctioned, his assailant then began striking Ron in the head and face with the handgun while attempting to remove Ron's gun from its holster. As Ron struggled to keep his assailant from gaining access to his gun, he was struck over 30 times with the handgun, inflicting severe lacerations and fracturing Ron's skull and all of his facial bones.

If it were not for the miraculous intervention of three off-duty peace officers who stopped the assault and summoned medical aid Ron would not be here today. The suspect, Larry White is still in custody awaiting trial for attempted murder of a peace officer. He has plead not guilty.

Opponents to your legislation might claim that banning these types of weapons won't stop criminal who choose to use weapons. We believe that it is the mass production of these poor quality weapons which effectively places these guns into the hands of criminals. Criminals find these weapons particularly appealing in that they are cheap and easy to conceal. It is a well known fact that these junk guns need to be used at close range in order to ensure accuracy and that basically ensures severe if not fatal injuries.

We are extremely concerned about the lack of responsibility on the part of the gun's manufacturer for producing and distributing a handgun which is clearly of insufficient quality to be used for any sporting purpose, leaving its only conceivable purpose to be for injuring or killing human being at close range.

We discussed the possibility of a lawsuit with our attorney, but he and his associates were unprepared to undertake such a novel case on a contingent fee basis and believed that financing such litigation would be costly and would likely carry and appeal to the U.S. Supreme Court. We also contacted several of the lobbying organizations—Center to Prevent Handgun Violence and Coalition to Stop Gun Violence. Neither were willing to assist us in legal remedy against Davis Industries after they discovered that the serial numbers had been drilled off of the handgun.

Over a year has passed since Ron's assault. Ron has endured four reconstructive surgeries and months of agonizing physical therapy. Just this week he was released back to full duty. We would like to think that in surviving such an ordeal that we could in some way make a difference. Our opportunity to pursue legal action passed us by, but if there is anything that we can do to further your cause, please don't hesitate to contact us. We would like to assist you in anyway that we can.

Sincerely,

JANICE L. ROGERS.●

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

Mr. MCCONNELL. Mr. President, I rise today to salute an outstanding group of young women who have been honored with the Girl Scout Gold Award. The Gold Award is the highest achievement a Girl Scout can earn and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12.

The young ladies from Kentucky who will receive this honor are: Jeanette Vonseal Allison, Julia Carter, Michelle Clark, Carla Cornett, Rachel N. Duncan, Staci Hurt, Lisa Jones, Laura Roberts, Julie Slone, Mollie Carol

SMITH, Anna Elizabeth Smoot, and Laura Camille Wilson from the Wilderness Road Girl Scout Council.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

Mr. President, I ask you and my colleagues to join me in paying tribute to these outstanding young ladies. They deserve recognition for their contributions to their community and their country and I wish them continued success in the years ahead.●

FILEGATE WAS BAD ENOUGH—NOW THIS?

● Mr. SIMON. Mr. President, the FBI and the Office of Personnel Management are making a terrible move that is not in the national interest, that may save a few dollars temporarily, but will cost us in the long run. They are privatizing many of our background checks.

Not only is this questionable from a security point of view, it will result in a massive invasion of privacy.

Those of us in public life are on a big ''privatizing'' kick. The reason is rarely to save money. The main reason is so that people who are in executive positions can go out and say ''When I took office, there were so many Federal employees or State employees or city employees, but now there are fewer.'' The decrease makes it appear that a great job is being done.

The reality is while that kind of talk goes on, the budgets tend to go up.

Frequently, those who are adversely affected by privatization are people at the very bottom of the economic ladder.

For example, we have privatized custodial services at some of the Federal buildings in Chicago. The already low wages for these people are being depressed more, and they lose the benefits of retirement pay and other things.

Privatizing background checks for those who either are coming into government or who may be given greater responsibilities is simply foolish.

Prof. Stephen Gillers of the New York University School of Law had an op-ed piece in the New York Times about this that should be creating some concerns among Federal officials, as well as people at the State and local level.

I ask that the New York Times op-ed be printed in the RECORD.

The op-ed follows:

FILEGATE WAS BAD ENOUGH. NOW THIS?

(By Stephen Gillers)

The F.B.I. called again last month. It phones several times a year to ask me about former students who are seeking sensitive Government jobs. I could verify that indeed it was the Federal Bureau of Investigation calling. The voice-mail message had the bureau's telephone exchange, and the agent talked the way agents do, unfailingly polite and right to the point.

I answered all his questions. I trusted the confidentiality of my answers, even though Louis J. Freeh, the F.B.I. director, had recently acknowledged that the White House had managed to ''victimize'' the bureau by getting its secret files on prominent Republicans and others. I figure that two ''Filegates'' in a generation is not something the bureau will permit.

It seems that my next call may come not from the F.B.I., or from the Office of Federal Investigations, which also checks out Government personnel. It may instead come from a private company, which under a Clinton Administration plan will conduct 40 percent of Government security clearances. And I may be questioned not by a G-Person (formerly G-Man), but by a private investigator whose employer submitted a winning bid. The decision to privatize this work, rash in the best of times, needs a close second look after Filegate.

Take quality. Privatizing will dilute it. The company will be free to accept other customers, including private ones. Can I be confident that what I say will not be shared with those customers? I'm not going to be as candid if my answers can find their way into private files.

What about subpoenas? I doubt the courts will protect private records as jealously as they do F.B.I. files. And whom will I be talking to? I have a pretty good idea of what's required to become a Government investigator, the quality of supervision, and the length of time people hold that job. But who will the private investigators be, who will check their work, and where will they be working tomorrow?

The need to earn a profit will also compromise quality. Under the plan, a private company owned by former Government employees will have an exclusive contract for three years. Then the work will be put up for bid. Whether payment is a fixed sum for all investigations, or like piecework, a flat fee per investigation, profitability will encourage companies to do the minimum and not pursue the last elusive detail.

Abuse will also be easier. The F.B.I. has many ways to protect itself. Its director cannot easily be fired, it enjoys broad public support, and it has excellent media contacts. Yet it did not stand up to a White House that, by accident or design, easily obtained files for no lawful reason. Will a private company, dependent on Government officials for renewal of a lucrative contract, be able to challenge an improper request? Don't count on it.

The only defense offered for this misguided plan is that it may save $25 million yearly. But even that is unsure. While the General Accounting Office cautiously concluded that ''privatization would be likely to produce a net savings to the Government in the long term,'' it added that ''any new business faces many uncertainties that affect profitability.''

One hidden cost will be duplication of work. Certain law-enforcement records will be unavailable to private investigators. So Government personnel will have to complete the assignments, inevitably requiring them to retrace some steps. This time must be added in figuring the true cost.

In any event, the savings are not worth it. As one Federal investigator put it, this work is ''inherently governmental.'' Some tasks should not be privatized because the value of having the Government do them is priceless. Enforcing the law and approving new drugs are two examples. Security investigations for public jobs are a third. No business, especially one with other customers, should be authorized to routinely collect sensitive information on American citizens in the name of the United States.●

TRIBUTE TO PAUL BOFINGER

● Mr. SMITH. Mr. President, I rise today to pay tribute to Paul Bofinger from Concord, NH, as he retires as president of the Society for the Protection of New Hampshire Forests. Paul ends a distinguished 35-year career with this organization, serving as its president for the last 23 years. This exceptionally hard-working man has long been recognized as one of the top conservationists in our State.

The last 35 years have seen a steady period of growth and awareness of conservation issues in New Hampshire, and Paul has played a large role in this development. In the last three and a half decades, New Hampshire became the first State to establish statewide control over septic systems, and the first to take steps toward preserving wetlands. Paul is justly proud of his record and the fact that the number of New Hampshire residents who are concerned about protecting the environment is increasing each year.

Paul is described by many as a master of negotiations. During the struggle over the Wilderness Protection Act, he negotiated a balanced agreement which set aside 77,000 acres as national forest land while preserving land for timber as well. He demonstrated understanding for both sides but always urged what was best for the land. Another of Paul's brilliant negotiations involved the construction of the Franconia Notch Parkway, a compromise between the preservation of forest lands and the construction of a four-lane interstate highway. Paul had a rare intuition for politics and policy and his heart was always in the right place when it came to protecting our State.

Paul's many projects, from the Trust for New Hampshire Lands and the Northern Forest Lands Council to the fight against acid rain and his support of current use legislation, have earned him numerous awards. Some of his more prestigious awards include: the John Aston Warner Medal for American Forests, the President's Conservation Achievement Award from the Nature Conservancy, and the Tudor Richards Award from the Audubon Society of New Hampshire.

As Paul leaves the field of nature conservation, he will be sorely missed, but his memory and work will endure. It is he and others like him whom we should credit for preserving our beautiful New Hampshire wilderness for the next generation of Granite-staters. I thank Paul for his 35 years of service

and commend him for an extraordinary job. We will miss his strong voice on behalf of our State's forests and his devotion to protecting our natural environment.●

THE DEFENSE AUTHORIZATION BILL

● Mr. BIDEN. Mr. President, I wish to discuss the Defense authorization bill, which passed the Senate yesterday. The bill contains several provisions that I have strongly advocated and worked hard to advance.

First and foremost, the bill authorizes funds for three military construction projects in my home State of Delaware that will add to our military preparedness. The first of these is a C–5 aerial delivery facility at Dover Air Force Base that will allow the base to fulfill the strategic brigade airdrop mission, enhancing Dover's leading role in meeting our new military requirements in the post-cold war era. Second, $12 million for new visiting officers quarters will ease a severe housing shortage at Dover and also allow for a much-needed transportation upgrade at the base. Third, an operations and training complex for the Air National Guard will improve readiness by replacing several outdated and dilapidated facilities at the Air Guard's headquarters at the New Castle County Airport. I am grateful to my colleagues on the Armed Services Committee for including these projects, which I had requested.

I am also pleased that the bill provides for the transfer of the last parcel of military-controlled land at Cap Henlopen to the Delaware State Park System, completing a long-standing project I began when I first arrived in the Senate.

In addition, the bill restores two important provisions that I fought hard to include in the antiterrorism act, but were removed by the conference committee. First, the Nunn-Lugar-Domenici amendment, of which I am an original cosponsor, gives authority to the Armed Forces to assist local law enforcement, should we ever face an emergency involving a chemical or biological weapon. The Armed Forces alone have the capacity and equipment to respond to such an incident. In addition, this amendment will improve our ability to interdict weapons of mass destruction before they reach American soil. It will help ensure the security of all Americans by expanding programs to safeguard nuclear material in the former Soviet Union.

