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# House of Representatives

**NOTICE—OCTOBER 23, 2000**

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Records@Reporters''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

**NOTICE**

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

Michael F. DiMario, *Public Printer*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

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

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## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*October 23, 2000.*

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

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

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## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1854. An act to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

S. 2406. An act to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2943. An act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

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## MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

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## RUSSIAN ARMS SALES TO IRAN

Mr. STEARNS. Mr. Speaker, I rise today to urge my colleagues in both Chambers to press forward in getting to the truth in airing the facts behind the administration's deal with Moscow. I ask my colleagues that sit on the relevant committees to investigate the administration and, of course, the Vice President's role in co-chairing the 1995 meeting with the Russian Prime Minister on the U.S.-Russian Binational Commission.

My colleagues, it is only through newspaper articles recently that we have hints of the administration's turning a blind eye concerning Moscow's arms sales to Iran. The White House has refused to provide a copy of the classified 1995 ''aide-memoire'' signed by Vice President GORE and Russian Prime Minister Chernomyrdin that stated the United States would not impose penalties on Moscow as required by U.S. law. The aide-memoire reveals an implicit agreement to ignore U.S. laws governing the U.S. response to arms sales to terrorist nations, including Iran.

Mr. Speaker, the law I am referring to is the Iran-Iraq Arms Nonproliferation Act that was passed in 1992, which requires sanctions against countries that sell advanced weaponry to countries the State Department classifies as state sponsors of terrorism. It is interesting that then-Senator GORE, along with Senator MCCAIN, authored this law, also known as the Gore-McCain Act. The law is rooted in concerns about Russian sales to Iraq of some of the most sophisticated weapons that the Gore-Chernomyrdin agreement explicitly allowed.

In 1995, an agreement signed by Vice President GORE and Russia's Prime Minister Chernomyrdin endorsed Russia's completion of sophisticated and advanced arms deliveries to Iran. The Vice President and the Russian Prime Minister mentioned an arms agreement in general terms at a news conference the day the agreement was signed, but the details have never been disclosed to Congress or the public.

The weapons Russia has committed to supply to Iran include one kilo-classed diesel-powered submarine, 160 T–72 tanks, 600 armored personnel carriers, numerous anti-ship mines, cluster bombs, and a variety of long-range guided torpedoes and other munitions for the submarine and tanks. Russia agreed to complete the sales by the end of 1999, and not to sell weapons to Iran other than the ones specified. Russia has already provided Iran with fighter aircraft and surface-to-air missiles.

The kilo-class submarine sold to Iran should be of particular concern to Congress and the American public because it can be hard to detect and could pose a threat to oil tankers or American war ships in the Gulf. Additionally, Mr. Speaker, Russia continues to be a significant supplier of conventional arms to Iran despite the Gore-Chernomyrdin deal, the Central Intelligence Agency reported in August.

Those working for the Vice President argue that the arms pact aided the U.S. because the submarine and tanks were not advanced weapons, as defined by the Pentagon; and, thus, the U.S. could not have applied sanctions anyway. However, statements by the White House and the Vice President's office defending the policy of not sanctioning Russia was contradicted by a letter sent to Russia in January by Secretary of State Madeleine Albright. The letter to Russian Foreign Minister Igor Ivanov states that the United States would have imposed sanctions on Russia for its arms sales if there had been no 1995 agreement. ''Without the aide-memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.''

Furthermore, Senator MCCAIN, one of the principal authors of the act said, ''Clearly, the 1995 Gore-Chernomyrdin agreement was intended to evade sanctions imposed by the legislation written in 1992 by the Vice President and me.'' Furthermore, he went on to say, ''If the administration acquiesced in the sale, then they have violated both the intent and the letter of the law.''

Without the explicit act of Congress, the Vice President did not have the power or authority to commit the United States to ignore U.S. law. The Vice President's deal with Moscow gives the Russians not only the green light to violate our Nation's laws but encourages them to do so. The administration has already admitted that Russia has failed to meet its promise to end deliveries by December 1999 to Iran.

So, Mr. Speaker, I urge my colleagues in both Chambers to properly investigate, find the truth, and I should say get to the bottom of our relationships with Russia.

□

## RECESS

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

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

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## AFTER RECESS

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

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## PRAYER

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

Lord God, Shepherd of souls, during this session of the 106th Congress many guest chaplains have led the House in prayer.

Today we wish to lift up these leaders and their faith communities across this country.

Their prayer for this nation and its government lingers in this room.

Bless them for their efforts to renew people in faith, hope, and love.

Inspire them as they preach and guide Your people in so many districts of this nation.

May they never lord it over those assigned to them, but instead, be examples of servant leadership to all in the flock.

And when Your glory is revealed, Chief Shepherd of us all, may Your leaders in faith and government receive the unfading crown of glory.

You live and reign now and forever. Amen.

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## THE JOURNAL

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

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

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## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

□

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 20, 2000.*

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

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2000 at 9:32 a.m.

That the Senate agreed to House Amendment S. 2812.

That the Senate passed without amendment H.R. 2961.

That the Senate passed without amendment H.R. 4068.

That the Senate passed without amendment H.R. 4110.

That the Senate passed without amendment H.R. 4320.

That the Senate passed without amendment H.R. 4835.

That the Senate passed without amendment H.R. 5234.

That the Senate passed without amendment H. Con. Res. 232.

That the Senate passed without amendment H. Con. Res. 376.

That the Senate passed without amendment H. Con. Res. 390.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON,
*Deputy Clerk.*

□

## SECURING AMERICA'S FUTURE FOR OLDER AMERICANS

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

Mr. GIBBONS. Mr. Speaker, this Republican-led Congress has made great efforts in restoring fiscal accountability and responsibility to our budget process. Now paying off the debt puts people before politics and leaves us more resources to take care of those programs that really matter, especially for our older Americans.

Republicans want to use 90 percent of next year's surplus to pay off the national debt while locking away 100 percent of the social security and Medicare surpluses.

By running surpluses in social security and Medicare, we make certain that funds are available to reform these programs so that when baby boomers retire, they have the resources to take care of their retirement needs.

Mr. Speaker, the growing economy has handed us an enormous opportunity to lock away every penny of the social security and Medicare trust funds and to pay off the national debt. We have grabbed those opportunities to strengthen retirement security for every generation of Americans, and the Clinton-Gore administration would have us let those opportunities slip away. We cannot let them slip away.

Even last year when Republicans said we wanted to stop the 30-year raid on social security, President Clinton said it could not be done. But we proved it could be done, and now every dime paid into social security is walled off where it cannot be spent on bigger government programs.

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken tomorrow.

□

## COASTAL AND FISHERIES IMPROVEMENT ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5086) to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster, as amended.

The Clerk read as follows:

H.R. 5086

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Coastal and Fisheries Improvement Act of 2000''.

**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—NATIONAL MARINE SANCTUARIES

Sec. 101. Short title.
Sec. 102. Amendment of National Marine Sanctuaries Act.
Sec. 103. Changes in findings, purposes, and policies; establishment of system.
Sec. 104. Changes in definitions.
Sec. 105. Changes relating to sanctuary designation standards.
Sec. 106. Changes in procedures for sanctuary designation and implementation.
Sec. 107. Changes in activities prohibited.
Sec. 108. Changes in enforcement provisions.
Sec. 109. Additional regulations authority.
Sec. 110. Changes in research, monitoring, and education provisions.
Sec. 111. Changes in special use permit provisions.
Sec. 112. Changes in cooperative agreements provisions.
Sec. 113. Changes in provisions concerning destruction, loss, or injury.
Sec. 114. Authorization of appropriations.
Sec. 115. Changes in U.S.S. MONITOR provisions.
Sec. 116. Changes in advisory council provisions.
Sec. 117. Changes in the support enhancement provisions.
Sec. 118. Establishment of Dr. Nancy Foster Scholarship Program.
Sec. 119. Clerical amendments.

TITLE II—MISCELLANEOUS FISHERY STATUTE REAUTHORIZATIONS

Sec. 201. Marine fish program.
Sec. 202. Interjurisdictional Fisheries Act of 1986 amendments.
Sec. 203. Anadromous Fish Conservation Act amendments.

TITLE III—REIMBURSEMENT OF EXPENSES

Sec. 301. Reimbursement of expenses.

TITLE IV—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

Sec. 401. Short title.
Sec. 402. Extension of period for reimbursement under Fishermen's Protective Act of 1967.

TITLE V—YUKON RIVER SALMON

Sec. 501. Short title.
Sec. 502. Yukon River Salmon Panel.
Sec. 503. Advisory committee.
Sec. 504. Exemption.
Sec. 505. Authority and responsibility.
Sec. 506. Administrative matters.
Sec. 507. Yukon River salmon stock restoration and enhancement projects.
Sec. 508. Authorization of appropriations.

TITLE VI—FISHERY INFORMATION ACQUISITION

Sec. 601. Short title.
Sec. 602. Acquisition of fishery survey vessels.

TITLE VII—ATLANTIC COASTAL FISHERIES

Subtitle A—Atlantic Striped Bass Conservation

Sec. 701. Reauthorization of Atlantic Striped Bass Conservation Act.
Sec. 702. Population study of striped bass.

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

Sec. 703. Short title.
Sec. 704. Reauthorization of Atlantic Coastal Fisheries Cooperative Management Act.

TITLE VIII—PACIFIC SALMON RECOVERY

Sec. 801. Short title.
Sec. 802. Salmon conservation and salmon habitat restoration assistance.
Sec. 803. Receipt and use of assistance.
Sec. 804. Public participation.

Sec. 805. Consultation not required.
Sec. 806. Reports.
Sec. 807. Definitions.
Sec. 808. Pacific Salmon Treaty.
Sec. 809. Treatment of International Fishery Commission pensioners.
Sec. 810. Authorization of appropriations.
TITLE IX—MISCELLANEOUS TECHNICAL AMENDMENTS TO INTERNATIONAL FISHERIES ACTS
Sec. 901. Great Lakes Fishery Act of 1956.
Sec. 902. Tuna Conventions Act of 1950.
Sec. 903. Atlantic Tunas Convention Act of 1975.
Sec. 904. North Pacific Anadromous Stocks Act of 1992.
Sec. 905. High Seas Fishing Compliance Act of 1995.
TITLE X—PRIBILOF ISLANDS
Sec. 1001. Short title.
Sec. 1002. Purpose.
Sec. 1003. Fur Seal Act of 1996 defined.
Sec. 1004. Financial assistance for Pribilof Islands under Fur Seal Act of 1966.
Sec. 1005. Disposal of property.
Sec. 1006. Termination of responsibilities.
Sec. 1007. Technical and clarifying amendments.
Sec. 1008. Authorization of appropriations.
TITLE XI—SHARK FINNING
Sec. 1101. Short title.
Sec. 1102. Purpose.
Sec. 1103. Prohibition on removing shark fin and discarding shark carcass at sea.
Sec. 1104. Regulations.
Sec. 1105. International negotiations.
Sec. 1106. Report to Congress.
Sec. 1107. Research.
Sec. 1108. Western Pacific longline fisheries cooperative research program.
Sec. 1109. Shark-finning defined.
Sec. 1110. Authorization of appropriations.
TITLE XII—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM
Sec. 1201. Short title.
Sec. 1202. John H. Prescott Marine Mammal Rescue Assistance Grant Program.
Sec. 1203. Study of the eastern gray whale population.

## TITLE I—NATIONAL MARINE SANCTUARIES

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''National Marine Sanctuaries Amendments Act of 2000''.

**SEC. 102. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

**SEC. 103. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.**

(a) CLERICAL AMENDMENT.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

**''SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.''.**

(b) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by striking ''research, educational, or esthetic'' and inserting ''scientific, educational, cultural, archaeological, or esthetic'';

(2) in paragraph (3) by adding ''and'' after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

''(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will—

''(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

''(B) enhance public awareness, understanding, and appreciation of the marine environment; and

''(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.''.

(c) PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking ''significance;'' in paragraph (1) and inserting ''significance and to manage these areas as the National Marine Sanctuary System;'';

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

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

''(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

''(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of marine environment, and the natural, historical, cultural, and archaeological resources of the National Marine Sanctuary System;

''(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;'';

(5) in paragraph (8), as redesignated, by striking ''areas;'' and inserting ''areas, including the application of innovative management techniques; and''; and

(6) in paragraph (9), as redesignated, by striking ''; and'' and inserting a period.