The second antiterrorism provision is a Feinstein-Biden amendment to prohibit the distribution of bomb-making information on the Internet. The Senate had overwhelmingly approved this amendment to the antiterrorism bill, but it was not included in the final conference report.

I am pleased that these two crucial antiterrorism provisions are included in the Defense authorization bill.

Another important amendment to this bill calls for a study of the benefits and costs of enlarging the North Atlantic Treaty Organization to include the new democracies of Central Europe.

While I believe that the addition of Poland, Hungary, the Czech Republic, and Slovenia may well strengthen our own security, that or our allies, and that of Europe as a whole, we must understand in detail what we are undertaking before asking these countries to shoulder the burdens of NATO membership. The mandated study will answer the relevant questions.

Despite these significant achievements, Mr. President, I cannot support a bill that is fiscally irresponsible. If we are serious about balancing the budget, no area of Government—including defense—should be immune to a critical review of spending.

Between 1981 and 1992, the annual Federal deficit quadrupled—from $74 billion to $290 billion. Since 1992, the deficit has been cut by more than half—the Congressional Budget Office now projects that the Federal deficit will be about $140 billion this year, down from $290 billion at the end of the Bush administration.

This marks the first time in modern budget history—since we demobilized at the end of WWII—that the deficit has gone down 4 years in a row.

The deficit is now less than 2 percent of our Nation's output—we have the best budget record of any of the advanced industrial economies. Today, Federal spending as a share of the economy is the lowest it has been since 1979.

This is a record that owes a lot to the hard choices we made in 1993 and to the discipline it has taken to stick with those decisions. We cannot—we must not—put this record in jeopardy. We certainly should not throw more money at the Pentagon than it says it needs.

For every dollar wasted on exotic weapons systems that the Department of Defense is not asking for, there is less for crime prevention, for the infrastructure that underpins our economy, and for education and research that will be the key to tomorrow's productivity growth.

We have to balance our priorities carefully and to use our scarce resources efficiently. The Defense budget should not become the new way to keep old habits alive.

The overwhelming majority of the money added to the President's Defense authorization request would go toward procurement and development of weapons systems that the Pentagon does not believe are necessary to ensure the security of the United States. In fact, $3.8 billion of the additional money is for programs that are not even in the Pentagon's long-range plan to defend our country.

Mr. President, my distinguished colleagues argued for this unnecessary spending on the grounds that the readiness of our military was at stake. This ignores the fact that American military readiness today is at an all-time high.

We cannot take an additional $11.4 billion our of the pockets of the taxpaying American people to buy airplanes and ships we don't need. We cannot continue to borrow from our grandchildren's future to pay for additional weapons at a time we face no major military threat. In short, we cannot afford this bill.

Mr. President, I could not in good conscience vote to spend $11.4 billion more than the military itself believes is necessary to defend our Nation. It is my hope that the conferees will work to bring down the spending in this bill to an acceptable and responsible level, so that at time, I can support the bill.●

THE PASSING OF ALEX MANOOGIAN

● Mr. ABRAHAM. Mr. President, it is with great personal sadness that I note the passing of Alex Manoogian, a highly respected community leader and businessman from Detroit, MI. Mr. Manoogian was revered as the most influential leader in the Armenian-American community in Detroit and throughout the United States.

Mr. Manoogian came to the United States from his native Armenia in the 1920's, and settled in Detroit shortly thereafter. He soon founded the Masco Corp., a small venture which by 1936 became the first company owned by an Armenian to be listed on the stock exchange. He married the former Marie Tatian, who passed away in 1992, and was the father of a daughter, Louise, and a son, Richard.

Mr. Manoogian was a member of the Armenian General Benevolent Union [AGBU] and the Knights of Vartan. By the 1940's he had been elected the national commander of the Knights and director on the central board and then president of the AGBU. In 1970, the AGBU voted him life president, and then in 1989 honorary life president, for his tremendous contributions.

Under Mr. Manoogian's leadership, the Knights of Vartan Brotherhood established an endowment fund through which it donated services to the church and other charitable, educational, and cultural organizations. Also under his leadership, the AGBU established the Alex and Marie Manoogian Cultural Foundation, which has supported the publication and translation of many scholarly and literary works, funded cultural activities and provided assistance to needy Armenian intellectuals and educators throughout the world.

Mr. Manoogian was a generous man who contributed to various hospitals, museums, libraries, universities, schools, and other charitable and cultural organizations in the United States and around the globe. He leaves us with many institutions throughout the world bearing his family name.

In recognition of his international philanthropy, Mr. Manoogian was

awarded the Ellis Island Award, the Knight of Charity Award, the Presidential Medal from Argentina, the Cross of St. Gregory the Illuminator by His Holiness Vasken I, the Catholicos of all Armenians, the First Order of the Cedars by the President of Lebanon, the Cross of St. James by his Beatitude the Patriarch of Jerusalem, and the 50th Anniversary Medal by the Prime Minister of Armenia. The President of the Republic of Armenia awarded him the honor of National Hero, and the President of Nagorno-Karabagh bestowed upon him the Medal of Honor of Artzakh.

He was a fine man, whom I personally shall miss. I extend my deep condolences to the Manoogian family. My thoughts and prayers are with them.●

BUDDY BEARS FOR ABUSED CHILDREN

● Mr. HATFIELD. Mr. President, it is my great pleasure today to recognize the Buddy Bears for Abused Children Program. This program is a volunteer effort coordinated with Oregon law enforcement agencies that donates teddy bears to abused children. The growth and popularity of this program serves as an example of its success in promoting a very special cause.

The Buddy Bear program provides a simple but immediate gift to children who are often at their most vulnerable. In many cases these children are being taken from the trauma of an abusive or drug addicted home life or have been completely abandoned by their parents. At a confusing and frightening moment in their young lives, this gift, presented to them by an officer, serves as an important signal of caring and trust.

The driving force behind this program for the last 5 years has been Leonard H. Odom of Salem, OR. Mr. Odom is a member of the Marion County Sheriff's Office and has spent hundreds of volunteer hours each year collecting donations from individuals and businesses in the community. As a result of his tireless efforts with the Buddy Bear program, he was awarded a letter of commendation from the Marion County Sheriff's Office at an awards ceremony on May 17, of this year.

As an example of the impact of the Buddy Bear program, I would like to share a letter that Mr. Odom received. It reads:

Dear Mr. Buddy Bear,

An unusual and touching incident arose when I went to buy the Buddy Bears, and I thought you might find it interesting. A young, black girl, 18 or 19 waited on me. When she saw the bears she picked one up and said, ''Hi Mr. Bear,'' and gave him a hug. I said, ''Now don't get too attached to those bears, they are for a very special purpose.''

I then proceeded to tell her that we have a friend who works with the Sheriffs department and he collects bears to give to children who have been in a traumatic situation. The girl stopped what she was doing and she had this very startled look on her face. She said, ''I got one of those bears when I was a little girl. My Step-Dad tried to kill my Mother. He went after her with a machete, he beat her, he hit us, and when the police got there they gave me and my sister a teddy bear to hug. I remember it to this day. I think your friend is doing a wonderful thing.''

So now you know first hand how appreciated your work is to the victims.

Elcena

It is programs like the Buddy Bears for Abused Children, and the energy and commitment of people like Mr. Odom, that make volunteer efforts in Oregon and across the country so successful. I am honored today to recognize this program and individual.●

CELEBRATING TWO RIVERS LANDING VISITOR CENTER

● Mr. SANTORUM. Mr. President, I rise today to call attention to the recently completed Two Rivers Landing Visitor Center located in Easton, PA.

On July 16, 1996 a new state-of-the-art cultural visitor center will open its doors to the public permitting visitors to experience the unique wonders of Easton and its surrounding communities. The visitor center embodies a highly successful public-private partnership between the Federal Government, Commonwealth of Pennsylvania, private industry, community leaders and local lenders. The Two Rivers Landing Visitor Center represents the anchor project in the Easton Economic Development Corporation's strategic plan for revitalizing Easton.

Primarily, the visitor center will celebrate the historic accomplishments of Binney & Smith, Inc., makers of Crayola crayons through a Crayola Factory display. In addition, the visitor center will highlight the natural beauty and assets of the Easton region through a National Canal Museum and National Heritage Corridor and State Heritage Parks Center.

Unquestionably, the highlight of the Two Rivers Landing Visitor Center will be the Crayola factory. The factory will allow visitors the opportunity to experience first-hand how a Crayola crayon is molded, labeled, and packaged. The Crayola factory component will allow visitors the opportunity to creatively interact with Crayola products in a range of different mediums.

Mr. President, for generations Americans of all ages have experienced the joy and magic of Crayola crayons. Crayola crayons have become a part of our lives not only as children, but also as parents and grandparents. It is estimated that 20,000 visitors travel to the Binney & Smith, Inc. Forks Township, PA manufacturing facility each year to witness the creation of these crayons. The number of visitors is even more astounding when one realizes that the current manufacturing plant tour uses no advertising or promotions whatsoever. With these facts in mind, I hope my colleagues will join me in observing a National Day of Color in honor of this opening.

I hope that the visitors center will also act as a local hub to direct tourists to the region's other enriching attractions—children's shows and performances at the nearby State Theater, the canal boat ride and locktender's house located at Huge Moore Park, the fish ladder on the Delaware River, activities occurring at Lafayette College, local restaurants, local retailers, other regional events, and Bushkill Park.

Mr. President, it has been 3 years since proposals were unveiled to create a visitor center that would help revitalize downtown Easton. Those who have had the privilege to tour the facility prior to its grand opening indicate that the facility has successfully captured the spirit and history of the Easton region.