(d) ESTABLISHMENT OF SYSTEM.—Section 301 is amended by adding at the end the following:

''(c) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated in accordance with this title.''.

**SEC. 104. CHANGES IN DEFINITIONS.**

(a) DAMAGES.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking ''and'' after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

''(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources; and

''(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;''.

(b) RESPONSE COSTS.—Paragraph (7) of such section is amended by inserting '', including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312'' after ''injury'' the second place it appears.

(c) SANCTUARY RESOURCE.—Paragraph (8) of such section is amended by striking ''research, educational,'' and inserting ''educational, cultural, archaeological, scientific,''.

(d) SYSTEM.—Such section is further amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting ''; and''; and

(3) by adding at the end the following:

''(10) 'System' means the National Marine Sanctuary System established by section 301.''.

**SEC. 105. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.**

(a) STANDARDS.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

''(1) determines that—

''(A) the designation will fulfill the purposes and policies of this title;

''(B) the area is of special national significance due to—

''(i) its conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or esthetic qualities;

''(ii) the communities of living marine resources it harbors; or

''(iii) its resource or human-use values;

''(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

''(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

''(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and''.

(b) FACTORS; REPEAL OF REPORT REQUIREMENT.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking ''and'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

''(J) the areas's scientific value and value for monitoring the resources and natural processes that occur there;

''(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

''(L) the value of the area as an addition to the System.''; and

(2) by striking paragraph (3).

**SEC. 106. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.**

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

''(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.''.

(b) SANCTUARY DESIGNATION DOCUMENTS.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

''(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

''(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) A resource assessment that documents—

''(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

''(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

''(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

''(C) A draft management plan for the proposed national marine sanctuary that includes the following:

''(i) The terms of the proposed designation.

''(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

''(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

''(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

''(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

''(vi) The proposed regulations referred to in paragraph (1)(A).

''(D) Maps depicting the boundaries of the proposed sanctuary.

''(E) The basis for the findings made under section 303(a) with respect to the area.

''(F) An assessment of the considerations under section 303(b)(1).''.

(c) WITHDRAWAL OF DESIGNATION.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting ''or System'' after ''sanctuary'' the second place it appears.

(d) FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.—Section 304(d) (16 U.S.C.1434(d)) is amended by adding at the end the following:

''(4) FAILURE TO FOLLOW ALTERNATIVE.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction or loss of or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.''.

(e) EVALUATION OF PROGRESS IN IMPLEMENTING MANAGEMENT STRATEGIES.—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking ''management techniques,'' and inserting ''management techniques and strategies,''; and

(2) by adding at the end the following: ''This review shall include a prioritization of management objectives.''.

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

''(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—

''(1) FINDING REQUIRED.—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

''(A) the addition of a new sanctuary will not have a negative impact on the System; and

''(B) sufficient resources were available in the fiscal year in which the finding is made to—

''(i) effectively implement sanctuary management plans for each sanctuary in the System; and

''(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

''(2) DEADLINE.—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of subparagraphs (A) and (B) of paragraph (1) have been met by all existing sanctuaries.

''(3) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for—

''(A) a Thunder Bay National Marine Sanctuary; or

''(B) a Northwestern Hawaiian Islands National Marine Sanctuary.''.

(g) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.—

(1) PRESIDENTIAL DESIGNATION.—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) SECRETARIAL ACTION.—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a national marine sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a national marine sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) COORDINATION.—The Secretary shall work with other Federal agencies to develop a coordinated plan to make vessels and other resources available for activities in the reserve.

(4) REVIEW.—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(5) REPORT.—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(6) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized under section 311 of the National Marine Sanctuaries Act (16 U.S.C. 1444) for a fiscal year, no more than $3,000,000 shall be for carrying out this section.

**SEC. 107. CHANGES IN ACTIVITIES PROHIBITED.**

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting ''for any person'' after ''unlawful'';

(2) in paragraph (2) by inserting ''offer for sale, purchase, import, export,'' after ''sell,''; and

(3) by amending paragraph (3) to read as follows:

''(3) interfere with the enforcement of this title by—

''(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

''(B) resisting, opposing, impeding, intimidating, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title;

''(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or

''(D) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement the provisions of this title; or''.

**SEC. 108. CHANGES IN ENFORCEMENT PROVISIONS.**

(a) POWERS OF AUTHORIZED OFFICERS TO ARREST.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking ''and'' after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ''; and'', and by adding at the end the following:

''(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).''.

(b) CRIMINAL OFFENSES.—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

''(c) CRIMINAL OFFENSES.—

''(1) OFFENSES.—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

''(2) PUNISHMENT.—Any person that is guilty of an offense under this subsection—

''(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

''(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under

title 18, United States Code, imprisoned for not more than 10 years, or both.''.

(c) SUBPOENAS OF ELECTRONIC FILES.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting ''electronic files,'' after ''books,''.

(d) NATIONWIDE SERVICE OF PROCESS.—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

''(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.''.

**SEC. 109. ADDITIONAL REGULATIONS AUTHORITY.**

Section 308 (16 U.S.C. 1439) is amended to read as follows:

**''SEC. 308. REGULATIONS.**

''The Secretary may issue such regulations as may be necessary to carry out this title.''.

**SEC. 110. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.**

Section 309 (16 U.S.C. 1440) is amended to read as follows:

**''SEC. 309. RESEARCH, MONITORING, AND EDUCATION.**

''(a) IN GENERAL.—The Secretary shall conduct, support, and coordinate research, monitoring, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

''(b) RESEARCH AND MONITORING.—

''(1) IN GENERAL.—The Secretary may—

''(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

''(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

''(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archaeological, and historical resources of national marine sanctuaries.

''(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted by the Secretary under this subsection shall be made available to the public.

''(c) EDUCATION.—

''(1) IN GENERAL.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

''(2) EDUCATIONAL ACTIVITIES.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

''(d) INTERPRETIVE FACILITIES.—

''(1) IN GENERAL.—The Secretary may develop interpretive facilities near any national marine sanctuary.

''(2) FACILITY REQUIREMENT.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

''(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, regional, or interstate agencies, States, or local governments.''.

**SEC. 111. CHANGES IN SPECIAL USE PERMIT PROVISIONS.**

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

''(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).'';

(2) by striking ''insurance'' in paragraph (4) of subsection (c), as redesignated, and inserting ''insurance, or post an equivalent bond,'';

(3) by striking ''resource and a reasonable return to the United States Government.'' in paragraph (2)(C) of subsection (d), as redesignated, and inserting ''resource.'';

(4) in subsection (d)(3)(B), as redesignated, by striking ''designating and''; and

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

''(4) WAIVER OR REDUCTION OF FEES.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.''.

**SEC. 112. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.**

(a) AGREEMENTS AND GRANTS.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

''(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.''.

(b) USE OF RESOURCES FROM OTHER GOVERNMENT AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

''(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

''(f) AUTHORITY TO OBTAIN GRANTS.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.''.

**SEC. 113. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.**

(a) VENUE FOR CIVIL ACTIONS.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting ''(1)'' before ''The Attorney General'';

(2) in paragraph (1) (as so designated) in the first sentence by striking ''in the United States district court for the appropriate district''; and

(3) by adding at the end the following:

''(2) An action under this subsection may be brought in the United States district court for any district in which—

''(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(B) the vessel is located, in the case of an action against a vessel; or

''(C) the destruction of, loss of, or injury to a sanctuary resource occurred.''.

(b) USE OF RECOVERED AMOUNTS.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) RESPONSE COSTS.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

''(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

''(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

''(2) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

''(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archaeological, historical, and cultural sanctuary resources;

''(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

''(C) to restore degraded sanctuary resources of other national marine sanctuaries.''.

(c) STATUTE OF LIMITATIONS.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

''(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.''.

**SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

Section 313 (16 U.S.C. 1444) is amended to read as follows:

**''SEC. 313. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to the Secretary—

''(1) to carry out this title—

''(A) $34,000,000 for fiscal year 2001;

''(B) $36,000,000 for fiscal year 2002;

''(C) $38,000,000 for fiscal year 2003;

''(D) $40,000,000 for fiscal year 2004; and

''(E) $42,000,000 for fiscal year 2005; and

''(2) for construction projects at national marine sanctuaries, $6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

**SEC. 115. CHANGES IN U.S.S. MONITOR PROVISIONS.**

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

**SEC. 116. CHANGES IN ADVISORY COUNCIL PROVISIONS.**

Section 315 (16 U.S.C. 1445a) is amended by striking ''provide assistance'' in subsection (a) and inserting ''advise and make recommendations''.

**SEC. 117. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.**

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(1), by inserting ''or the System'' after ''sanctuaries'';

(2) in subsection (a)(4) by striking ''use of any symbol published under paragraph (1)'' and inserting ''manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol,'';

(3) by amending subsection (e)(3) to read as follows:

''(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless

authorized by the Secretary under subsection (a)(4) or subsection (f); or''; and

(4) by adding at the end the following:

''(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

''(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.—

''(1) IN GENERAL.—The Secretary may enter into an agreement with a nonprofit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the nonprofit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and transfer the contribution to the Secretary.

''(2) PARTNER ORGANIZATION DEFINED.—In this subsection, the term 'partner organization' means an organization that—

''(A) draws its membership from individuals, private organizations, corporations, academic institutions, or State and local governments; and

''(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.''.

**SEC. 118. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.**

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by redesignating section 317 as section 318, and by inserting after section 316 the following:

**''SEC. 317. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.**

''(a) ESTABLISHMENT.—The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archaeology, to be known as Dr. Nancy Foster Scholarships.

''(b) PURPOSE.—The purpose of the Dr. Nancy Foster Scholarship Program is to encourage outstanding scholarship and independent graduate level research in oceanography, marine biology or maritime archaeology, particularly by women and members of minority groups.

''(c) AWARD.—Each Dr. Nancy Foster Scholarship—

''(1) shall be used to support graduate studies in oceanography, marine biology or maritime archaeology at a graduate level institution of higher education; and

''(2) shall be awarded in accordance with guidelines issued by the Secretary.

''(d) DISTRIBUTION OF FUNDS.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

''(e) FUNDING.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

''(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

''(g) MARITIME ARCHAEOLOGY DEFINED.—In this section the term 'maritime archaeology' includes the curation, preservation, and display of maritime artifacts.''.

**SEC. 119. CLERICAL AMENDMENTS.**

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking ''Merchant Marine and Fisheries'' and inserting ''Resources'':

(1) Section 303(b)(2)(A) (16 U.S.C. 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—(1) Section 302(2) is amended to read as follows:

''(2) 'Magnuson-Stevens Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);''.

(2) Section 302(9) is amended by striking ''Magnuson Fishery Conservation and Management Act'' and inserting ''Magnuson-Stevens Act''.

(3) Section 303(b)(2)(D) is amended by striking ''Magnuson Act'' and inserting ''Magnuson-Stevens Act''.

(4) Section 304(a)(5) is amended by striking ''Magnuson Act'' and inserting ''Magnuson-Stevens Act''.

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking ''Magnuson Fishery Conservation and Management Act'' and inserting ''Magnuson-Stevens Act''.

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking ''UNITED STATES'' and inserting ''UNITED STATES''.

## TITLE II—MISCELLANEOUS FISHERY STATUTE REAUTHORIZATIONS

**SEC. 201. MARINE FISH PROGRAM.**

(a) FISHERIES INFORMATION COLLECTION AND ANALYSIS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out fisheries information and analysis activities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $52,890,000 for fiscal year 2001, and $53,435,000 for each of the fiscal years 2002, 2003, and 2004. Such activities may include, but are not limited to, the collection, analysis, and dissemination of scientific information necessary for the management of living marine resources and associated marine habitat.

(b) FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out activities relating to fisheries conservation and management operations under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $30,770,000 for fiscal year 2001, and $31,641,000 for each of the fiscal years 2002, 2003, and 2004. Such activities may include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources, hatchery operations, habitat conservation, and protected species management.

(c) FISHERIES STATE AND INDUSTRY COOPERATIVE PROGRAMS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out State and industry cooperative programs under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $28,520,000 for fiscal year 2001, and $28,814,000 for each of the fiscal years 2002, 2003, and 2004. These activities include, but are not limited to, ensuring the quality and safety of seafood products and providing grants to States for improving the management of interstate fisheries.