The Two Rivers Landing Visitor Center will expose many new visitors to the rich heritage of Easton, while at the same time, stimulating the economy of the region. I would like to congratulate the parties involved in this undertaking on a job well done.●

ORDERS FOR FRIDAY, JULY 12, 1996, AND TUESDAY, JULY 16, 1996

Mr. NICKLES. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Friday, July 12; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, and the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; there then be a period for morning business until the hour of 12:30 with Senator COVERDELL or his designee in control of the time from 9:30 to 11 a.m., and Senator FORD in control of the time from 11 a.m. to 12 p.m., and Senator DASCHLE or his designee to be in control of the time from 12 to 12:30; further, immediately following morning business, the Senate stand in adjournment until the hour of 9 a.m. on Tuesday, July 16, and that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, unfortunately we have been unable to complete action on the Defense appropriations bill. The Senate will therefore be in session tomorrow for a period of morning business. No votes will occur during tomorrow's session. The Senate will then reconvene again on Tuesday, at 9 a.m. and, in accordance with the

provisions of rule XXII, a live quorum will begin at 10 a.m. and, upon the establishment of a quorum, a cloture vote will occur on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. All Members can therefore expect rollcall votes to begin shortly after 10 a.m. on Tuesday in accordance with Senate rules. If cloture is invoked, I hope the Senate will be allowed to proceed to S. 1936 in a timely manner. If cloture is not invoked on that important measure, there will be an immediate cloture vote on the Department of Defense appropriations bill. As a reminder to all Senators, under the provisions of rule XXII, Senators have until the hour of 1 p.m. tomorrow, or the close of business if earlier, to file first-degree amendments to the Defense appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:59 p.m, adjourned until Friday, July 12, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 11, 1996:

DEPARTMENT OF STATE

ROD GRAMS, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CLAIBORNE DEB. PELL, OF RHODE ISLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF 7 YEARS FROM OCTOBER 26, 1996. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be major general

BRIG. GEN. MICHAEL W. ACKERMAN, 000–00–0000.
BRIG. GEN. FRANK H. AKERS, JR., 000–00–0000.
BRIG. GEN. LEO J. BAXTER, 000–00–0000.
BRIG. GEN. ROY E. BEAUCHAMP, 000–00–0000.
BRIG. GEN. KENNETH R. BOWRA, 000–00–0000.
BRIG. GEN. KEVIN P. BYRNES, 000–00–0000.
BRIG. GEN. MICHAEL, A. CANAVAN, 000–00–0000.
BRIG. GEN. ROBERT T. CLARK, 000–00–0000.
BRIG. GEN. MICHAEL L. DODSON, 000–00–0000.
BRIG. GEN. ROBERT B. FLOWERS, 000–00–0000.
BRIG. GEN. PETER C. FRANKLIN, 000–00–0000.
BRIG. GEN. THOMAS W. GARRETT, 000–00–0000.
BRIG. GEN. EMMITT E. GIBSON, 000–00–0000.
BRIG. GEN. DAVID L. GRANGE, 000–00–0000.
BRIG. GEN. DAVID R. GUST, 000–00–0000.
BRIG. GEN. MARK R. HAMILTON, 000–00–0000.
BRIG. GEN. PATRICIA R.P. HICKERSON, 000–00–0000.
BRIG. GEN. ROBERT R. IVANY, 000–00–0000.
BRIG. GEN. JOSEPH K. KELLOGG, JR., 000–00–0000.
BRIG. GEN. JOHN M. LEMOYNE, 000–00–0000.
BRIG. GEN. JOHN M. MCDUFFIE, 000–00–0000.
BRIG. GEN. FREDDY E. MCFARREN, 000–00–0000.
BRIG. GEN. MARIO F. MONTERO, JR., 000–00–0000.
BRIG. GEN. STEPHEN T. RIPPE, 000–00–0000.
BRIG. GEN. JOHN J. RYNESKA, 000–00–0000.
BRIG. GEN. ROBERT D. SHADLEY, 000–00–0000.
BRIG. GEN. EDWIN P. SMITH, 000–00–0000.
BRIG. GEN. JOHN B. SYLVESTER, 000–00–0000.
BRIG. GEN. RALPH G. WOOTEN, 000–00–0000.

IN THE MARINE CORPS

THE FOLLOWING MAJOR OF THE U.S. MARINE CORPS FOR POSTHUMOUS APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE U.S. CONSTITUTION:

JOHN JOSEPH CANNEY, 000–00–0000.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

DENTAL CORPS

ANN L. BAGLEY, 000–00–0000
TIMOTHY BANDROWSKY, 000–00–0000
KEITH A. BERRY, 000–00–0000
*FREDERICK C. BISCH, 000–00–0000
BARRY G. BISHOP, 000–00–0000
MICHAEL L. BRACE, 000–00–0000
LAWRENCE G. BREAULT, 000–00–0000
*ROBIN T. BRUNO, 000–00–0000
DAVID M. BURNETTE, 000–00–0000
*RICHARD M. ELLIS, 000–00–0000
NANCY K. ELLISTON, 000–00–0000
*GLEN J. FALLO, 000–00–0000
MICHAEL W. FORD, 000–00–0000
*FREDERICK J. HARMON, 000–00–0000
CHARLES L. HATLEY, 000–00–0000
*DONALD C. HOFHEINS, 000–00–0000
*MARY A. JOHNSON, 000–00–0000
ANTHONY P. JOYCE, 000–00–0000
ANDRE K. KIM, 000–00–0000
ETHEL M. LARUE, 000–00–0000
JAMES J. LIN, 000–00–0000
THOMAS S. MACKENZIE, 000–00–0000
*THOMAS G. MARINO, 000–00–0000
*NASRIN MAZUJI, 000–00–0000
DALE L. PAVEK, 000–00–0000
*DONNA B. PHILLIPS, 000–00–0000
BONITA L. PRUITT, 000–00–0000
*WILFRED P. RAMALHO, 000–00–0000
DAVID R. REEVES, 000–00–0000
*STEVEN ROBERTS, 000–00–0000
*ROBERT D. ROCK, 000–00–0000
*RONALD L. ROHOLT, 000–00–0000
LARRY G. ROTHFUSS, 000–00–0000
STEPHEN J. ROUSE, 000–00–0000
*JASON E. SHOWMAN, 000–00–0000
*KEITH D. WHITE, 000–00–0000
GORDON W. WOOLLARD, 000–00–0000

MEDICAL CORPS

*JOSEPH T. ALEXANDER, 000–00–0000
*CURTIS J. ALITZ, 000–00–0000
*ROBERT C. ALLEN, 000–00–0000
BRIAN D. ALLGOOD, 000–00–0000
PAUL J. AMOROSO, 000–00–0000
*JO ANN ANDRIKO, 000–00–0000
*MICHAEL APPLEWHITE, 000–00–0000
*ANDREW E. AUBER, 000–00–0000
MARK R. BAGG, 000–00–0000
JAMES A. BARKER, 000–00–0000
*KENNETH B. BATTS, 000–00–0000
*ALAN L. BEITLER, 000–00–0000
DAVID E. BERTLER, 000–00–0000
JOSEPH BETTENCOURT, 000–00–0000
*JOHN F. BILELLO, 000–00–0000
*STEPHEN A. BODNEY, 000–00–0000
KENT L. BRADLEY, 000–00–0000
MATRICE W. BROWNE, 000–00–0000
WILLIAM T. BROWNE, 000–00–0000
*PAUL B. BURKE, 000–00–0000
WILLIAM BURKHALTER, 000–00–0000
KAREN M. BURNHAM, 000–00–0000
*HOWARD A. BURRIS II, 000–00–0000
*BRADFORD S. BURTON, 000–00–0000
*NORMAN E. BUSSELL, 000–00–0000
JOHN W. BYRON, 000–00–0000
JOHN G. CARROUGHER, 000–00–0000
*JERRY D. CHAMP, 000–00–0000
DOUGLAS E. CHAPMAN, 000–00–0000
*JOHN D. CHARETTE, 000–00–0000
*DANIEL T. CHING, 000–00–0000
*EDWARD CHU, 000–00–0000
*LANCE D. CLAWSON, 000–00–0000
*THOMAS C. COBURN, 000–00–0000
*STEPHEN J. COZZA, 000–00–0000
*THOMAS R. DAMIANO, 000–00–0000
*STEVEN S. DAVIS, 000–00–0000
MICHAEL A. DEATON, 000–00–0000
*CARL W. DEMIDOVICH, 000–00–0000
*DAVID DESERTSPRING, 000–00–0000
SCOTT R. DUFFIN, 000–00–0000
*MICHAEL R. DUNHAM, 000–00–0000
*CHARLES V. EDMOND, 000–00–0000
RALPH L. ERICKSON, 000–00–0000
JEREL J. ERNE, 000–00–0000
*DENNIS L. FEBINGER, 000–00–0000
SCOTT A. FENGLER, 000–00–0000
*JAMES FLECKENSTEIN, 000–00–0000
*KATHERINE S. FOLEY, 000–00–0000
JAMES M. FRANCIS, 000–00–0000
IAN H. FREEMAN, 000–00–0000
*KENNETH T. FURAKAWA, 000–00–0000
THOMAS H. GARVER, 000–00–0000
*ANTHONY D. GOEI, 000–00–0000
RICHARD R. GOMEZ, 000–00–0000
*LUIS F. GONZALEZ, 000–00–0000
PATRICK D. GORMAN, 000–00–0000
*ROBERT R. GRANVILLE, 000–00–0000
PATRICIA B. GURCZAK, 000–00–0000
*HENRY D. HACKER, 000–00–0000
*MICHAEL A. HARKABUS, 000–00–0000
*ALLAN C. HARRINGTON, 000–00–0000
*SUSAN L. HENDRICKS, 000–00–0000
*JEFFREY W. HERROLD, 000–00–0000
*OLEH W. HNATIUK, 000–00–0000
CURTIS J. HOBBS, 000–00–0000
*ROSS T. HOCKENBURY, 000–00–0000
*JOHN B. HOLCOMB, 000–00–0000
*PHILLIP HOLZKNECHT, 000–00–0000
*DAVID G. HOOKER, 000–00–0000
DAVID W. HOUGH, 000–00–0000
JAMES K. HOWDEN, 000–00–0000
DENNIS A. ICE, 000–00–0000
*MARK R. JACKSON, 000–00–0000
*ANNESLEY W. JAFFIN, 000–00–0000
*ARLON H. JAHNKE, 000–00–0000
ALAN JANUSZIEWICZ, 000–00–0000
*KERRY R. JOHNSON, 000–00–0000
*SHEILA B. JONES, 000–00–0000
*CONNIE R. KALK, 000–00–0000
*THASAN N. KANESA, 000–00–0000
*STEVEN M. KARAN, 000–00–0000
PETERSON D. KARR, 000–00–0000
*STEVEN D. KLAMERUS, 000–00–0000
*DAVID D. KRIEGER, 000–00–0000
*MITCHEL D. KRIEGER, 000–00–0000
*ROBERT A. KUSCHNER, 000–00–0000
*MICHAEL LADOUCEUR, 000–00–0000
*WILLIAM R. LAURENCE, 000–00–0000
CHERYL A. LITTLE, 000–00–0000
*SVEN K. LJAAMO, 000–00–0000
*KENNETH D. LOCKE, 000–00–0000
*JOSEPH A. LOPEZ, 000–00–0000
*MARK A. LOVELL, 000–00–0000
*JAMES M. MADSEN, 000–00–0000
*MARK T. MARINO, 000–00–0000
*KIM R. MARLEY, 000–00–0000
EVAN J. MATHESON, 000–00–0000
BRYAN E. MC DONNELL, 000–00–0000
VICTOR MC GLAUGHLIN, 000–00–0000
RANDOLPH E. MODLIN, 000–00–0000
*HUDA MONTEMARANO, 000–00–0000
*FRANCO MUSIO, 000–00–0000
BARRINGTON N. NASH, 000–00–0000
*ELIZABETH NEUHALFEN, 000–00–0000
*DAVID W. HIEBUHR, 000–00–0000
KOJI D. NISHIMURA, 000–00–0000
*SCOTT A. NORTON, 000–00–0000
*CHRISTIAN OCKENHOUSE, 000–00–0000
*MICHAEL A. OCONNELL, 000–00–0000
*FRANCIS G. OCONNOR, 000–00–0000
JUDITH A. OCONNOR, 000–00–0000
*CRAIG M. ONO, 000–00–0000
*MIGUEL A. OQUENDO, 000–00–0000
*GREGORY H. PARISH, 000–00–0000
JOSEPH M. PARKER, 000–00–0000
CARLOS M. PARRADO, 000–00–0000
*DARRYL W. PETERSON, 000–00–0000
*BRUNO PETRUCCELLI, 000–00–0000
*TIMOTHY P. PFANNER, 000–00–0000
*MARIA E. PLA, 000–00–0000
*JOSEPH F. POHL, 000–00–0000
*MATTHEW W. RAYMOND, 000–00–0000
*WILLIAM R. RAYMOND, 000–00–0000
*MICHAEL A. RIEL, 000–00–0000
JIMMIE W. RIGGINS, 000–00–0000
*FRANK M. ROBERTSON, 000–00–0000
SPENCER S. ROOT, 000–00–0000
*BERNARD J. ROTH, 000–00–0000
*MARK V. RUBERTONE, 000–00–0000
*NORMAN SCARBOROUGH, 000–00–0000
*RICHARD A. SCHAEFER, 000–00–0000
*JOHN H. SCHRANK, 000–00–0000
*BEVERLY R. SCOTT, 000–00–0000
*BRIAN G. SCOTT, 000–00–0000
CHRISTINE T. SCOTT, 000–00–0000
*EDWARD R. SETSER, 000–00–0000
*BARRY J. SHERIDAN, 000–00–0000
*MARK F. SHERIDAN, 000–00–0000
JEFFREY E. SHORT, 000–00–0000
*ERIC A. SIECK, 000–00–0000
*KEITH N. STEINHURST, 000–00–0000
HARRY K. STINGER, 000–00–0000
*JOSE A. STOUTE, 000–00–0000
*MARGARET STRIEPER, 000–00–0000
*LOREE K. SUTTON, 000–00–0000
*SIDNEY J. SWANSON, 000–00–0000
*DEAN C. TAYLOR, 000–00–0000
*DAVID C. TELLER, 000–00–0000
*EDWARD W. TRUDO, 000–00–0000
*LEO D. TRUCKER II, 000–00–0000
GEORGE W. TURIANSKY, 000–00–0000
*DOUG A. VERMILLION, 000–00–0000
DAVID M. WATTS, 000–00–0000
NADJA Y. WEST, 000–00–0000
*JOSEPH A. WHITFIELD, 000–00–0000
*DEAN L. WILEY, 000–00–0000
*MICHAEL R. WILLIAMS, 000–00–0000
*MICHAEL J. WILSON, 000–00–0000
*REGINALD W. WILSON, 000–00–0000
*MICHAEL K. YANCEY, 000–00–0000
*CRISTINA M. YUAN, 000–00–0000
*BURKHARDT H. ZORN, 000–00–0000

IN THE ARMY

The following named officers, on the active duty list, for promotion to the grade indicated in the U.S. Army in accordance with section 624 of title 10, United States Code:

To be major

DENTAL CORPS

JAMES W. BAIK, 000–00–0000
BRYAN C. BOUCHELION, 000–00–0000
STEVEN A. BROWN, 000–00–0000
LIONEL A. BULFORD, 000–00–0000
LILLIAN M. CONNER, 000–00–0000
JENNIFER ELLEFSON, 000–00–0000
MARK R. GLEISNER, 000–00–0000
JONATHAN W. HILL, 000–00–0000
DAVID M. JONES, 000–00–0000
GARY T. JONES, 000–00–0000
CHRISTOPH I. LANGER, 000–00–0000
SUNG Y. LEE, 000–00–0000
TERRY S. LEE, 000–00–0000
ORLANDO R. MARTIN, 000–00–0000
EDWARD A. MOORE, 000–00–0000
PAMELA J. ORTIZ, 000–00–0000
SEAN M. OSULLIVAN, 000–00–0000
STEVEN B. PASCOE, 000–00–0000
CRAIG G. PATTERSON, 000–00–0000
GRANT A. PERRINE, 000–00–0000
MARK J. PIOTROWSKI, 000–00–0000
MICHAEL E. REA, 000–00–0000
DONALD C. RICHARD, 000–00–0000
DAVID C. SMISSON, 000–00–0000
CRAIG S. STEWART, 000–00–0000
CRAIG P. TORRES, 000–00–0000
JOSEPH W. VARGAS, 000–00–0000
JOSE R. VILLANUEVA, 000–00–0000
PAUL J. VIZGIRDA, 000–00–0000
KEVIN D. WILSON, 000–00–0000
KENNETH O. WYNN, 000–00–0000