(d) RELATION TO OTHER LAWS.—Authorizations under this section shall be in addition to monies authorized under the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 3301 et seq.), the Anadromous Fish Conservation Act (16 U.S.C. 757 et seq.), and the Interjurisdictional Fisheries Act (16 U.S.C. 4107 et seq.).

**SEC. 202. INTERJURISDICTIONAL FISHERIES ACT OF 1986 AMENDMENTS.**

Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

''(1) $4,900,000 for fiscal year 2001; and

''(2) $5,400,000 for each of the fiscal years 2002, 2003, and 2004.''; and

(2) in subsection (c) by striking ''$700,000 for fiscal year 1997, and $750,000 for each of the fiscal years 1998, 1999, and 2000'' and inserting ''$800,000 for fiscal year 2001, and $850,000 for each of the fiscal years 2002, 2003, and 2004''.

**SEC. 203. ANADROMOUS FISHERIES AMENDMENTS.**

Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 4. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

''(A) $4,500,000 for fiscal year 2001; and

''(B) $4,750,000 for each of fiscal years 2002, 2003, and 2004.

''(2) Sums appropriated under this subsection are authorized to remain available until expended.

''(b) Not more than $625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.''.

## TITLE III—REIMBURSEMENT OF EXPENSES

**SEC. 301. REIMBURSEMENT OF EXPENSES.**

Notwithstanding section 3302 (b) and (c) of title 31, United States Code, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHARY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER, and from the disposal of marine assets, and all amounts received by the United States from the disposal of marine assets of the National Oceanic and Atmospheric Administration—

(1) shall be retained as an offsetting collection in the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited into that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration hydrographic and fisheries vessel operations.

## TITLE IV—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

**SEC. 401. SHORT TITLE.**

This title may be cited as the ''Fishermen's Protective Act Amendments of 2000''.

**SEC. 402. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.**

(a) IN GENERAL.—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking ''2000'' and inserting ''2003''.

(b) CLERICAL AMENDMENT.—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking ''Secretary of the Interior'' and inserting ''Secretary of Commerce''.

## TITLE V—YUKON RIVER SALMON

**SEC. 501. SHORT TITLE.**

This title may be cited as the ''Yukon River Salmon Act of 2000''.

**SEC. 502. YUKON RIVER SALMON PANEL.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a Yukon River Salmon Panel (in this title referred to as the ''Panel'').

(2) FUNCTIONS.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this title or any other law.

(3) DESIGNATION AS UNITED STATES REPRESENTATIVES ON BILATERAL BODY.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State.

(2) APPOINTEES FROM ALASKA.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) ALTERNATES.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under paragraph (1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) TERM LENGTH.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(e) DECISIONS.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) CONSULTATION.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

**SEC. 503. ADVISORY COMMITTEE.**

(a) APPOINTMENTS.—The Governor of Alaska may establish and appoint an advisory committee (in this title referred to as the ''advisory committee'') of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Members of such advisory committee shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Members of such advisory committee shall be eligible for reappointment.

**SEC. 504. EXEMPTION.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to the advisory committee.

**SEC. 505. AUTHORITY AND RESPONSIBILITY.**

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

**SEC. 506. ADMINISTRATIVE MATTERS.**

(a) COMPENSATION.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS–15 of the General Schedule when engaged in the actual performance of duties.

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of the advisory committee when such members are engaged in the actual performance of duties for the Panel or advisory committee.

(c) TREATMENT AS FEDERAL EMPLOYEES.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of the advisory committee shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

**SEC. 507. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.**

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) COOPERATION WITH CANADA.—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

**SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of the Interior to carry out this title $4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of the advisory committee, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to $3,000,000 shall be available each fiscal year for activities by the Department

of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to $1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 507(b); and

(4) $600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

## TITLE VI—FISHERY INFORMATION ACQUISITION

**SEC. 601. SHORT TITLE.**

This title may be cited as the ''Fisheries Survey Vessel Authorization Act of 2000''.

**SEC. 602. ACQUISITION OF FISHERY SURVEY VESSELS.**

(a) IN GENERAL.—The Secretary of Commerce, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) FISHERIES RESEARCH VESSEL PROCUREMENT.—Notwithstanding section 644 of title 15, United States Code, and section 19.502–2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.

(d) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary of Commerce $60,000,000 for each of fiscal years 2002 and 2003.

## TITLE VII—ATLANTIC COASTAL FISHERIES

### Subtitle A—Atlantic Striped Bass Conservation

**SEC. 701. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.**

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

''(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

''(1) $1,000,000 to the Secretary of Commerce; and

''(2) $250,000 to the Secretary of the Interior.''.

**SEC. 702. POPULATION STUDY OF STRIPED BASS.**

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and

(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce $250,000 to carry out this section.

### Subtitle B—Atlantic Coastal Fisheries Cooperative Management

**SEC. 703. SHORT TITLE.**

This subtitle may be cited as the ''Atlantic Coastal Fisheries Act of 2000''.

**SEC. 704. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

**''SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated $10,000,000 for each of fiscal years 2001 through 2005.

''(b) COOPERATIVE STATISTICS PROGRAM.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission's cooperative statistics program.''.

(b) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Such Act is amended—

(A) in section 802(3) (16 U.S.C. 5101(3)) by striking ''such resources in'' and inserting ''such resources is''; and

(B) by striking section 812 and the second section 811.

(2) AMENDMENTS TO REPEAL NOT AFFECTED.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.

(3) SHORT TITLE REFERENCES.—Such Act is further amended by striking ''Magnuson Fishery'' each place it appears and inserting ''Magnuson-Stevens Fishery''.

(c) REPORTS.—

(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this title, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use the assistance.

(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the States under this title. Each biennial report shall evaluate the success of such assistance in implementing this title.

## TITLE VIII—PACIFIC SALMON RECOVERY

**SEC. 801. SHORT TITLE.**

This title may be cited as the ''Pacific Salmon Recovery Act''.

**SEC. 802. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.**

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Commerce shall provide financial assistance in accordance with this title to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration activities.

(b) ALLOCATION.—Of the amounts available to provide assistance under this section each fiscal year (after the application of section 803(g)), the Secretary—

(1) shall allocate 85 percent among qualified States, in equal amounts; and

(2) shall allocate 15 percent among qualified tribal governments, in amounts determined by the Secretary.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary shall promptly transfer in a lump sum—

(A) to a qualified State that has submitted a Conservation and Restoration Plan under section 803(a) amounts allocated to the qualified State under subsection (b)(1) of this section, unless the Secretary determines, within 30 days after the submittal of the plan to the Secretary, that the plan is inconsistent with the requirements of this title; and

(B) to a qualified tribal government that has entered into a memorandum of understanding with the Secretary under section 803(b) amounts allocated to the qualified tribal government under subsection (b)(2) of this section.

(2) TRANSFERS TO QUALIFIED STATES.—The Secretary shall make the transfer under paragraph (1)(A)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) REALLOCATION.—

(1) AMOUNTS ALLOCATED TO QUALIFIED STATES.—Amounts that are allocated to a qualified State for a fiscal year shall be reallocated under subsection (b)(1) among the other qualified States, if—

(A) the qualified State has not submitted a plan in accordance with section 803(a) as of the end of the fiscal year; or

(B) the amounts remain unobligated at the end of the subsequent fiscal year.

(2) AMOUNTS ALLOCATED TO QUALIFIED TRIBAL GOVERNMENTS.—Amounts that are allocated to a qualified tribal government for a fiscal year shall be reallocated under subsection (b)(2) among the other qualified tribal governments, if the qualified tribal government has not entered into a memorandum of understanding with the Secretary in accordance with section 803(b) as of the end of the fiscal year.

**SEC. 803. RECEIPT AND USE OF ASSISTANCE.**

(a) QUALIFIED STATE SALMON CONSERVATION AND RESTORATION PLAN.—

(1) IN GENERAL.—To receive assistance under this title, a qualified State shall develop and submit to the Secretary a Salmon Conservation and Salmon Habitat Restoration Plan.

(2) CONTENTS.—Each Salmon Conservation and Salmon Restoration Plan shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) except as provided in subparagraph (D), give priority to use of assistance under this section for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the qualified State;

(D) in the case of a plan submitted by a qualified State in which, as of the date of the enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs to conserve and enhance species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon-related research, data collection, and monitoring;

(II) salmon supplementation and enhancement;

(III) salmon habitat restoration;

(IV) increasing economic opportunities for salmon fishermen; and

(V) national and international cooperative habitat programs; and

(ii) provide for revision of the plan within one year after any date on which any salmon species that spawns in the qualified State is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation and recovery of salmon;

(H) require that the qualified State maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act; and

(I) ensure that activities funded under this title are conducted in a manner in which, and in areas where, the State has determined that they will have long-term benefits.

(3) SOLICITATION OF COMMENTS.—In preparing a plan under this subsection a qualified State shall seek comments on the plan from local governments in the qualified State.

(b) TRIBAL MOU WITH SECRETARY.—

(1) IN GENERAL.—To receive assistance under this title, a qualified tribal government shall enter into a memorandum of understanding with the Secretary regarding use of the assistance.

(2) CONTENTS.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) give priority to use of assistance under this Act for activities that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the ordinances or regulations of the qualified tribal government;

(D) in the case of a memorandum of understanding entered into by a qualified tribal government for an area in which, as of the date of the enactment of this Act, there is no area at which a salmon species that is referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs described in subsection (a)(2)(D)(i);

(ii) include a requirement that the memorandum shall be revised within 1 year after any date on which any salmon species that spawns in the area is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) establish specific requirements for reporting to the Secretary by the qualified tribal government;

(H) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation or recovery of salmon; and

(I) require that the qualified tribal government maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act.

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Assistance under this title may be used by a qualified State in accordance with a plan submitted by the State under subsection (a), or by a qualified tribal government in accordance with a memorandum of understanding entered into by the government under subsection (b), to carry out or make grants to carry out, among other activities, the following:

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multi-year grants.

(B) Salmon-related research, data collection, and monitoring, salmon supplementation and enhancement, and salmon habitat restoration.

(C) Maintenance and monitoring of projects completed with such assistance.

(D) Technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat.

(E) Other activities related to salmon conservation and salmon habitat restoration.

(2) USE FOR LOCAL AND REGIONAL PROJECTS.—Funds allocated to qualified States under this title shall be used for local and regional projects.

(d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE OF JURISDICTION OF RECIPIENT.—Assistance under this section provided to a qualified State or qualified tribal government may be used for activities conducted outside the areas under its jurisdiction if the activity will provide conservation benefits to naturally produced salmon in streams of concern to the qualified State or qualified tribal government, respectively.

(e) COST SHARING BY QUALIFIED STATES.—

(1) IN GENERAL.—A qualified State shall match, in the aggregate, the amount of any financial assistance provided to the qualified State for a fiscal year under this title, in the form of monetary contributions or in-kind contributions of services for projects carried out with such assistance. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) LIMITATION ON REQUIRING MATCHING FOR EACH PROJECT.—The Secretary may not require a qualified State to provide matching funds for each project carried out with assistance under this title.

(3) TREATMENT OF MONETARY CONTRIBUTIONS.—For purposes of subsection (a)(2)(H), the amount of monetary contributions by a qualified State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(f) COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—Each qualified State and each qualified tribal government receiving assistance under this title is encouraged to carefully coordinate salmon conservation activities of its agencies to eliminate duplicative and overlapping activities.

(2) CONSULTATION.—Each qualified State and qualified tribal government receiving assistance under this title shall consult with the Secretary to ensure there is no duplication in projects funded under this title.

(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

(1) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amount made available under this title each fiscal year, not more than 1 percent may be used by the Secretary for administrative expenses incurred in carrying out this title.

(2) STATE AND TRIBAL ADMINISTRATIVE EXPENSES.—Of the amount allocated under this title to a qualified State or qualified tribal government each fiscal year, not more than 3 percent may be used by the qualified State or qualified tribal government, respectively, for administrative expenses incurred in carrying out this title.

**SEC. 804. PUBLIC PARTICIPATION.**

(a) QUALIFIED STATE GOVERNMENTS.—Each qualified State seeking assistance under this title shall establish a citizens advisory committee or provide another similar forum for local governments and the public to participate in obtaining and using the assistance.

(b) QUALIFIED TRIBAL GOVERNMENTS.—Each qualified tribal government receiving assistance under this title shall hold public meetings to receive recommendations on the use of the assistance.