MEDICAL CORPS

BARRY A. AARONSON, 000–00–0000
MICHAEL J. ABELE, 000–00–0000
NOBLE L. AIKINS, 000–00–0000
BRUCE J. AISTRUP, 000–00–0000
JAY T. ALLEN, 000–00–0000
CHARLES A. ANDERSON, 000–00–0000
JOHN G. ANGELO, 000–00–0000
CHRISTINA APODACA, 000–00–0000
PETER J. ARMSTRONG, 000–00–0000
ANTHONY AVITABILE, 000–00–0000
GREGORY BAHTIARIAN, 000–00–0000
GEORGE K. BAL, 000–00–0000
JON E. BALDWIN, 000–00–0000
PETER K. BAMBERGER, 000–00–0000
ROBERT B. BARGER, 000–00–0000
RANDALL F. BARKER, 000–00–0000
MARCIA A. BARNES, 000–00–0000
SARAH A. BARR, 000–00–0000
TERESA J. BATES, 000–00–0000
RICHARD L. BAUMANN, 000–00–0000
BRIAN D. BAXTER, 000–00–0000
CHRISTINA M. BELNAP, 000–00–0000
DAVID M. BENEDEK, 000–00–0000
PETER J. BENSON, 000–00–0000
TIMOTHY R. BERIGAN, 000–00–0000
DAVID S. BERRY, 000–00–0000
ANTHONY BEVILACQUA, 000–00–0000
CHRISTOPHER BILLINGSLEA, 000–00–0000
NANCY B. BLACK, 000–00–0000
KEVIN P. BLACKMON, 000–00–0000
JEREMY R. BLANCHARD, 000–00–0000
RICHARD T. BLASZAK, 000–00–0000
JAMES G. BLOM, 000–00–0000
JOHANNES V. BLOM, 000–00–0000
HEATHER I. BLOMELEY, 000–00–0000
EDWARD H. BOLAND, 000–00–0000
BRIAN S. BOLINGER, 000–00–0000
STEVEN R. BOYEA, 000–00–0000
RONALD H. BRANNON, 000–00–0000
KENNETH E. BREEDEN, 000–00–0000
UNA M. BREWER, 000–00–0000
STEVEN J. BREWSTER, 000–00–0000
PARIS A. BRINKLEY, 000–00–0000
JENNIFER J. BRITTIG, 000–00–0000
JOHN B. BROWN, 000–00–0000
PAUL A. BRUNDAGE, 000–00–0000
ADRIENNE M. BUGGS, 000–00–0000
PATRICK L. BURBA, 000–00–0000
JAMES H. BURDEN, 000–00–0000
MARK R. BUSH, 000–00–0000
RASHID A. BUTTAR, 000–00–0000
BRENT E. CAIN, 000–00–0000
MARK D. CALKINS, 000–00–0000
JOHN CARAVALHO, 000–00–0000
ANA A. CARDENAS, 000–00–0000
SCOTT K. CARTER, 000–00–0000
EDUARDO O. CAVEDA, 000–00–0000
MELINDA CAVICCHIA, 000–00–0000
PAUL R. CAZIER, 000–00–0000
PAUL T. CHAN, 000–00–0000
TIMOTHY T. CHANG, 000–00–0000
ARTHUR B. CHASEN, 000–00–0000
PING-HSIN CHEN, 000–00–0000
KENNETH H. CHO, 000–00–0000
MARK Y. CHU, 000–00–0000
KENDALL R. CLARK, 000–00–0000
KERRY L. CLEARY, 000–00–0000
JEFFREY L. CLEMONS, 000–00–0000
DAVID B. CLINE, 000–00–0000
MICHAEL L. COHEN, 000–00–0000
RODNEY L. COLDREN, 000–00–0000
JOHN H. COLE III, 000–00–0000
ANDREA J. COLO, 000–00–0000
MARK R. COLOMBO, 000–00–0000
KENT E. COPELAND, 000–00–0000
KARIN A. COX, 000–00–0000
LOUIS C. COYLE, 000–00–0000
JOHN D. CROCKER, 000–00–0000
DALE R. CROCKETT, 000–00–0000
JANIS K. CROLEY, 000–00–0000
DAVID N. CROUCH, 000–00–0000
BRIAN M. CUNEO, 000–00–0000
THOMAS K. CURRY, 000–00–0000
PAUL S. DARBY, 000–00–0000
TERRY E. DAVENPORT, 000–00–0000
BRENDA L. DAWLEY, 000–00–0000
HOYOS J. DE, 000–00–0000
JAMES D. DECKER, 000–00–0000
ROBIN J. DELEON, 000–00–0000
KAREN DELLAGIUSTINA, 000–00–0000
ARTHUR DELORIMIER, 000–00–0000
BETH L. DENNIS, 000–00–0000
ROBERT A. DESANTIS, 000–00–0000
WENDI T. DIAMOND, 000–00–0000
MARC P. DIFAZIO, 000–00–0000
ERIN A. DOE, 000–00–0000
DANIEL J. DONOVAN, 000–00–0000
THEODORE A. DORSAY, 000–00–0000
DAVID A. DORSEY, 000–00–0000
WILLIAM EDENFIELD, 000–00–0000
NATHAN S. ELLIS, 000–00–0000
JOHN B. ELLSWORTH, 000–00–0000
JOSEPH M. ENDRIZZI, 000–00–0000
JOSEPH C. ENGLISH III, 000–00–0000
MICHAEL A. ESLAVA, 000–00–0000
ERIC T. FAJARDO, 000–00–0000A
CARLOS FALCON, JR., 000–00–0000
HERBERT P. FECHTER, 000–00–0000
TERRY M. FLETCHER, 000–00–0000
KENNETH T. FOREMAN, 000–00–0000
JOHN FRONTERA, 000–00–0000
RONALD M. FRYE, 000–00–0000
JAMES L. FURGERSON, 000–00–0000
ERICH M. GAERTNER, 000–00–0000
ROGER A. GALLUP, 000–00–0000
MEREDITH G. GARRETT, 000–00–0000
DANIEL J. GAVIN 000–00–0000
GLEN P. GENEST, 000–00–0000
STEVEN E. GEORGE, 000–00–0000
THOMAS W. GIBSON, 000–00–0000
JEFFREY J. GLOBUS, 000–00–0000
ROD M. GONCLAVES, 000–00–0000
DANIEL S. GORDON, 000–00–0000
JOSH L. GORDON, 000–00–0000
JOHNATHAN R. GORE, 000–00–0000
ALFRED C. GORMAN, 000–00–0000
EUGENE P. GRADY, 000–00–0000
KURT W. GRATHWOHL, 000–00–0000
DARREN F. GRAY, 000–00–0000
RAYMOND D. GREASER, 000–00–0000
DAVID L. GRECO, 000–00–0000
GINA GRECO-TARTAGLIA, 000–00–0000
GENE L. GRIFFITHS, 000–00–0000
EDUARDO R. GUZMAN, 000–00–0000
JAMES B. HAERING, 000–00–0000
JOHN J. HAGAN, 000–00–0000
JAMES A. HALL, 000–00–0000
MICHAEL K. HAMMOND, 000–00–0000
ELIZABETH HANCOCK, 000–00–0000
JACK K. HANDLEY, 000–00–0000
LORI E. HARRINGTON, 000–00–0000
MARK D. HARRIS, 000–00–0000
BENJAMIN HARRISON, 000–00–0000
JOHN E. HARTMANN, 000–00–0000
BENJAMIN D. HARVEY, 000–00–0000
WILLIAM C. HASKINS, 000–00–0000
RANDY P. HAUSTED, 000–00–0000
ALLLAN C. HAYS, 000–00–0000
JOHN C. HEFLIN, 000–00–0000
JAY W. HELGASON, 000–00–0000
ERIC R. HELLING, 000–00–0000
JAVIER HERNANDEZ, 000–00–0000
JAMES E. HIGHT, 000–00–0000
THOMAS K. HIROTA, 000–00–0000
DAVID HOANG, 000–00–0000
TUAN A. HOANGXUAN, 000–00–0000
MICHAEL C. HODGES, 000–00–0000
CHARLES HOLLCRAFT, 000–00–0000
PATRICK J. HORAN, 000–00–0000
DAVID A. HOTCHKISS, 000–00–0000
ERIC R. HOYER, 000–00–0000
RANCE W. HUMPHREYS, 000–00–0000
MICHAEL G. HUNT, 000–00–0000
RONALD L. HURST, 000–00–0000
PEYTON H. HURT, 000–00–0000
TINH K. HUYN, 000–00–0000
ANDREW P. HYATT, 000–00–0000
ROBERT G. IRWIN, 000–00–0000
DANIEL ISENBARGER, 000–00–0000
RICHARD B. ISLINGER, 000–00–0000
LESLIE W. JACKSON, 000–00–0000
ANTHONY F. JERANT, 000–00–0000
HELEN R. JOHNSON, 000–00–0000
JAMES H. JOHNSON, 000–00–0000
JEFFREY J. JOHNSON, 000–00–0000
KENWARD B. JOHNSON, 000–00–0000
MICHAEL W. JOHNSON, 000–00–0000
RINNA C. JOHNSON, 000–00–0000
WAYNE A. JOHNSON, 000–00–0000
BOBBY W. JONES, 000–00–0000
DAPHINE L. JONES, 000–00–0000
ROBERT A. JOY, 000–00–0000
VIRGINIA B. KALISH, 000–00–0000
RAJASEKHAR KANDALA, 000–00–0000
CARL A. KARR, 000–00–0000
ROHIT K. KATIAL, 000–00–0000
MICHAEL L. KEEHN, 000–00–0000
JOHN J. KELEMEN, 000–00–0000
ROBERT V. KELLOW, 000–00–0000
KAREN K. KERLE, 000–00–0000
JOSEPH M. KNAPP, 000–00–0000
DAVID C. KOEHLER, 000–00–0000
NICHOLAS M. KOMAS, 000–00–0000
ANDREW J. KOSMOWSKI, 000–00–0000
BRIAN N. KRAVITZ, 000–00–0000
MICHELLE B. KRAVITZ, 000–00–0000
JOHN K. KULA, 000–00–0000
RICHARD K. KYNION, 000–00–0000
ROBERT C. LADD, 000–00–0000
TIMOTHY P. LAIRD, 000–00–0000
RAYMOND S. LANCE, 000–00–0000
FORREST LANCHBURY, 000–00–0000
JOHN D. LANE, 000–00–0000
MONA L. LANE, 000–00–0000
JOHN D. LARAWAY, 000–00–0000
THOMAS M. LARKIN, 000–00–0000
SARAH L. LAVALLEE, 000–00–0000
LAM H. LE, 000–00–0000
WILLIS T. LEAVITT, 000–00–0000
KENNETH M. LECLERC, 000–00–0000
MICHAEL D. LEWIS, 000–00–0000
KAREN H. LICKTEIG, 000–00–0000
JAMES R. LIFFRIG, 000–00–0000
KENNETH K. LINDELL, 000–00–0000
PHILIP R. LINDSTROM, 000–00–0000
THOMAS R. LOVAS, 000–00–0000
WENDY MA, 000–00–0000
CHRISTIAN MACEDONIA, 000–00–0000
MICHAEL S. MACHEN, 000–00–0000
KEVIN M. MAGUIRE, 000–00–0000
RICHARD J. MAGUIRE, 000–00–0000
MILES E. MAHAN, 000–00–0000
MARTIN MALDONADOALFANDARI, 000–00–0000
MAMMEN P. MAMMEN, 000–00–0000
PAUL L. MANGANELLI, 000–00–0000
DAVID E. MANTHEY, 000–00–0000
STEPHEN N. MARKS, 000–00–0000
WILLIAM H. MARSHALL, 000–00–0000
MARY MATHERMONDREY, 000–00–0000
CAL S. MATSUMOTO, 000–00–0000
WILLIAM D. MATTHEWS, 000–00–0000
GEORGE L. MAXWELL, 000–00–0000
WILLIAM R. MAYS, 000–00–0000
SCOTT J. MC ATTEE, 000–00–0000
CORNELIUS MC CARTHY, 000–00–0000
THOMAS E. MC CROREY, 000–00–0000
PAMELA D. MC GARRAH, 000–00–0000
CHRISTOPHER MC GRAW, 000–00–0000
GARNER P. MC KENZIE, 000–00–0000
MARK A. MEEKS, 000–00–0000
THOMAS S. MEGO, 000–00–0000
JENNIFER MENETREZ, 000–00–0000
ROBERT J. METZ, 000–00–0000
EDWARD C. MICHAUD, 000–00–0000
SAMUEL K. MILLER, 000–00–0000
STEVEN E. MILLER, 000–00–0000
THOMAS J. MINER, 000–00–0000
DAVID B. MITCHELL, 000–00–0000
VICTOR N. MIZRACHI, 000–00–0000
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HENRY E. MOELLER, 000–00–0000
GREG T. MOGEL, 000–00–0000
WILKES G. MONROE, 000–00–0000
ANDREW MONTEMARANO, 000–00–0000
CAROL A. MOORES, 000–00–0000
ERIC D. MORGAN, 000–00–0000
ROBERT E. MORGAN, 000–00–0000
CHET A. MORRISON, 000–00–0000
ROBERT W. MORSE, 000–00–0000
JONATHAN P. MUELLER, 000–00–0000
DANIEL J. MULLINS, 000–00–0000
MICHAEL P. MULREANY, 000–00–0000
FLETCHER M. MUNTER, 000–00–0000
GEORGINA L. MURRAY, 000–00–0000
CHARLES S. NEEDHAM, 000–00–0000
ALAN S. NELSON, 000–00–0000
BRADLEY J. NELSON, 000–00–0000
MICHAEL R. NELSON, 000–00–0000
RACHAEL S. NELSON, 000–00–0000
ANTHONY R. NERI, 000–00–0000
VU NGO, 000–00–0000
DENNIS D. NICHOLS, 000–00–0000
DAREN B. NIGUS, 000–00–0000
JAMES M. NOLD, 000–00–0000
GREER E. NOONBURG, 000–00–0000
DIANE K. NOYES, 000–00–0000
KEN OKADA, 000–00–0000
ERIC W. OLINS, 000–00–0000
PATRICK G. OMALLEY, 000–00–0000
DAVID G. OMDAL, 000–00–0000
DENNIS M. ORDAS, 000–00–0000
JOAQUIN F. ORONOZ, 000–00–0000
NORMAN E. PAHMEIER, 000–00–0000
DANIEL PAK, 000–00–0000
DANIEL E. PARKS, 000–00–0000
ROSANGELA PARSONS, 000–00–0000
PAUL F. PASQUINA, 000–00–0000
LISA A. PEARSE, 000–00–0000
JAMES F. PEHOUSHEK, 000–00–0000
ROGER S. PENCE, 000–00–0000
ANDREA M. PENNARDT, 000–00–0000
MARIA PEREZMONTES, 000–00–0000
JOSEPH L. PERRY, 000–00–0000
MARGUERITE A. PERSI, 000–00–0000
KRIS A. PETERSON, 000–00–0000
RICHARD P. PETRI, 000–00–0000
FREDERIC PFALZGRAF, 000–00–0000
STEVEN D. PICERNE, 000–00–0000
MICHAEL L. PLACE, 000–00–0000
GLEN POFFENBARGER, 000–00–0000
GLENN G. PRESTON, 000–00–0000
JAMES M. PTACEK, 000–00–0000
MARK W. PTASKIEWICZ, 000–00–0000
MIGUEL A. PUPIALES, 000–00–0000
MARTIN G. RADVANY, 000–00–0000
DAVID E. RAMOS, 000–00–0000
EDWARD E. RAMSEY, 000–00–0000
TIMOTHY D. RANKIN, 000–00–0000
VICTORIA A. REES, 000–00–0000
MARK M. REEVES, 000–00–0000
ANDREW M. REIBACH, 000–00–0000
SANDRA L. REINHOLD, 000–00–0000
PATRICK REINSVOLD, 000–00–0000
ROGER J. REMBECKI, 000–00–0000

MICHAEL J. RENSCH, 000–00–0000
SCOTT A. RICE, 000–00–0000
CYNTHIA D. ROBERTS, 000–00–0000
PHILIP R. ROBERTS, 000–00–0000
DONALD W. ROBINSON, 000–00–0000
WILLIAM RODRIGUEZ, 000–00–0000
MARYJO K. ROHRER, 000–00–0000
WILLIAM ROLLEFSON, 000–00–0000
VERONICA J. ROOKS, 000–00–0000
RAFAEL ROSADOCOSME, 000–00–0000
CHARMAINE A. ROSS, 000–00–0000
ALLEN D. RUBIN, 000–00–0000
STEPHEN M. SALERNO, 000–00–0000
DANIEL J. SALZBERG, 000–00–0000
JAMES A. SANTORO, 000–00–0000
RUSSELL E. SCHEFFER, 000–00–0000
DANIEL J. SCHISSEL, 000–00–0000
MICHAEL J. SERWACKI, 000–00–0000
BRENT D. SHELTON, 000–00–0000
JOHN S. SHIN, 000–00–0000
TAE J. SHIN, 000–00–0000
ANNE B. SHROUT, 000–00–0000
KENNETH R. SHUMAN, 000–00–0000
ERIC E. SHUPING, 000–00–0000
REGINALD SINGLETON, 000–00–0000
MARY F. SIPPELL, 000–00–0000
NEIL H. SITENGA, 000–00–0000
CARL M. SMAGULA, 000–00–0000
KELLEY W. SMITH, 000–00–0000
PAUL M. SMITH, 000–00–0000
MICHAEL J. SNYDER, 000–00–0000
DOUGLAS SODERDAHL, 000–00–0000
TEELA SORENSEN, 000–00–0000
GERALD J. SPARKS, 000–00–0000
FRANZ J. STADLER, 000–00–0000
JOHN J. STASINOS, 000–00–0000
CHARLES R. STEPHENS, 000–00–0000
JOE J. STEPHENSON, 000–00–0000
ALEXANDER STOJADINOVIC, 000–00–0000
JEFFREY S. STRONG, 000–00–0000
MICHAEL J. SUNDBORG, 000–00–0000
CHARLES E. SWALLOW, 000–00–0000
ERNIE D. SWANSON, 000–00–0000
DONALD L. TAILLON, 000–00–0000
CHARLES L. TAYLOR, 000–00–0000
ROBERT W. THEAKSTON, 000–00–0000
BENJAMIN THOMPSON, 000–00–0000
LESLIE S. TORGERSON, 000–00–0000
JAVIER I. TORRENS, 000–00–0000
LENHANH P. TRAN, 000–00–0000
ALLAN L. TRUAX, 000–00–0000
KENNETH TRZEPKOWSKI, 000–00–0000
DAVID C. TUMAN, 000–00–0000
DAVID A. TWILLIE, 000–00–0000
PATRICK A. TWOMEY, 000–00–0000
MATTHEW J. UYEMURA, 000–00–0000
MANUEL VALENTIN, 000–00–0000
JAMES T. VANDENBERG, 000–00–0000
DAVID P. VETTER, 000–00–0000
GILBERT L. VIGO, 000–00–0000
MICHAEL L. VILLANO, 000–00–0000
MARK A. VOSS, 000–00–0000
BRADLEY J. VOSSBERG, 000–00–0000
DALE L. WALDNER, 000–00–0000
DANIEL W. WALSH, 000–00–0000
DANIEL WATSON, 000–00–0000
CRAIG R. WEBB, 000–00–0000
JEFFREY W. WEISER, 000–00–0000
LAUREEN F. WELLS, 000–00–0000
PAUL W. WHITECAR, 000–00–0000
ANDREW R. WIESEN, 000–00–0000
TIMOTHY E. WIESS, 000–00–0000
RICHARD K. WINKLE, 000–00–0000
ERIC R. WOOTEN, 000–00–0000
KEITH J. WROBLEWSKI, 000–00–0000
CHRISTOPHER WRUBEL, 000–00–0000
JULIE A. WUEST, 000–00–0000
PETER C. YOUNG, 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