**SEC. 805. CONSULTATION NOT REQUIRED.**

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be required based solely on the provision of financial assistance under this title.

**SEC. 806. REPORTS.**

(a) QUALIFIED STATES.—Each qualified State shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the

Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by the qualified State under this title. The report shall contain an evaluation of the success of this title in meeting the criteria listed in section 803(a)(2).

(b) SECRETARY.—

(1) ANNUAL REPORT REGARDING QUALIFIED TRIBAL GOVERNMENTS.—The Secretary shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by qualified tribal governments under this title. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 803(b)(2).

(2) BIANNUAL REPORT.—The Secretary shall, by not later than December 31 of the second year in which amounts are available to carry out this title, and of every second year thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a biannual report on the use of funds allocated to qualified States under this title. The report shall review programs funded by the States and evaluate the success of this title in meeting the criteria listed in section 803(a)(2).

**SEC. 807. DEFINITIONS.**

In this title:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) QUALIFIED STATE.—The term ''qualified State'' means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) QUALIFIED TRIBAL GOVERNMENT.—The term ''qualified tribal government'' means—

(A) a tribal government of an Indian tribe in Washington, Oregon, California, or Idaho that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this title; and

(B) a regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this title.

(4) SALMON.—The term ''salmon'' means any naturally produced salmon or naturally produced trout of the following species:

(A) Coho salmon (oncorhynchus kisutch).

(B) Chinook salmon (oncorhynchus tshawytscha).

(C) Chum salmon (oncorhynchus keta).

(D) Pink salmon (oncorhynchus gorbuscha).

(E) Sockeye salmon (oncorhynchus nerka).

(F) Steelhead trout (oncorhynchus mykiss).

(G) Sea-run cutthroat trout (oncorhynchus clarki clarki).

(H) For purposes of application of this title in Oregon—

(i) Lahontan cutthroat trout (oncorhnychus clarki henshawi); and

(ii) Bull trout (salvelinus confluentus).

(I) For purposes of application of this title in Washington and Idaho, Bull trout (salvelinus confluentus).

(5) SECRETARY.—The term Secretary means the Secretary of Commerce.

**SEC. 808. PACIFIC SALMON TREATY.**

(a) TRANSBOUNDARY PANEL REPRESENTATION.—

(1) IN GENERAL.—Section 3 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632) is amended by redesignating subsections (f), (g), and (h) in order as subsections (g), (h), and (i), and by inserting after subsection (e) the following:

''(f) TRANSBOUNDARY PANEL.—The United States shall be represented on the transboundary Panel by seven Panel members, of whom—

''(1) one shall be an official of the United States Government with salmon fishery management responsibility and expertise;

''(2) one shall be an official of the State of Alaska with salmon fishery management responsibility and expertise; and

''(3) five shall be individuals knowledgeable and experienced in the salmon fisheries for which the transboundary Panel is responsible.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (g) of section 3 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632), as redesignated by paragraph (1) of this subsection, is amended—

(i) by striking ''and (e)(2)'' and inserting ''(e)(2), and (f)(2)'';

(ii) by striking ''and (e)(4)'' and inserting ''(e)(4), and (f)(3)''; and

(iii) by striking ''The appointing authorities listed above'' and inserting ''For the southern, northern, and Frazier River Panels, the appointing authorities listed above''.

(B) Subsection (h)(2) of section 3 the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632), as redesignated by paragraph (1) of this subsection, is amended by striking ''and southern'' and inserting '', southern, and transboundary''.

(C) Section 9 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3638) is amended by striking ''9(g)'' and inserting ''9(h)''.

(b) COMPENSATION AND EXPENSES FOR UNITED STATES REPRESENTATIVES ON NORTHERN AND SOUTHERN FUND COMMITTEES.—

(1) COMPENSATION.—Section 11 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3640) is amended by redesignating subsections (c) and (d) in order as subsections (d) and (e), and by inserting after subsection (b) the following:

''(c) COMPENSATION FOR REPRESENTATIVES ON NORTHERN FUND AND SOUTHERN FUND COMMITTEES.—United States Representatives on the Pacific Salmon Treaty Northern Fund Committee and Southern Fund Committee who are not State or Federal employees shall receive compensation at the minimum daily rate of pay payable under section 5376 of title 5, United States Code, when engaged in the actual performance of duties for the United States Section or for the Commission.''.

(2) EXPENSES.—Subsection (d) of such section, as so redesignated, is amended by inserting ''members of the Northern Fund Committee, members of the Southern Fund Committee,'' after ''Joint Technical Committee,''.

(3) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—Section 11 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 5332) is amended—

(i) in subsection (a) by striking ''at the daily rate of GS–18 of the General Schedule'' and inserting ''at the maximum daily rate of pay payable under section 5376 of title 5, United States Code,''; and

(ii) in subsection (b) by striking ''at the daily rate of GS–16 of the General Schedule'' and inserting ''at the minimum daily rate of pay payable under section 5376 of title 5, United States Code,''.

(B) APPLICATION.—The amendments made by subparagraph (A) shall not apply to Commissioners, Alternate Commissioners, Panel Members, and Alternate Panel Members (as those terms are used in section 11 of the Pacific Salmon Treaty Act of 1985) appointed before the effective date of this subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) CLERICAL AMENDMENT.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, as enacted by section 1000(a)(1), Division B of Public Law 106–113 (16 U.S.C. 3645) is redesignated and moved so as to be section 16 of the Pacific Salmon Treaty Act of 1985.

(2) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of such section is amended to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—For capitalizing the Northern Fund and Southern Fund established under the 1999 Pacific Salmon Treaty Agreement and related agreements, there are authorized to be appropriated a total of $75,000,000 for the Northern Fund and a total of $65,000,000 for the Southern Fund for fiscal years 2000, 2001, 2002, and 2003, for the implementation of those agreements.''.

**SEC. 809. TREATMENT OF INTERNATIONAL FISHERY COMMISSION PENSIONERS.**

For United States citizens who served as employees of the International Pacific Salmon Fisheries Commission and the International North Pacific Fisheries Commission (in this section referred to as the ''Commissions'') and who worked in Canada in the course of employment with those commissions, the President shall—

(1) calculate the difference in amount between the valuation of the Commissions' annuity for each employee's payment in United States currency and in Canadian currency for past and future (as determined by an actuarial valuation) annuity payments; and

(2) out of existing funds available for this purpose, pay each employee a lump-sum payment in the total amount determined under paragraph (1) to compensate each employee for past and future benefits resulting from the exchange rate inequity.

**SEC. 810. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated $200,000,000 for each of the fiscal years 2001, 2002, and 2003 to carry out this title. Funds appropriated under this section may remain until expended.

## TITLE IX—MISCELLANEOUS TECHNICAL AMENDMENTS TO INTERNATIONAL FISHERIES ACTS

**SEC. 901. GREAT LAKES FISHERY ACT OF 1956.**

Section 3(a) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a)) is amended by adding at the end the following:

''(3) Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

**SEC. 902. TUNA CONVENTIONS ACT OF 1950.**

Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended by inserting before ''Of such Commissioners—'' the following: ''Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

**SEC. 903. ATLANTIC TUNAS CONVENTION ACT OF 1975.**

Section 3(a)(1) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)(1)) is amended by inserting before ''The Commissioners'' the following: ''Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

**SEC. 904. NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.**

(a) CLERICAL AMENDMENT.—Public Law 102–587 is amended by striking title VIII (106 Stat. 5098 et seq.).

(b) TREATMENT COMMISSIONERS.—Section 804(a) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(a)) is amended by inserting before ''Of the Commissioners—'' the following: ''Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

**SEC. 905. HIGH SEAS FISHING COMPLIANCE ACT OF 1995.**

Section 103(4) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5502(4)) is amended by inserting ''or subject to the jurisdiction of the United States'' after ''United States''.

## TITLE X—PRIBILOF ISLANDS

**SEC. 1001. SHORT TITLE.**

This title may be referred to as the ''Pribilof Islands Transition Act''.

**SEC. 1002. PURPOSE.**

The purpose of this title is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

**SEC. 1003. FUR SEAL ACT OF 1996 DEFINED.**

In this title, the term ''Fur Seal Act of 1966'' means Public Law 89–702 (16 U.S.C. 1151 et seq.).

**SEC. 1004. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.**

Section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) is amended to read as follows:

**''SEC. 206. FINANCIAL ASSISTANCE.**

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

''(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

''(3) RESTRICTION ON USE.—The Secretary may not use financial assistance authorized by this Act—

''(A) to settle any debt owed to the United States;

''(B) for administrative or overhead expenses; or

''(C) to seek or require contributions referred to in section 1006(b)(3)(B) of the Pribilof Islands Transition Act.

''(4) FUNDING INSTRUMENTS AND PROCEDURES.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(5) PRO RATA DISTRIBUTION OF ASSISTANCE.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

''(b) SOLID WASTE ASSISTANCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

''(2) TRANSFER.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation or award under section 303 of Public Law 104–182, except that subsection (b) of that section shall not apply to those funds.

''(3) LIMITATION.—In order to be eligible to receive financial assistance under this subsection, not later than 180 days after the date of enactment of this paragraph, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

''(1) for assistance under subsection (a) a total not to exceed—

''(A) $9,000,000, for grants to the City of St. Paul;

''(B) $6,300,000, for grants to the Tanadgusix Corporation;

''(C) $1,500,000, for grants to the St. Paul Tribal Council;

''(D) $6,000,000, for grants to the City of St. George;

''(E) $4,200,000, for grants to the St. George Tanaq Corporation; and

''(F) $1,000,000, for grants to the St. George Tribal Council; and

''(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—

''(A) $6,500,000 for the City of St. Paul; and

''(B) $3,500,000 for the City of St. George.

''(d) LIMITATION ON USE OF ASSISTANCE FOR LOBBYING ACTIVITIES.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

''(e) IMMUNITY FROM LIABILITY.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of—

''(1) having provided assistance to the State of Alaska under subsection (b); or

''(2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

''(f) REPORT ON EXPENDITURES.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

''(g) CONGRESSIONAL INTENT.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.''.

**SEC. 1005. DISPOSAL OF PROPERTY.**

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

''(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

''(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

''(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

''(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law.''; and

(2) by striking subsection (g).

**SEC. 1006. TERMINATION OF RESPONSIBILITIES.**

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this title; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(3) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104–91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary of Commerce certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104–91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165 note) is repealed pursuant to subsection (c), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104–91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) REPEALS.—Effective on the date on which the Secretary of Commerce makes the certification described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note).

(d) SAVINGS.—

(1) IN GENERAL.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term ''Natives of the Pribilof Islands'' includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

**SEC. 1007. TECHNICAL AND CLARIFYING AMENDMENTS.**

(a) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) are amended by—

(1) striking ''(d)'' and all that follows through the heading for subsection (d) of section 3 of Public Law 104–91 and inserting ''**SEC. 212.**''; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking ''on such Islands'' and insert ''on such property''.

(c) The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) is amended by inserting before title I the following:

**''SECTION 1. SHORT TITLE.**

''This Act may be cited as the 'Fur Seal Act of 1966'.''.

**SEC. 1008. AUTHORIZATION OF APPROPRIATIONS.**

Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) is amended—

(1) by striking subsection (f) and inserting the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005 for the purposes of carrying out this section.

''(2) LIMITATION.—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska.''; and

(2) by adding at the end the following:

''(g) LOW-INTEREST LOAN PROGRAM.—

''(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

''(2) LOW-INTEREST LOANS.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

''(3) NATIVES OF THE PRIBILOF ISLANDS DEFINED.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term 'Natives of the Pribilof Islands' includes the Tanadgusix and Tanaq Corporations.

''(4) REVERSION OF FUNDS.—Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.''.

## TITLE XI—SHARK FINNING

**SEC. 1101. SHORT TITLE.**

This title may be cited as the ''Shark Finning Prohibition Act''.

**SEC. 1102. PURPOSE.**

The purpose of this title is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

**SEC. 1103. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.**

Section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) by striking ''or' after the semicolon in subparagraph (N);

(2) by striking ''section 302(j)(7)(A).'' in subparagraph (O) and inserting ''section 302(j)(7)(A); or''; and

(3) by adding at the end the following:

''(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

''(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or

''(iii) to land any such fin without the corresponding carcass.

''For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.''.

**SEC. 1104. REGULATIONS.**

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the provisions of section 307(1)(P) of

the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(P)), as added by section 1103 of this title.

**SEC. 1105. INTERNATIONAL NEGOTIATIONS.**

The Secretary of Commerce, acting through the Secretary of State, shall—

(1) initiate discussions as soon as possible for the purpose of developing bilateral or multilateral agreements with other nations for the prohibition on shark-finning;

(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in shark-finning, for the purposes of—

(A) collecting information on the nature and extent of shark-finning by such persons and the landing or transshipment of shark fins through foreign ports; and

(B) entering into bilateral and multilateral treaties with such countries to protect such species;

(3) seek agreements calling for an international ban on shark-finning and other fishing practices adversely affecting these species through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies;

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks to the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks.

**SEC. 1106. REPORT TO CONGRESS.**

The Secretary of Commerce, in consultation with the Secretary of State, shall provide to the Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a report which—

(1) includes a list that identifies nations whose vessels conduct shark-finning and details the extent of the international trade in shark fins, including estimates of value and information on harvesting of shark fins, and landings or transshipment of shark fins through foreign ports;

(2) describes the efforts taken to carry out this title, and evaluates the progress of those efforts;

(3) sets forth a plan of action to adopt international measures for the conservation of sharks; and

(4) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to shark populations, including those listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

**SEC. 1107. RESEARCH.**

The Secretary of Commerce, subject to the availability of appropriations authorized by section 1110, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by commercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival of captured sharks after release.

(4) Research on methods for releasing sharks from fishing gear that minimize risk of injury to fishing vessel operators and crews.

(5) Research on methods to maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section 303 or of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(1)(P)).

(6) Research on the nature and extent of the harvest of sharks and shark fins by foreign fleets and the international trade in shark fins and other shark products.

**SEC. 1108. WESTERN PACIFIC LONGLINE FISHERIES COOPERATIVE RESEARCH PROGRAM.**

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this title, including research described in section 1107 of this title. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

**SEC. 1109. SHARK-FINNING DEFINED.**

In this title, the term ''shark-finning'' means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.

**SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this title.

## TITLE XII—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM

**SEC. 1201. SHORT TITLE.**

This title may be cited as the ''Marine Mammal Rescue Assistance Act of 2000''.

**SEC. 1202. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.**

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

**''SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.**

''(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

''(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the designated stranding regions.

''(B) In determining priorities among such regions, the Secretary may consider—

''(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year; and

''(ii) data regarding average annual strandings and mortality events per region.

''(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

''(c) CONSULTATION.—The Secretary shall consult with the Marine Mammal Commission, a representative from each of the designated stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals, regarding the development of criteria for the implementation of the grant program.

''(d) LIMITATION.—The amount of a grant under this section shall not exceed $100,000.

''(e) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

''(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

''(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this section.

''(g) DEFINITIONS.—In this section:

''(1) DESIGNATED STRANDING REGION.—The term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

''(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended, of which—

''(1) $4,000,000 may be available to the Secretary of Commerce; and

''(2) $1,000,000 may be available to the Secretary of the Interior.''.

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting ''(other than section 408)'' after ''title IV''.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

''Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.
''Sec. 409. Authorization of appropriations.
''Sec. 410. Definitions.''.

**SEC. 1203. STUDY OF THE EASTERN GRAY WHALE POPULATION.**

(a) STUDY.—Not later than 180 days after the date of enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

(1) $290,000 for fiscal year 2001; and

(2) $500,000 for each of fiscal years 2002 through 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5086. This bill includes a 5-year reauthorization of the National Marine Sanctuaries Act and miscellaneous fishery reauthorizations.

The sanctuary provisions make minor changes to the designation, monitoring and enforcement sections of the Act. It reinforces the importance of protecting the cultural resources found in sanctuaries, and it establishes a program to honor Dr. Nancy Foster. Dr. Foster was a long-time NOAA employee and former director of the Sanctuary program who recently passed away from a long illness.

This bill also includes three provisions that twice have previously passed the House as part of other legislation. The first allows fishermen to be reimbursed if their vessel is illegally detained or seized by foreign countries. The second establishes the Yukon River Salmon Panel and authorizes projects to restore salmon stocks originating from the Yukon River. The third authorizes the Secretary of Commerce to acquire two fishery survey vessels.

These vessels are one of the most important fishery management tools available to the Federal science. They allow for the collection of much needed scientific data to manage our Nation's resources.

Mr. Speaker, may I say, one of the biggest weaknesses we have in the whole programs of our oceans is the lack of research. H.R. 5086 provides authorization for environmental clean-up in current and formerly owned Federal property on the Pribilof Islands in Alaska, and assistance to help island communities successfully complete the transition from governmental to private ownership.

It also establishes the terms under which NOAA can end its non-marine mammal responsibilities on the Pribilofs.

Other titles within this bill reauthorize marine fisheries stock assessments; aid to States in managing interjurisdictional and anadromous fisheries; and the extremely successful Atlantic striped bass and Atlantic coastal cooperative fisheries management programs.

Finally, the bill will authorize assistance to West Coast States for salmon habitat restoration projects; give statutory approval to several provisions of the international agreement on joint U.S. and Canadian salmon stocks; and establish a program to assist in marine mammal stranding rescues.

This bill contains key provisions to protect U.S. fish stocks and sensitive areas of the marine environment. These measures are noncontroversial and should be adopted this year. I urge an aye vote on this important conservation legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not have any substantive concerns with the package of fishery bills included in the amendment to H.R. 5086. In particular, I support the title that would reauthorize the National Marine Sanctuaries program. I am also pleased that this package includes legislation that would outlaw the fishing practice of shark finning.

I am concerned about the disproportionate number of Republican bills that have be included in this package. There is only one Democratic bill and seven Republican bills. I believe that is unfair.

I am also concerned with what this legislation does not include. It does not include a clean bill to reauthorize the Coastal Zone Management Act, especially a reauthorization for State coastal polluted run-off programs. Nor does this package include a clean bill to authorize a comprehensive coral reef conservation program. Passage of these bills has been a priority concern for Democrat Members of this Congress.

I am disappointed that the majority has chosen to schedule this package when they could have just as easily scheduled the fish package that was passed by the other body, H.R. 3417. This package contained virtually all of the bills contained here, but also includes a clean coastal zone management reauthorization and coral reef bills.

Members of the other body have indicated they will not move any package which does not include CZMA in the coral reef bills. Instead of passing legislation today that could be sent to the President for his signature, we are passing a bill that may very well become a dead letter in the other body. I think that is unfortunate in the closing days of this session.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

In response to the gentleman, I would agree to some extent with what he said. The one thing I do and have always felt very strongly is not to be dictated to by the other body. The other body said ''take it or leave it'' on issues very frankly that are very, very important to me, but we decided what we had to do was get what was best out of what we were able to do, and without any objection on our side or the gentleman's side, to achieve those goals.

I am a little frustrated with the other body, in fact, greatly frustrated, because they waited. These bills had been passed for many, many months, and then they sent us something and said, ''Take it or leave it.''

This is the House of the people, the United States House of Representatives. It is not the House of Lords. I am going to suggest respectfully that until they recognize that we also have an important role to play in this business of legislation, I am going to do what I think is appropriate for not only the Nation as a whole but the constituents that we all represent.

To have them dictate to us is very offensive to me. I have told them that vocally, and I will tell them that in writing, and I will say it in public. This is the House of the people, not the House of Lords on the other side. So the one way we did what we could do to try to achieve our goals, including the fishermen's protection act, was that the gentleman's and my bill is in this package. That is one of the things in this bill. I cannot get it all because I cannot get it passed from this side of the aisle, either.

So this is the art of trying to achieve the realities. I really worked very hard on this piece of legislation, and hopefully we will see the wisdom of passing this legislation.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to support H.R. 5086. This legislation includes a provision very important to me, the Shark Finning Prohibition Act.

I want to especially thank Chairman SAXTON, Chairman YOUNG, and Ranking Member MILLER for their strong commitment to this legislation and their leadership to stop the barbarous practice of shark finning.

For those unfamiliar with shark finning, it is the distasteful practice of removing of a shark's fins and discarding the carcass into the sea. As an avid sportsman, and as a previous co-chairman of the Congressional Sportsmen's Caucus, I find this practice horrific and wasteful.

Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity, and small number of offspring leave them exceptionally vulnerable to overfishing and they are slow to recover from practices that contribute to their depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea.

My colleagues are well aware of my campaign to stop the wasteful and unsportsmanlike practice of shark finning. This will be the third time that the House has acted on this issue, and the third version of my legislation.

The bill before us today represents a compromise between the House and the Senate. It is important that we pass this legislation today and protect America's fisheries from this terrible practice.

The Shark Finning Prohibition Act bans the wasteful practice of removing a shark's fins and discard the remainder of the shark into the ocean.

The next step in this process is to act internationally. The bill directs the Secretary of State and Secretary of Commerce to work to stop the global shark fin trade. This will require the active engagement of more than 100 countries, and reduction in the demand for shark fins and other shark products. As my resolution from last year stressed, international measures are a critical component of achieving effective shark conservation.

Finally, the bill authorizes a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments. This includes identifying fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks and providing data on the international shark fin trade. This important provision was included at the request of the Senate and represents the best form of compromise and action.

The United States has always been a leader in fisheries conservation and management. This legislation provides us the opportunity to stand on the world stage and demand that other countries take action to stop this wasteful and unsportsmanlike practice.

The Shark Finning Prohibition Act has broad bipartisan support. It is strongly supported by the Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund. In addition, it is supported by the State of Hawaii Office of Hawaiian Affairs, the American Sportfishing Association, the Recreational Fishing Alliance, the Sportfishing Association of California, the Cousteau Society, and the Western Pacific Fisheries Coalition.

Today, we can act to halt the rampant waste resulting from shark finning and solidify our national opposition to this terrible practice. Vote "yes" on H.R. 5086; vote "yes" to prohibit shark finning.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 5086, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster, and for other purposes.".

A motion to reconsider was laid on the table.

□

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that it is not in order to characterize the Senate or its actions or inactions.

□

## VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS PRESERVATION ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 710) to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

The Clerk read as follows:

S. 710

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Vicksburg Campaign Trail Battlefields Preservation Act of 1999".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(2) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(3) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(b) PURPOSE.—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) CAMPAIGN TRAIL STATE.—The term "Campaign Trail State" means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—The term "Civil War battlefield" includes the following sites (including related structures adjacent to or thereon)—

(A) the battlefields at Helena and Arkansas Post, Arkansas;

(B) Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

(C) the battlefield at Milliken's Bend, Madison Parish, Louisiana;

(D) the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

(E) the Winter Quarters at Tensas Parish, Louisiana;

(F) Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

(G) the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

(H) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(I) the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

(J) the battlefield at Jackson, Hinds County, Mississippi;

(K) the Union siege lines around Jackson, Hinds County, Mississippi;

(L) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(M) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(N) the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

(O) the battlefield at Chickasaw Bayou, Warren County, Mississippi;

(P) Pemberton's Headquarters at Warren County, Mississippi;

(Q) the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

(R) the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

(S) any other sites considered appropriate by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

**SEC. 4. FEASIBILITY STUDY.**

(a) IN GENERAL.—Not later than 3 years after funds are made available for this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(b) COMPONENTS.—In completing the study, the Secretary shall—

(1) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(2) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(A) administers and manages the Civil War battlefields; and

(B) possesses the legal authority to—

(i) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(iii) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(iv) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(3) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(4) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as "Friends of the Vicksburg Campaign and Historic Trail", in furtherance of the purposes of this Act; and

(5) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(c) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $1,500,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 710, introduced by Senator TRENT LOTT from Mississippi, authorizes a feasibility study of the Vicksburg Campaign during the Civil War. The Vicksburg Campaign was one of the most important, decisive events of the Civil War. Vicksburg was the Confederacy's most vital defensive citadel, located on the Mississippi River. Its capture was considered essential to the Union plans to gain control of the Mississippi in 1863.

The fall of Vicksburg effectively split the South in two and gave the North complete control of the Mississippi River.

□ 1415

Clearly, many of the battlefields along the Vicksburg Campaign Trail are of important historical significance and their preservation would contribute to the understanding of the heritage of the United States. Mr. Speaker, S. 710 would authorize a feasibility study on the preservation of many of the Civil War battlefields along the Vicksburg Campaign Trail to determine what measures should be taken to preserve these historical battlefields.