ARMY COMPETITIVE

To be major

*ANTHONY J. ABATI, 000–00–0000
*JUSTON W. ABEL, 000–00–0000
*TIMOTHY W. ABEL, 000–00–0000
*BRYAN K. ADAMS, 000–00–0000
*GEORGE S. ADAMS, 000–00–0000
*JOSEPH M. ADAMS, 000–00–0000
*WILLIAM A. ADAMS, 000–00–0000
WILLIAM J. ADAMS, 000–00–0000
*FRANK T. AKINS, 000–00–0000
MICHAEL ALBERTSON, 000–00–0000
DAVID R. ALEXANDER, 000–00–0000
*KIRK T. ALLEN, 000–00–0000
*WILLIE E. ALMOND, 000–00–0000
*JAMES B. ALVILHIERA, 000–00–0000
*BRIAN K. AMBERGER, 000–00–0000
*PAUL J. AMBROSE, 000–00–0000
*CHARLES T. AMES, 000–00–0000
*DAVID A. ANDERSEN, 000–00–0000
CURTIS A. ANDERSON, 000–00–0000
FRANK H. ANDERSON, 000–00–0000
*DARYL W. ANDREWS, 000–00–0000
*ANTHONY W. ANGELO, 000–00–0000
*KIM J. ANGLESEY, 000–00–0000
ANTONIO ARAGON, 000–00–0000
KEVIN A. ARBANAS, 000–00–0000
*FRANCISCO ARCE, 000–00–0000
DAVID A. ARMSTRONG, 000–00–0000
*MICHAEL ARMSTRONG, 000–00–0000
JEFFREY A. ARQUETTE, 000–00–0000
HERMAN ASBERRY III, 000–00–0000
KEVIN J. AUSTIN, 000–00–0000
VICTOR BADAMI, 000–00–0000
ROBERT A. BAER, 000–00–0000
*JACQULINE BAGBY, 000–00–0000
MICHAEL J. BAGLEY, 000–00–0000
JOEL B. BAGNAL, 000–00–0000
*EDWARD B. BAKER, 000–00–0000
*JOHN D. BAKER, 000–00–0000
*TERRANCE J. BAKER, 000–00–0000
*DONALD L. BALCH, 000–00–0000
WILLIAM BALKOVETZ, 000–00–0000
*MICHAEL A. BALSER, 000–00–0000
JOHN F. BALTICH, 000–00–0000
BERNARD B. BANKS, 000–00–0000
ROBERT BANNON, 000–00–0000
JOHN H. BARBER, 000–00–0000
*PETER C. BARCLAY, 000–00–0000
*ROBERT A. BARKER, 000–00–0000
*ROBERT S. BARKER, 000–00–0000
*MARK K. BARKLEY, 000–00–0000
DONALD L. BARNETT, 000–00–0000
GLENN J. BARR, 000–00–0000
BRETT BARRACLOUGH, 000–00–0000
WILLIAM V. BARRETT, 000–00–0000
JOHN S. BARRINGTON, 000–00–0000
*EARL W. BARTHEL, 000–00–0000
MICHAEL W. BARTLETT, 000–00–0000
*ROGER S. BASNETT, 000–00–0000
*DAVID B. BATCHELOR, 000–00–0000
*ANDRE D. BATSON, 000–00–0000
*JOHN L. BAUER, 000–00–0000
*JOHN M. BAXTER, 000–00–0000
*MARK R. BEAN, 000–00–0000
THOMAS C. BEANE, 000–00–0000
ARTHUR B. BEASLEY, 000–00–0000
DONALD BEATTIE, JR., 000–00–0000
*VERNON L. BEATTY, 000–00–0000
*STEPHANIE BEAVERS, 000–00–0000
CLARENCE L. BECKHAN, 000–00–0000
*TIMOTHY D. BECKNER, 000–00–0000
*DEBORAH L. BECKWITH, 000–00–0000
PETER J. BEIM, 000–00–0000
*DELOISE J. BELIN, 000–00–0000
JAMES C. BELL, 000–00–0000
KIRK C. BENSON, 000–00–0000
*GEORGE W. BENTER, 000–00–0000
GUS BENTON II, 000–00–0000
*MICHAEL D. BENTON, 000–00–0000
DAVID J. BERCZEK, 000–00–0000
*MARK E. BERGESON, 000–00–0000
*ALAN R. BERNARD, 000–00–0000
RAYMOND J. BERNIER, 000–00–0000
*JOHN W. BERRIE, 000–00–0000
*JORGE BERRIOSDELEON, 000–00–0000
*MARK A. BERTOLINI, 000–00–0000
*FRANCIS BETANCOURT, 000–00–0000
JOHN K. BEUCKENS, 000–00–0000
LINDA K. BEUCKENS, 000–00–0000
WILLIAM L. BIALOZOR, 000–00–0000
*STEVEN R. BIAS, 000–00–0000
BURT A. BIEBUYCK, 000–00–0000
*MICHAEL L. BIGHAM, 000–00–0000
KENNETH J. BILAND, 000–00–0000
JOHN S. BILLIE, 000–00–0000
*MICHAEL C. BIRD, 000–00–0000
*MICHAEL BIRMINGHAM, 000–00–0000
*WILLIAM T. BISHOP, 000–00–0000
*JAMES R. BLACKBURN, 000–00–0000
*DIRK C. BLACKDEER, 000–00–0000
*BARRY L. BLACKMON, 000–00–0000
*ALAN C. BLACKWELL, 000–00–0000
MARK A. BLAIR, 000–00–0000
KENNETH C. BLAKELY, 000–00–0000
*DARIN C. BLANCETT, 000–00–0000
*GREGG A. BLANCHARD, 000–00–0000
MARK R. BLIESE, 000–00–0000
MARK B. BOAZ, 000–00–0000
KENNETH L. BOEHME, 000–00–0000
GEORGE W. BOND, 000–00–0000
*MADELINE T. BONDY, 000–00–0000
*BRENDA L. BONK, 000–00–0000
VINCENT C. BONS, 000–00–0000
*MICHAEL T. BOONE, 000–00–0000
*DANIEL J. BOONIE, 000–00–0000
*NERO BORDERS, JR., 000–00–0000
*BERNARD H. BOUCHER, 000–00–0000
JOHN R. BOULE, 000–00–0000
JEFFREY A. BOVAIS, 000–00–0000
*DANIEL P. BOWEN, 000–00–0000
*MICHAEL E. BOWIE, 000–00–0000
BRYAN S. BOYCE, 000–00–0000
*MARK A. BOYD, 000–00–0000
THOMAS A. BOZADA, 000–00–0000
*LEO E. BRADLEY, 000–00–0000
*MICHAEL J. BRADLEY, 000–00–0000
*ROBERT T. BRADSHER, 000–00–0000
SUZANNE L. BRAGG, 000–00–0000
FRANCIS A. BRANCH, 000–00–0000
*STEVEN A. BRENNAN, 000–00–0000
*WILLIAM B. BRENTS, 000–00–0000
MICHAEL L. BREWER, 000–00–0000
PATRICK BREWINGTON, 000–00–0000
TONY A. BREWINGTON, 000–00–0000
*TODD A. BRICK, 000–00–0000
*GREGORY T. BRIERLY, 000–00–0000
CLARENCE E. BRIGGS, 000–00–0000
*DARRYL J. BRIGGS, 000–00–0000
DOUGLAS J. BRILES, 000–00–0000
BRIAN P. BRINDLEY, 000–00–0000
JOHN F. BRINEY, 000–00–0000
GALE J. BRITTAIN, 000–00–0000
THOMAS H. BRITTAIN, 000–00–0000
DAVID M. BRITTEN, 000–00–0000
*MICHAEL W. BROBECK, 000–00–0000
*JEFFREY M. BRODEUR, 000–00–0000
*JOHN J. BROOKS, 000–00–0000
*JOHN T. BROOKS, 000–00–0000
*THOMAS BROUILLETTE, 000–00–0000
*MICHAEL A. BROWDER, 000–00–0000
*BRIAN D. BROWN, 000–00–0000
*DONALD R. BROWN, 000–00–0000
*EVAN L. BROWN, 000–00–0000
HARRY S. BROWN, 000–00–0000
KEVIN E. BROWN, 000–00–0000
KEVIN P. BROWN, 000–00–0000
*ROBERT S. BROWN, 000–00–0000
*STEPHEN R. BROWN, 000–00–0000
*THERREL L. BROWN, 000–00–0000
TODD D. BROWN, 000–00–0000
*BYRON L. BROWNING, 000–00–0000
EMORY W. BROWNLEE, 000–00–0000
RICHARD A. BUCHER, 000–00–0000
*KATHRYN V. BUCKLEY, 000–00–0000
*CHARLES H. BUEHRING, 000–00–0000
*DAVID C. BULLARD, 000–00–0000
ROBERT L. BULLARD, 000–00–0000
JON K. BUONERBA, 000–00–0000
*PATRICK W. BURDEN, 000–00–0000
*DAVID J. BURKE, 000–00–0000
SHANE R. BURKHART, 000–00–0000
*FRANCIS B. BURNS, 000–00–0000
*TIMOTHY S. BURNS, 000–00–0000
JEFFREY S. BURRELL, 000–00–0000
CHARLES L. BURROWS, 000–00–0000
GERALD V. BURTON, 000–00–0000
*DANIEL G. BURWELL, 000–00–0000
GREGORY J. BUSCH, 000–00–0000
*STEVEN R. BUSCH, 000–00–0000
*DAVID A. BUSHEY, 000–00–0000
DOUGLAS B. BUSHEY, 000–00–0000
*STEVEN B. BUTLER, 000–00–0000
*FRANCIS M. BUZEK, 000–00–0000
*LORETTO M. BYANSKI, 000–00–0000
*BRADLEY R. BYLER, 000–00–0000
*SUSAN S. CABRAL, 000–00–0000
TEDSON J. CAMPAGNA, 000–00–0000
*DOUGLAS A. CAMPBELL, 000–00–0000
ROBERT I. CAMPBELL, 000–00–0000
ROBERT M. CAMPBELL, 000–00–0000
DENNIS A. CARD, 000–00–0000
CAMERON D. CARLSON, 000–00–0000
JAMES W. CARLSON, 000–00–0000
CHRISTOPHER CARNES, 000–00–0000
FORREST CARPENTER, 000–00–0000
*JOHN M. CARPER, 000–00–0000
*JOHNEE O. CARR, 000–00–0000
*MICHAEL J. CARR, 000–00–0000
SCOTT A. CARR, 000–00–0000
KENNETH G. CARRICK, 000–00–0000
ROGER D. CARSTENS, 000–00–0000
*ALFRED D. CARTER, 000–00–0000
*MIKE A. CARTER, 000–00–0000
THOMAS E. CARTLEDGE, 000–00–0000
JENNIFER A. CARUSO, 000–00–0000
*DANIEL P. CASE, 000–00–0000
JERRY CASHION, 000–00–0000
PERRY N. CASKEY, 000–00–0000
LUIS CASTRO, 000–00–0000
WALLACE B. CELTRICK, 000–00–0000
ROBERT P. CERJAN, 000–00–0000
ROBERT CHAMBERLAIN, 000–00–0000
*ANTHONY K. CHAMBERS, 000–00–0000
*DOUGLAS G. CHAMBERS, 000–00–0000
*ROBERT W. CHAMNESS, 000–00–0000
*TONNEY A. CHANDLER, 000–00–0000
*ANDREW J. CHANDO, 000–00–0000
*DAVID W. CHAPLIN, 000–00–0000
*DANIEL M. CHARTIER, 000–00–0000
*PAMELA R. CHARVAT, 000–00–0000
*WALTER B. CHASE, 000–00–0000
*WELTON CHASE, JR., 000–00–0000
*RANDALL CHEESEBOROUGH, 000–00–0000
*MARCUS C. CHERRY, 000–00–0000
*MICHAEL P. CHEVLIN, 000–00–0000
*MICHAEL R. CHILDERS, 000–00–0000
*WILLIE J. CHILDS, 000–00–0000
*TODHUNTER J. CHILES, 000–00–0000
*MICHAEL J. CHINN, 000–00–0000
*LARY E. CHINOWSKY, 000–00–0000
*MARC J. CHMIELEWSKI, 000–00–0000
*FREDERICK S. CHOI, 000–00–0000
*ANTONIO S. CHOW, 000–00–0000
*JERRY CHRISTENSEN, 000–00–0000
*KURT A. CHRISTENSEN, 000–00–0000
*HOWARD R. CHRISTIE, 000–00–0000
*CONRAD D. CHRISTMAN, 000–00–0000
*DAVID CINTRON, 000–00–0000
*ANTHONY B. CLARK, 000–00–0000
*BRIAN J. CLARK, 000–00–0000
*BRIAN M. CLARK, 000–00–0000
*DAVID E. CLARK, 000–00–0000
*HARLEY W. CLARK, 000–00–0000
*LINWOOD B. CLARK, 000–00–0000
*PERRY C. CLARK, 000–00–0000
*JEANIE S. CLAXTON, 000–00–0000
*DALE D. CLELAND, 000–00–0000
*ROSS M. CLEMONS, 000–00–0000
*ERIC M. CLEVELAND, 000–00–0000
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*WILLIAM I. RUSH, 000–00–0000
KURT J. RYAN, 000–00–0000
MARIA D. RYAN, 000–00–0000
*MICHAEL C. RYAN, 000–00–0000
*MICHAEL P. RYAN, 000–00–0000
STEVEN SABIA, 000–00–0000
PAUL J. SABIN, 000–00–0000
JAMES P. SABISCH, 000–00–0000
ROBERT W. SADOWSKI, 000–00–0000
*JOSEPH A. SALAMONE, 000–00–0000
STEVEN J. SALSMAN, 000–00–0000
*CHARLES B. SALVO, 000–00–0000
PETER R. SANDBERG, 000–00–0000
BRENDA F. SANDERS, 000–00–0000
*KIRK A. SANDERS, 000–00–0000