In addition, this bill would authorize the Secretary of the Interior to establish a management entity for Civil War battlefields and to acquire funds and lands for use in managing these battlefields.

Mr. Speaker, I urge members of the House to support S. 710.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Alaska has quite properly explained this legislation to direct the National Park Service to conduct a feasibility study to explore various options of the preservation of the Vicksburg Campaign Trail, and I urge the support of this legislation.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 710.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## DIRECTING THE SECRETARY OF THE INTERIOR TO ISSUE A PATENT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1218) to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

The Clerk read as follows:

S. 1218

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subject to valid existing rights, the Secretary of the Interior shall issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27 block 2, school reserve, and section 27, block 3, lot 13.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1218, a bill to authorize the Secretary of the Interior to issue to the Landusky School District in the State of Montana a patent for the surface and mineral estates of certain lots, totaling 2.06 acres.

Landusky is a small agricultural community in north central Montana. An oversight in the original transfer of land from the Bureau of Land Management did not convey the surface and mineral estates on the two lots that the Landusky Elementary School has now occupied for a lengthy period of time. This legislation corrects that oversight.

Mr. Speaker, S. 1218 was introduced on June 14, 1999, by Senator BURNS. A legislative hearing was held where the assistant director of the Bureau of Land Management testified on behalf of the administration in support of the bill with certain amendments.

Today, we take up a bill fully supported by the administration and the other body. The estimated fair market value of the parcels is only $30,300. I urge my colleagues to support it.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Alaska has quite properly explained the legislation. The administration supports this bill, and we have no objections to it.

S. 1218 would direct the Secretary of the Interior to convey, without consideration, the surface and subsurface mineral estates of about two acres of federal land to the Landusky School District, located in Montana.

According to the Bureau of Land Management (BLM), the school district currently operates and maintains an elementary school and auxiliary school buildings on the land and bears full financial responsibility for the property. The land currently generates no federal receipts, and BLM does not expect the land to generate any significant receipts over the next 10 years.

The administration supports S. 1218. We have no objection to the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1218.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## LAND AROUND THE CASCADE RESERVOIR

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1778) to provide for equal exchanges of land around the Cascade Reservoir.

The Clerk read as follows:

S. 1778

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

**SECTION 1. EXCHANGES OF LAND EXCESS TO CASCADE RESERVOIR RECLAMATION PROJECT.**

Section 5 of Public Law 86–92 (73 Stat. 219) is amended by striking subsection (b) and inserting the following:

''(b) LAND EXCHANGES.—

''(1) IN GENERAL.—The Secretary may exchange land of either class described in subsection (a) for non-Federal land of not less than approximately equal value, as determined by an appraisal carried out in accordance with—

''(A) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

''(B) the publication entitled 'Uniform Appraisal Standards for Federal Land Acquisitions', as amended by the Interagency Land Acquisition Conference in consultation with the Department of Justice.

''(2) EQUALIZATION.—If the land exchanged under paragraph (1) is not of equal value, the values shall be equalized by the payment of funds by the Secretary or the grantor, as appropriate, in an amount equal to the amount by which the values of the land differ.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1778 authorizes the Secretary of the Interior to negotiate

land exchanges among willing sellers and willing buyers at Cascade Reservoir in Idaho. Several agricultural easements were reserved within 300 feet of the reservoir at the time the Bureau of Reclamation acquired lands for the reservoir. Now the easement holders and reclamation would like to exchange these easements for other Federal lands in the area. The exchanges would help the parties improve and maintain water quality in the reservoir. All parties have agreed to the exchange.

Mr. Speaker, I urge an ''aye'' vote on this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman points out, this allows for land exchange around the Cascade Reservoir north of Boise, Idaho. We have no objections to the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1778.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## CONVEYING CERTAIN LAND IN WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 610) to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

The Clerk read as follows:

S. 610

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

**SECTION 1. CONVEYANCE.**

(a) IN GENERAL.—On completion of an environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the ''Secretary''), shall convey to the Westside Irrigation District, Wyoming (referred to in this Act as ''Westside''), all right, title, and interest (excluding the mineral interest) of the United States in and to such portions of the Federal land in Big Horn County and Washakie County, Wyoming, described in subsection (c), as the district enters into an agreement with the Secretary to purchase.

(b) PRICE.—The price of the land conveyed under subsection (a) shall be equal to the appraised value of the land, as determined by the Secretary.

(c) LAND DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) is the approximately 16,500 acres of land in Big Horn County and Washakie County, Wyoming, as depicted on the map entitled ''Westside Project'' and dated May 9, 2000.

(2) ADJUSTMENT.—On agreement of the Secretary and Westside, acreage may be added to or subtracted from the land to be conveyed as necessary to satisfy any mitigation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) USE OF PROCEEDS.—Proceeds of the sale of land under subsection (a) shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary of the Interior, without further Act of appropriation, for the acquisition of land and interests in land in the Worland District of the Bureau of Land Management in the State of Wyoming that will benefit public recreation, public access, fish and wildlife habitat, or cultural resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 610, a bill to direct the conveyance of certain BLM lands to the Westside Irrigation District of Wyoming.

Mr. Speaker, S. 610 directs the Secretary of the Interior to convey roughly 37,000 acres of land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District.

In turn, Westside Irrigation District will irrigate these lands and sell them as farmland parcels. Proceeds raised from the land sales will be given to the Secretary of the Interior for the acquisition of the land in the Worland District of the Bureau of Land Management, for the purpose of benefiting public recreation, increasing public access, enhancing fish and wildlife habitat, and improving cultural resources.

In recent years, expanded residential development in Washakie and Big Horn Counties has resulted in key loss to the economy: farmland. This legislation will afford communities an opportunity to retain their economic vitality, while protecting cultural and natural resources and the environment.

I would personally like to congratulate everyone who worked so diligently on this measure. I believe it is a job well done between the Federal agencies of the State and individual landholders. I ask my colleagues to support S. 610.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman has explained, this is an exchange of land or the direct sale of land in Wyoming, and while the administration is concerned that not all of the lands have been identified, we have no objections to the bill at this time, and we urge its passage.

S. 610 (Enzi) is a Senate passed measure that directs the sale of 16,500 acres of public land in Wyoming to the Westside Irrigation District. Mineral estate would remain with the United States.

District required to pay fair market value for the lands.

Prior to any sale there has to be completed an environmental analysis under NEPA.

Bill allows the Secretary and the District to add or subtract lands if necessary to satisfy the mitigation requirements of the NEPA analysis.

Administration had raised a number of concerns with the bill as introduced. While the bill was amended in the Senate to address some of these concerns, the Administration still does not support passage.

Administration concerned that they are required to sell lands that had not been identified for disposal. The lands contain significant paleontological resources and provide important wildlife habitat.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 610.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## EXCHANGING CERTAIN LANDS IN WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1030) to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

The Clerk read as follows:

S. 1030

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

**SECTION 1. 60 BAR LAND EXCHANGE.**

(a) IN GENERAL.—Sections 2201.1–2(d) and 2091.3–2(c) of title 43 Code of Federal Regulations, shall not apply in the case of the conveyance by the Secretary of the Interior of the land described in subsection (b) in exchange for approximately 9,480 acres of land in Campbell County, Wyoming, pursuant to the terms of the Cow Creek/60 Bar land exchange, WYW–143315.

(b) LAND DESCRIPTION.—The land described in this subsection comprises the following land in Campbell and Johnson Counties, Wyoming:

(1) Approximately 2,960 acres of land in the tract known as the ''Bill Barlow Ranch'';

(2) Approximately 2,315 acres of land in the tract know as the ''T-Chair Ranch'';

(3) Approximately 3,948 acres of land in the tract known as the ''Bob Christensen Ranch'';

(4) Approximately 11,609 acres of land in the tract known as the ''John Christensen Ranch''.

(c) SEGREGATION FROM ENTRY.—Land acquired by the United States in the exchange under subsection (a) shall be segregated from entry under the mining laws until appropriate land use planning is completed for the land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1030, a land exchange bill introduced by Senator ENZI of Wyoming.

This bill exchanges 9,480 acres of private land for approximately 20,000 acres of Federal land managed by the Bureau of Land Management. It is an equal-value exchange. Currently, over 17,000 acres of the public land identified for exchange are completely inaccessible to the public because of surrounding private lands. After the exchange, the resulting block of public land will consist of over 18,660 acres, accessible from a paved highway and located very close to Gillette, Wyoming. The land which will be acquired by the BLM is scenic, recreational land, containing timber, rugged topography, and excellent wildlife habitat.

I would note this land exchange involves the transfer of surface interests only; no mineral interests are involved in the exchange. The BLM will reserve all minerals. The amendment adopted by the Senate at the urging of the administration makes clear that while a land-use plan amendment is prepared for the new Federal surface estate to be acquired, the mineral estate beneath it is segregated from the operation of the mining law.

Passage of this legislation will permit the land exchange to go forward. As a result, it will be a lasting benefit to the citizens of Wyoming and the Federal Government. I urge my colleagues to support S. 1030.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1030, introduced by Senator MIKE ENZI of Wyoming, would require certain lands acquired through exchange in Gillette, Wyoming, to be segregated from entry under the mining laws until appropriate land-use planning is completed for the land. This provision is necessary to override existing laws that would otherwise require the land to be opened up to mining 90 days after the completion of this exchange.

The administration is in support of this legislation. We have no problems.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1030.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## CONVEYING CERTAIN LAND IN POWELL, WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2069) to permit the conveyance of certain land in Powell, Wyoming.

The Clerk read as follows:

S. 2069

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

**SECTION 1. ELIMINATION OF PUBLIC PURPOSE CONDITION.**

(a) FINDINGS.—Congress finds that—

(1) the parcel of land described in subsection (c) was patented to the town (now City) of Powell, Wyoming, by the United States General Land Office on October 17, 1934, to help establish a town near the Shoshone Irrigation Project;

(2) the land was patented with the condition that it be used forever for a public purpose, as required by section 3 of the Act of April 16, 1906 (43 U.S.C. 566);

(3) the land has been used to house the Powell Volunteer Fire Department, which serves the firefighting and rescue needs of a 577 square mile area in northwestern Wyoming;

(4) the land is located at the corner of U.S. Highway 14 and the main street of the business district of the City;

(5) because of the high traffic flow in the area, the location is no longer safe for the public or for the fire department;

(6) in response to population growth in the area and to National Fire Protection Association regulations, the fire department has purchased new firefighting equipment that is much larger than the existing fire hall can accommodate;

(7) accordingly, the fire department must construct a new fire department facility at a new and safe location;

(8) in order to relocate and construct a new facility, the City must sell the land to assist in financing the new fire department facility; and

(9) the Secretary of the Interior concurs that it is in the public interest to eliminate the public purpose condition to enable the land to be sold for that purpose.

(b) ELIMINATION OF CONDITION.—

(1) WAIVER.—The condition stated in section 3 of the Act of April 16, 1906 (43 U.S.C. 566), that land conveyed under that Act be used forever for a public purpose is waived insofar as the condition applies to the land described in subsection (c).

(2) INSTRUMENTS.—The Secretary of the Interior shall execute and cause to be recorded in the appropriate land records any instruments necessary to evidence the waiver made by paragraph (1).

(c) LAND DESCRIPTION.—The parcel of land described in this subsection is a parcel of land located in Powell, Park County, Wyoming, the legal description of which is as follows:

Lot 23, Block 54, in the original town of Powell, according to the plat recorded in Book 82 of plats, Page 252, according to the records of the County Clerk and Recorder of Park County, State of Wyoming.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2069, a bill to permit the conveyance of land in which the fire station in Powell, Wyoming, is located. This bill is necessary because the existing patent contains a requirement that does not allow the city to sell this land and use the proceeds to move the volunteer station to a better, safer location.

The current fire estimation is too small to hold the fire department's new equipment and is located at Powell's busiest intersection. This situation has created a safety issue for both people traveling through Powell, and for the fire department when it goes out on calls. On numerous occasions, the fire department has been caught in traffic and was unable to respond quickly to calls.

This land was originally deeded to the Powell township by the Bureau of Reclamation in 1934 with the stipulation that the land be used in perpetuity for public purposes.

Mr. Speaker, S. 2069 will waive this condition of the patent, thereby allowing the land to be sold and proceeds used to purchase a lot in a better location to serve the needs of the community.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

We do not know what bill this is. The gentleman has explained it. It is not on the calendar that I can see.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2069.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## CONVEYING CERTAIN LAND TO PARK COUNTY, WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1894) to provide for the conveyance of certain land to Park County, Wyoming.

The Clerk read as follows:

S. 1894

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

**SECTION 1. CONVEYANCE OF LAND TO PARK COUNTY, WYOMING.**

(a) FINDINGS.—Congress finds that—

(1) over 82 percent of the land in Park County, Wyoming, is owned by the Federal Government;

(2) the parcel of land described in subsection (d) located in Park County has been withdrawn from the public domain for reclamation purposes and is managed by the Bureau of Reclamation;

(3) the land has been subject to a withdrawal review, a level I contaminant survey, and historical, cultural, and archaeological resource surveys by the Bureau of Reclamation;

(4) the Bureau of Land Management has conducted a cadastral survey of the land and has determined that the land is no longer suitable for return to the public domain;

(5) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraphs (3) and (4); and

(6) the County has evinced an interest in using the land for the purposes of local economic development.

(b) DEFINITIONS.—In this Act:

(1) COUNTY.—The term ''County'' means Park County, Wyoming.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the General Services Administration.

(c) CONVEYANCE.—In consideration of payment of $240,000 to the Administrator by the County, the Administrator shall convey to the County all right, title, and interest of the United States in and to the parcel of land described in subsection (d).

(d) DESCRIPTION OF PROPERTY.—The parcel of land described in this subsection is the parcel located in the County comprising 190.12 acres, the legal description of which is as follows:

Sixth Principal Meridian, Park County, Wyoming

| T. 53 N., R. 101 W. | *Acreage* |
|---|---|
| Section 20, S½SE¼SW¼SE¼ | 5.00 |
| Section 29, Lot 7 | 9.91 |
| Lot 9 | 38.24 |
| Lot 10 | 31.29 |
| Lot 12 | 5.78 |
| Lot 13 | 8.64 |
| Lot 14 | 0.04 |
| Lot 15 | 9.73 |
| S½NE¼NE¼NW¼ | 5.00 |
| SW¼NE¼NW¼ | 10.00 |
| SE¼NW¼NW¼ | 10.00 |
| NW¼SW¼NW¼ | 10.00 |
| Tract 101 | 13.24 |
| Section 30, Lot 31 | 16.95 |
| Lot 32 | 16.30 |

(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, leaseable coal, oil or gas resources.

(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RIGHTS.—The conveyance under subsection (c) shall be subject to any land-use leases, easements, rights-of-way, or valid existing rights in existence as of the date of the conveyance.

(g) ENVIRONMENTAL LIABILITY.—As a condition of the conveyance under subsection (c), the United States shall comply with the provisions of section 9620(h) of title 42, United States Code.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(i) TREATMENT OF AMOUNTS RECEIVED.—The net proceeds received by the United States as payment under subsection (c) shall be deposited into the fund established in section 490(f) of title 40 of the United States Code, and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1894, an act to provide for the conveyance of 190 acres of Bureau of Reclamation-administered public lands to Park County, Wyoming, for the appraised fair market value. In the other body, the amendment in the nature of a substitute was adopted to meet the concerns the administration had with the original text.

The General Services Administration will manage the sale of this property, known as the Cody Industrial Area. The Bureau of Reclamation determined in 1996 this parcel is no longer needed for bureau purposes and is suitable for disposal.

Park County is 82 percent federally owned land. Mr. Speaker, S. 1894 will allow the county to encourage economic development by expanding a current industrial park which lies adjacent to this parcel.

Mr. Speaker, S. 1894 is supported by the administration, and I urge my colleagues to support the bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1894 provides the conveyance of 190 acres from Park County, Wyoming. Park County will pay the assessed fair market value for the parcel. It is my understanding that the administration has expressed some concerns regarding the fair market value of this parcel, but we do not oppose the bill at this time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1894.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## COAL MARKET COMPETITION ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2300) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

The Clerk read as follows:

S. 2300

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Coal Market Competition Act of 2000''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) Federal land contains commercial deposits of coal, the Nation's largest deposits of coal being located on Federal land in Utah, Colorado, Montana, and the Powder River Basin of Wyoming;

(2) coal is mined on Federal land through Federal coal leases under the Act of February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 181 et seq.);

(3) the sub-bituminous coal from these mines is low in sulfur, making it the cleanest burning coal for energy production;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any 1 producer may hold in any 1 State or nationally;

(5)(A) the present acreage limitation for Federal coal leases has been in place since 1976;

(B) currently the coal lease acreage limit of 46,080 acres per State is less than the per-State Federal lease acreage limit for potash (96,000 acres) and oil and gas (246,080 acres);

(6) coal producers in Wyoming and Utah are operating mines on Federal leaseholds that contain total acreage close to the coal lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases for State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to coal;

(8) existing coal mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas are subject to 10-year reclamation plans, and the reclaimed acreage is counted against the State and national acreage limits;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure investments, coal producers need certainty that sufficient acreage of leasable coal will be available for mining in the future; and

(10) to maintain the vitality of the domestic coal industry and ensure the continued flow of valuable revenues to the Federal and State governments and of energy to the American public from coal production on Federal land, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal coal leases.

**SEC. 3. COAL MINING ON FEDERAL LAND.**

Section 27(a) of the Act of February 25, 1920 (30 U.S.C. 184(a)), is amended—

(1) by striking ''(a)'' and all that follows through ''No person'' and inserting ''(a) COAL LEASES.—No person'';

(2) by striking ''forty-six thousand and eighty acres'' and inserting ''75,000 acres''; and

(3) by striking ''one hundred thousand acres'' each place it appears and inserting ''150,000 acres''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2300, the Coal Market Competition Act of 2000. Today, half of our Nation's coal supply comes from the west side of the Mississippi River, where the vast majority of that coal is mined in States with significant Federal ownership of the mineral estate, including the ownership of the coal resource.

□ 1430

The Mineral Leasing Act of 1920, as amended, governs the disposition of the right to mine such coal.

Currently, the act limits an entity to no more than a cumulative total of 100,000 acres nationally under federal coal leases, and no more than 46,080 acres in any one State. Congress has increased coal acreage limitation three times since the passage of the original act, most recently in 1976. But the Statewide limitation has not been changed in 36 years, despite significant changes in the coal mining industry. S. 2300 would increase the acreage limit to 75,000 acres per State and 150,000 acres nationwide.

These changes are necessary if our coal industry is going to remain competitive in the production of energy resource which is so important to domestic energy needs. The Coal Market Competition Act of 2000 will better serve America's energy needs by helping our coal industry plan for the future.

Thus I ask my colleagues to support this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2300 would amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any one State.

The administration supports this legislation. CBO estimates, however, that enacting this legislation will not have any significant impact on Federal receipts from coal leaseholders or subsequent payments to the States for their share of those receipts.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2300.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

The Clerk read as follows:

S. 1088

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Arizona National Forest Improvement Act of 1999''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) CITY.—The term ''City'' means the city of Sedona, Arizona.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

**SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.**

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled ''Camp Verde Administrative Site'', dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled ''Cave Creek Administrative Site'', dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled ''Fredonia Duplex Dwelling, Fredonia Ranger Dwelling'', dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled ''Groom Creek Administrative Site'', dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled ''Payson Administrative Site'', dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled ''Sedona Administrative Site'', dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

**SEC. 4. CONVEYANCE TO CITY OF SEDONA.**

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled ''Sedona Effluent Management Plan'', dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the consideration required under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes

related to the construction of an effluent disposal system in Yavapai County, Arizona.

**SEC. 5. DISPOSITION OF FUNDS.**

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1088 was introduced by Senator JON KYL. It would allow the Forest Service to consolidate and relocate the administrative facilities in the State of Arizona. It would also allow the Forest Service to convey land at fair market value to the City of Sedona for a much-needed wastewater treatment plant.

Back in May of 1999, the gentleman from Arizona (Mr. STUMP), our esteemed colleague, introduced H.R. 1969 which is the House companion to S. 1088. He worked diligently to see his legislation favorably passed through the subcommittee. However, because we have so few legislative days remaining and the Senate version is ready, in the interest of time, we are here today to consider S. 1088.

Let me close by saying, although this was a House bill originally, I support S. 1088.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Alaska (Mr. YOUNG) properly explained the legislation, S. 1088; and we have no objections to the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1088.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## HOOVER DAM MISCELLANEOUS SALES ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1275) to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

The Clerk read as follows:

S. 1275

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Hoover Dam Miscellaneous Sales Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the sale and distribution of general public information about the use of public land and water areas for recreation, fish, wildlife, and other purposes serve significant public benefits;

(2) publications and other materials educate the public and provide general information about Bureau of Reclamation programs and projects;

(3) in 1997, more than 1,000,000 visitors, including 300,000 from foreign countries, toured the Hoover Dam;

(4) hundreds of thousands of additional visitors stopped to view the dam;

(5) visitors often ask to purchase maps, publications, and other items to enhance their experience or serve educational purposes;

(6) in many cases the Bureau of Reclamation is the sole source of those items;

(7) the Bureau is in a unique position to fulfill public requests for those items; and

(8) as a public agency, the Bureau should be responsive to the public by having appropriate items available for sale.

**SEC. 3. PURPOSES.**

The purposes of this Act are—

(1) to authorize the Secretary of the Interior to offer for sale to members of the public that visit the Hoover Dam Visitor Center educational materials and memorabilia; and

(2) to use revenue from those sales to repay the costs relating to construction of the Hoover Dam Visitor Center.

**SEC. 4. AUTHORITY TO CONDUCT SALES.**

With respect to the Hoover Dam, the Secretary of the Interior, acting through the Commissioner of Reclamation, may—

(1) conduct sales of—

(A) materials generated by the Bureau of Reclamation such as posters, maps, brochures, photographs, and similar publications, videotapes, and computer information discs that are related to programs or projects of the Bureau; and

(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—

(A) the production or sale of items described in paragraphs (1) and (2); and

(B) the sale of publications described in paragraph (1).

**SEC. 5. COSTS AND REVENUES.**

(a) COSTS.—All costs incurred by the Bureau of Reclamation under this Act shall be paid from the Colorado River Dam fund established by section 2 of the Act of December 21, 1928 (43 U.S.C. 617a).

(b) REVENUES.—

(1) USE FOR REPAYMENT OF SALES COSTS.—All revenues collected by the Bureau of Reclamation under this Act shall be credited to the Colorado River Dam fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items in accordance with section 4.

(2) USE FOR REPAYMENT OF CONSTRUCTION COSTS.—All revenues collected by the Bureau of Reclamation under this Act that are not needed to pay costs described in paragraph (1) shall be transferred annually to the general fund of the Treasury in repayment of costs relating to construction of the Hoover Dam Visitor Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1275 will enable the Bureau of Reclamation to provide visitors to Hoover Dam an opportunity to buy educational materials. It also will allow material removed from the dam during recent rehabilitation work to be used to create memorabilia, otherwise such material would become surplus and require alternate disposal. Sales authorized by this legislation are expected to generate revenues which will reduce the cost overruns incurred in constructing the visitors center.

I urge support of S. 1275.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1275.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## COLORADO RIVER BASIN SALINITY CONTROL ACT AMENDMENTS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1211) to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

The Clerk read as follows:

S. 1211

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

**SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.**

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1598(c)) is amended—

(1) in the first sentence—

(A) by striking ''$75,000,000 for subsection 202(a)'' and inserting ''$175,000,000 for section 202(a)''; and

(B) by striking ''paragraph 202(a)(6)'' and inserting ''paragraph (6) of section 202(a)''; and

(2) in the second sentence, by striking ''paragraph 202(a)(6)'' and inserting ''section 202(a)(6)''.

**SEC. 2. REPORT.**

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocation. The report shall be transmitted to the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives no later than June 30, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1211 authorizes an increase in the ceiling of the Salinity Control Program from $75 million to $175 million. In addition, the legislation requires the Secretary of the Interior to file a report on the status of the implementation of the program designed to minimize salt entering the Colorado River from Bureau of Land Management lands.

In 1995, the Subcommittee on Water and Power amended the Salinity Control Act and created a pilot program authorizing the Bureau of Reclamation to award up to $75 million in grants, on a competitive-bid basis, for salinity control projects in the Colorado River Basin. The result of this entrepreneurial initiative has been a substantial drop in the cost per ton of salt removal. This legislation will continue to provide assistance to further reduce the salt content of the Colorado River.