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*DAVID L. SANDRIDGE, 000–00–0000
*LYNN W. SANNICOLAS, 000–00–0000
*ANTONIO SANTIAGO, 000–00–0000
JACINTO J. SANTIAGO, 000–00–0000
PHILIP H. SARNECKI, 000–00–0000
*STEVEN K. SATTERLEE, 000–00–0000
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DANIEL P. SAUTER, 000–00–0000
*JOHN G. SAUVADON, 000–00–0000
*ANTHONY L. SAVAGE, 000–00–0000
JERRY A. SAYRE, 000–00–0000
DAVID W. SCALSKY, 000–00–0000
ERIC O. SCHACHT, 000–00–0000
MERIDETH SCHAEFER, 000–00–0000
JOSEPH H. SCHAFER, 000–00–0000
JEFFREY SCHAMBURG, 000–00–0000
ERIC SCHEIDEMANTEL, 000–00–0000
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*JON D. SCHLAFER, 000–00–0000
*MARK P. SCHLAKE, 000–00–0000
*LISA R. SCHLEDER, 000–00–0000
*FRANK O. SCHNECK, 000–00–0000
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VERNON SCHOONOVER, 000–00–0000
*THOMAS S. SCHORR, 000–00–0000
WILLIAM SCHUMAKER, 000–00–0000
SCOTT SCHUTZMEISTER, 000–00–0000
*KEVIN G. SCHWARTZ, 000–00–0000
*MICHAEL SCHWISTER, 000–00–0000
ALFRED SCOTT, JR., 000–00–0000
MICHAEL A. SCUDDER, 000–00–0000
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*STEPHEN S. SEITZ, 000–00–0000
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MICHAEL SHILLINGER, 000–00–0000
*FRANK J. SHIMANDLE, 000–00–0000
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WILLIAM S. SHOOK, 000–00–0000
BRIAN P. SHOOP, 000–00–0000
*STEVEN M, SHORT, 000–00–0000
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*BENNIE L. SIMMONS, 000–00–0000
JEROME SIMMONS, 000–00–0000
*PERRY L. SIMMONS, 000–00–0000
CARL J. SIMON, 000–00–0000
GEORGE SIMON III, 000–00–0000
KELLIE A. SIMON, 000–00–0000
JOSEPH A. SIMONELLI, 000–00–0000
*MICHAEL S. SIMPSON, 000–00–0000
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JOHN D. SIMS, 000–00–0000
ERIC L. SINGER, 000–00–0000
*LAURA L. SINGER, 000–00–0000
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*GRAY L. SMYTHE, 000–00–0000
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*THOMAS E. SNODGRASS, 000–00–0000
*LYNN L. SNYDER, 000–00–0000
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*VICTOR L. SOLERO, 000–00–0000
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ELMER R. SOYK, 000–00–0000
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*BERNARD R. SPARROW, 000–00–0000
*NORMAN W. SPEARS, 000–00–0000
SCOTT A. SPELLMON, 000–00–0000
*JONATHAN H. SPENCER, 000–00–0000
*LORENZO SPENCER, 000–00–0000
*GERRY M. SPRAGG, 000–00–0000
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*DALE F. SPURLIN, 000–00–0000
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*JOSEPH M. STAWICK, 000–00–0000
WILLIAM T. STEELE, 000–00–0000
*DAVID C. STEEN, 000–00–0000
FREDERICK C. STEIN, 000–00–0000
*LOUIS F. STEINBUGL, 000–00–0000
RICHARD F. STEINER, 000–00–0000
*LARRY A. STEPHENS, 000–00–0000
JACK STERN, 000–00–0000
*MICHAEL STEVENSON, 000–00–0000
LEWIS E. STEWART, 000–00–0000
*VANCE F. STEWART, 000–00–0000
*ERIC W. STINEBRING, 000–00–0000
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STEVEN W. STONE, 000–00–0000
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*ROCKO V. STOWERS, 000–00–0000
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DEBORAH S. STUART, 000–00–0000
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*WAYNE L. STULTZ, 000–00–0000
RODNEY STURDIVANT, 000–00–0000
MICHAEL S. STURGEON, 000–00–0000
SHERAL D. STYLES, 000–00–0000
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*GEORGE M. SWEET, 000–00–0000
*GEORGE L. SWIFT, 000–00–0000
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*ROBERT S. TAYLOR, 000–00–0000
*PERRY W. TEAGUE, 000–00–0000
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*GRANT H. THOMAS, 000–00–0000
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*STEVE D. THOMAS, 000–00–0000
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LEON N. THURGOOD, 000–00–0000
JOHN K. TIEN, JR., 000–00–0000
PATRICK E. TIERNEY, 000–00–0000
*KEITRON A. TOOD, 000–00–0000
ERIC J. TODHUNTER, 000–00–0000
BERNARD F. TOGIA, 000–00–0000
JOHN A. TOKAR, 000–00–0000
MARK A. TOLMACHOFF, 000–00–0000
TODD F. TOLSON, 000–00–0000
CHRISTOPHER TONER, 000–00–0000
OTILIO TORRES, JR., 000–00–0000
*TIMOTHY TOUCHETTE, 000–00–0000
*JOHN M. TRAYLOR, 000–00–0000
*FRANCIS F. TRENTLEY, 000–00–0000
RICHARD C. TRIETLEY, 000–00–0000
*JAMES H. TRONE, 000–00–0000
*SCOTT M. TROUTMAN, 000–00–0000
HOWARD L. TRUJILLO, 000–00–0000
TROY E. TRULOCK, 000–00–0000
*GAVIN M. TULLOS, 000–00–0000
VICTOR L. TUMILTY, 000–00–0000
ALBERT TUMMINELLO, 000–00–0000
*GLENWOOD R. TURNER, 000–00–0000
JOHN S. TURNER, 000–00–0000
WILLIAM A. TURNER, 000–00–0000
*TOM C. ULMER, 000–00–0000
OSCAR T. VALDEZ, 000–00–0000
*JOHN C. VALLEDOR, 000–00–0000
MARGARET M. VANASSE, 000–00–0000
*DOUGLAS VANGORDEN, 000–00–0000
*PHILLIP L. VANNATTA, 000–00–0000
DAVID VANSLAMBROOK, 000–00–0000
STEVEN VANSTRATEN, 000–00–0000
*JEFFREY G. VANWEY, 000–00–0000
PHILIP VANWILTENBURG, 000–00–0000
STEVEN VASS IV, 000–00–0000
BARRY E. VENABLE, 000–00–0000
JOHN H. VICKERS, 000–00–0000
*DOUGLAS L. VICTOR, 000–00–0000
PHILLIP A. VIERSEN, 000–00–0000
*ROBERT E. VIKANDER, 000–00–0000
MARK M. VISOSKY, 000–00–0000
MARIAN E. VLASAK, 000–00–0000
PATRICK W. VOLLER, 000–00–0000
MARK VONHEERINGEN, 000–00–0000
THOMAS M. VOYTEK, 000–00–0000
ROBIN L. WADE, 000–00–0000
CHRISTOPHER M. WAHL, 000–00–0000
FLEM B. WALKER, 000–00–0000
*MICHAEL R. WALKER, 000–00–0000
*DARYL J. WALL, 000–00–0000
WILLIAM T. WALL, 000–00–0000
JOHN R. WALLACE, 000–00–0000
*JOANNE E. WALSER, 000–00–0000
*RONALD H. WALTERS, 000–00–0000
TODD A. WANG, 000–00–0000
*GEOFFREY H. WARD, 000–00–0000
MICHAEL J. WARMACK, 000–00–0000
JILL M. WARREN, 000–00–0000
*FREDERICK WASHINGTON, 000–00–0000
*RICHARD P. WATERMAN, 000–00–0000
*CYNTHIA WATKINS WILLIAMS, 000–00–0000
BRIAN T. WATSON, 000–00–0000
*MARK P. WEBB, 000–00–0000
CHARLES R. WEBSTER, 000–00–0000
MICHAEL C. WEHR, 000–00–0000
DAVE WELLONS, 000–00–0000
ERIC J. WESLEY, 000–00–0000
*RANDY A. WESTFALL, 000–00–0000
*TEDD A. WHEELER, 000–00–0000
TODD M. WHEELER, 000–00–0000
*ROBERT A. WHETSTONE, 000–00–0000
PHYLLIS E. WHITE, 000–00–0000
*RANDOLPH C. WHITE, 000–00–0000
STEVEN J. WHITMARSH, 000–00–0000
WILLIAM E. WHITNEY, 000–00–0000
*JOHNNY WHITTAMORE, 000–00–0000
*ANDRE L. WILEY, 000–00–0000
THOMAS J. WILK, 000–00–0000
*DON L. WILKERSON, 000–00–0000
HARRY F. WILKES, 000–00–0000
*ANTHONY D. WILLIAMS, 000–00–0000
*CURTIS WILLIAMS, JR, 000–00–0000
*DANA A. WILLIAMS, 000–00–0000
*DANIEL T. WILLIAMS, 000–00–0000
*DERRICK J. WILLIAMS, 000–00–0000
JOEL C. WILLIAMS, 000–00–0000
*MICHAEL L. WILLIAMS, 000–00–0000
RICHARD A. WILLIAMS, 000–00–0000
ROBERT L. WILLIAMS, 000–00–0000
THEARON M. WILLIAMS, 000–00–0000
THEODORE WILLIAMS, 000–00–0000
*STEVEN WILLIAMSON, 000–00–0000
THOMAS J. WILLMUTH, 000–00–0000
*TIMOTHY D. WILSEY, 000–00–0000
*BRUCE L. WILSON, 000–00–0000
*CHARLES H. WILSON, 000–00–0000
GERALD K. WILSON, 000–00–0000
*MITCH L. WILSON, 000–00–0000
*THOMAS F. WILSON, 000–00–0000
*TIMMY L. WILSON, 000–00–0000
*MICHAEL A. WILTSE, 000–00–0000
ROBERT K. WINEINGER, 000–00–0000
JEFFREY L. WINGO, 000–00–0000
*ERIC J. WINKIE, 000–00–0000
*LARRY E. WIPRUD, 000–00–0000
*MICHAEL WISNIEWKSKI, 000–00–0000
*JAMES M. WOLAK, 000–00–0000
*WILLIAM M. WOLFARTH, 000–00–0000
SCOTT E. WOMACK, 000–00–0000
AUBREY L. WOOD, 000–00–0000
JOHN E. WOOD, 000–00–0000
*KELVIN R. WOOD, 000–00–0000
JAMES E. WOODARD, 000–00–0000
*JAMES A. WORM, 000–00–0000
CURTIS W. WORSHEK, 000–00–0000
*CHARLES S. WRIGHT, 000–00–0000
GREGORY D. WRIGHT, 000–00–0000
JULIE A. WRIGHT, 000–00–0000
JOSEPH A WUCIK, 000–00–0000
FRANCIS E. WYNNE, 000–00–0000
*JOEY S. WYTE, 000–00–0000
*CATHERINE YARBERRY, 000–00–0000
JAMES G. YENTZ, 000–00–0000
KENSTON K. YI, 000–00–0000
*RICK I. YI, 000–00–0000
LISSA V. YOUNG, 000–00–0000
REED F. YOUNG, 000–00–0000
*MATTHEW W. YOUNGKIN, 000–00–0000
*MICHAEL E. ZARBO, 000–00–0000
JOHN V. ZAVARELLI, 000–00–0000
*RANDALL M. ZELENKA, 000–00–0000
*CHARLES R. ZIEGLER, 000–00–0000
DOUGLAS K. ZIEMER, 000–00–0000
ROBERT J. ZOPPA, 000–00–0000
7878X
0563X
0953X
2425X

CONFIRMATION

Executive nomination confirmed by the Senate July 11, 1996:

THE JUDICIARY

WALKER D. MILLER, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.