I urge an aye vote on this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support S. 1211. The Colorado River Basin Salinity Control program is one of the most successful water control programs in the West.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1211.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2950) to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

The Clerk read as follows:

S. 2950

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Sand Creek Massacre National Historic Site Establishment Act of 2000''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and Arapaho Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105–243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) DESCENDANT.—The term ''descendant'' means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan required to be developed for the site under section 7(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term ''site'' means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term ''State'' means the State of Colorado.

(6) TRIBE.—The term ''tribe'' means—

(A) the Cheyenne and Arapaho Tribes of Oklahoma;

(B) the Northern Cheyenne Tribe; or

(C) the Northern Arapaho Tribe.

**SEC. 4. ESTABLISHMENT.**

(a) IN GENERAL.—

(1) DETERMINATION.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) PUBLICATION.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, ''Sand Creek Massacre Historic Site'', numbered, SAND 80,013 IR, and dated July 1, 2000.

(2) LEGAL DESCRIPTION.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–9(c)).

**SEC. 5. ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall manage the site in accordance with—

(1) this Act;

(2) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);

(3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(4) other laws generally applicable to management of units of the National Park System.

(b) MANAGEMENT.—The Secretary shall manage the site—

(1) to protect and preserve the site, including—

(A) the topographic features that the Secretary determines are important to the site;

(B) artifacts and other physical remains of the Sand Creek Massacre; and

(C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as

it appeared at the time of the Sand Creek Massacre;

(2)(A) to interpret the natural and cultural resource values associated with the site; and

(B) provide for public understanding and appreciation of, and preserve for future generations, those values; and

(3) to memorialize, commemorate, and provide information to visitors to the site to—

(A) enhance cultural understanding about the site; and

(B) assist in minimizing the chances of similar incidents in the future.

(c) CONSULTATION AND TRAINING.—

(1) IN GENERAL.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

**SEC. 6. ACQUISITION OF PROPERTY.**

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

(b) PRIORITY FOR ACQUISITION.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states ''Sand Creek Battleground, November 29 and 30, 1864'', within the boundary of the site.

(c) COST-EFFECTIVENESS.—

(1) IN GENERAL.—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) SUPPORT FACILITIES.—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

**SEC. 7. MANAGEMENT PLAN.**

(a) IN GENERAL.—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) INCLUSIONS.—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

**SEC. 8. NEEDS OF DESCENDANTS.**

(a) IN GENERAL.—A descendant shall have reasonable rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) COMMEMORATIVE NEEDS.—In addition to the rights described in subsection (a), any reasonable need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

**SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.**

(a) ACCESS.—

(1) IN GENERAL.—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) NO FEE.—The Secretary shall not charge any fee for access granted under paragraph (1).

(b) CONDITIONS OF ACCESS.—In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) SAND CREEK REPATRIATION SITE.—

(1) IN GENERAL.—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) ACCEPTABLE ITEMS.—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

(A) Native American human remains;

(B) associated funerary objects;

(C) unassociated funerary objects;

(D) sacred objects; and

(E) objects of cultural patrimony.

(d) TRIBAL CONSULTATION.—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and the tribes.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2950, introduced by Senator BEN NIGHTHORSE CAMPBELL from Colorado, establishes the area of Sand Creek Massacre as a National Historic Site. The Sand Creek Massacre remains a matter of great historical, cultural, and spiritual importance to the Cheyenne and Arapaho Tribes, and is a pivotal event in the history of relations between the Plains Indians and Euro-American settlers.

This piece of legislation also directs the Secretary to develop a site management plan, administer the site as part of the National Park Service, and to prepare programs which educate the public about the site. In addition, S. 2950 would dedicate a portion of the site to certain burial and commemorative remains and objects.

I urge my colleagues to support S. 2950.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support S. 2950 by Senator CAMPBELL, and we urge its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2950.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## SAINT-GAUDENS NATIONAL HISTORIC SITE BOUNDARY MODIFICATIONS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1367) to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

The Clerk read as follows:

S. 1367

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

That Public Law 88–543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site is amended—

(1) in section 3 by striking ''not to exceed sixty-four acres of lands and interests therein'' and inserting ''279 acres of lands and buildings, or interests therein'';

(2) in section 6 by striking ''$2,677,000'' from the first sentence and inserting ''$10,632,000''; and

(3) in section 6 by striking ''$80,000'' from the last sentence and inserting ''$2,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first thank my esteemed colleague, Senator FRANK MURKOWSKI, for his hard work on this important piece of legislation. Recognition should also go to the gentleman from New Hampshire (Mr.

BASS) for his efforts on a companion House bill. Both of these men are to be congratulated for constructing this commendable piece of legislation.

S. 1367 is a simple bill that would modify the boundary and increase appropriations for the Saint-Gaudens National Historic Site in the State of New Hampshire. Dedicated to the great American sculptor Augustus Saint-Gaudens, this historic site was the first park dedicated to an artist. Authorized in 1964, the site consists of 150 acres of land, 11 historic buildings, 15 acres of wetlands, 2.5 miles of trails, and a large collection of the artist's original artworks.

This is a good bill that will help bring much-needed improvements to one of our Nation's most unique and beautiful national historic sites.

I urge my colleagues to support S. 1367.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support S. 1367, the boundary changes to Saint-Gaudens National Historic Site.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1367.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1586) to reduce the fractionated ownership of Indian lands, and for other purposes.

The Clerk read as follows:

S. 1586

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Indian Land Consolidation Act Amendments of 2000''.

**TITLE I—INDIAN LAND CONSOLIDATION**

**SEC. 101. FINDINGS.**

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of undivided interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section often provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in Babbitt v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court found the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests ''to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206'';

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is a matter of Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

**SEC. 102. DECLARATION OF POLICY.**

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

**SEC. 103. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.**

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking ''(1) 'tribe' '' and inserting ''(1) 'Indian tribe' or 'tribe' '';

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

''(2) 'Indian' means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe, or any person who has been found to meet the definition of 'Indian' under a provision of Federal law if the Secretary determines that using such law's definition of Indian is consistent with the purposes of this Act;'';

(C) by striking ''and'' at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(E) by adding at the end the following:

''(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.'';

(2) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Any Indian'' and inserting ''(a) IN GENERAL.—Subject to subsection (b), any Indian'';

(ii) by striking the colon and inserting the following: ''. Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.'';

(iii) by striking '': *Provided*, That—'' and inserting the following:

''(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the condition that—'';

(B) in paragraph (2)—

(i) by striking ''If,'' and inserting ''if''; and

(ii) by adding ''and'' at the end; and

(C) by striking paragraph (3) and inserting the following:

''(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.'';

(3) by striking section 206 and inserting the following:

**''SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.**

''(a) TRIBAL PROBATE CODES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

''(A) located within that Indian tribe's reservation; or

''(B) otherwise subject to the jurisdiction of that Indian tribe.

''(2) POSSIBLE INCLUSIONS.—A tribal probate code referred to in paragraph (1) may include—

''(A) rules of intestate succession; and

''(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

''(3) LIMITATIONS.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

''(b) SECRETARIAL APPROVAL.—

''(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

''(2) REVIEW AND APPROVAL.—

''(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to

the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

''(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

''(C) CONSISTENCY OF TRIBAL PROBATE CODE WITH ACT.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

''(D) EXPLANATION.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph, the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

''(E) AMENDMENTS.—

''(i) IN GENERAL.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

''(ii) CONSEQUENCE OF FAILURE TO APPROVE OR DISAPPROVE AN AMENDMENT.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act of 2000.

''(3) EFFECTIVE DATES.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

''(A) the date specified in section 207(g)(5); or

''(B) 180 days after the date of approval.

''(4) LIMITATIONS.—

''(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

''(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

''(5) REPEALS.—The repeal of a tribal probate code shall—

''(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

''(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

''(c) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

''(1) IN GENERAL.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying to the Secretary the fair market value of such interest, as determined by the Secretary on the date of the decedent's death. The Secretary shall transfer such payment to the devisee.

''(2) LIMITATION.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent's estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

''(B) RESERVATION OF LIFE ESTATE.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee under this subparagraph.

''(3) PAYMENTS.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

''(A) upon the request of the tribe, allow a reasonable period of time, not to exceed 2 years, for the tribe to make payments of amounts due pursuant to paragraph (1); or

''(B) recognize alternative agreed upon exchanges of consideration or extended payment terms between the non-Indian devisee described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1).

''(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

''(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term 'tribal justice system' has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

''(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.'';

(4) by striking section 207 and inserting the following:

**''SEC. 207. DESCENT AND DISTRIBUTION.**

''(a) TESTAMENTARY DISPOSITION.—

''(1) IN GENERAL.—Interests in trust or restricted land may be devised only to—

''(A) the decedent's Indian spouse or any other Indian person; or

''(B) the Indian tribe with jurisdiction over the land so devised.

''(2) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

''(3) REMAINDER.—

''(A) IN GENERAL.—Except where the remainder from the life estate referred to in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent's Indian spouse or Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

''(B) DESCENT OF INTERESTS.—If a decedent described in subparagraph (A) has no Indian heirs of the first or second degree, the remainder interest described in such subparagraph shall descend to any of the decedent's collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

''(C) DEFINITION.—For purposes of this section, the term 'collateral heirs of the first or second degree' means the brothers, sisters, aunts, uncles, nieces, nephews, and first cousins, of a decedent.

''(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3)(A) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

''(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in Indian land to an Indian tribe under paragraph (4) by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such an interest, the highest bidder shall obtain the interest. If payment is not received before the close of the probate of the decedent's estate, the interest shall descend to the tribe that exercises jurisdiction over the parcel.

''(6) SPECIAL RULE.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), an owner of trust or restricted land who does not have an Indian spouse, Indian lineal descendant, an Indian heir of the first or second degree, or an Indian collateral heir of the first or second degree, may devise his or her interests in such land to any of the decedent's heirs of the first or second degree or collateral heirs of the first or second degree.

''(B) ACQUISITION OF INTEREST BY TRIBE.—An Indian tribe that exercises jurisdiction over an interest in trust or restricted land described in subparagraph (A) may acquire any interest devised to a non-Indian as provided for in section 206(c).

''(b) INTESTATE SUCCESSION.—

''(1) IN GENERAL.—An interest in trust or restricted land shall pass by intestate succession only to a decedent's spouse or heirs of the first or second degree, pursuant to the applicable law of intestate succession.

''(2) LIFE ESTATE.—Notwithstanding paragraph (1), with respect to land described in such paragraph, a non-Indian spouse or non-Indian heirs of the first or second degree shall only receive a life estate in such land.

''(3) DESCENT OF INTERESTS.—If a decedent described in paragraph (1) has no Indian heirs of the first or second degree, the remainder interest from the life estate referred to in paragraph (2) shall descend to any of the decedent's collateral Indian heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

''(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

''(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in such land for which there is no heir of the first or second degree by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner makes an offer to pay for such an interest, the highest bidder shall obtain the interest. If no such offer is made, the interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of land involved.

''(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—

''(1) TESTATE.—If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the land involved.

''(2) INTESTATE.—

''(A) IN GENERAL.—Any interest in trust or restricted land that—

''(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

''(ii) that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land;

shall be held as tenancy in common.

''(B) LIMITED INTEREST.—Any interest in trust or restricted land that—

''(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

''(ii) that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land;

shall be held by such heirs with the right of survivorship.

''(3) EFFECTIVE DATE.—

''(A) IN GENERAL.—This subsection (other than subparagraph (B)) shall become effective on the later of—

''(i) the date referred to in subsection (g)(5); or

''(ii) the date that is six months after the date on which the Secretary makes the certification required under subparagraph (B).

''(B) CERTIFICATION.—Upon a determination by the Secretary that the Department of the Interior has the capacity, including policies and procedures, to track and manage interests in trust or restricted land held with the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

''(d) DESCENT OF OFF-RESERVATION LANDS.—

''(1) INDIAN RESERVATION DEFINED.—For purposes of this subsection, the term 'Indian reservation' includes lands located within—

''(A)(i) Oklahoma; and

''(ii) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary);

''(B) the boundaries of any Indian tribe's current or former reservation; or

''(C) any area where the Secretary is required to provide special assistance or consideration of a tribe's acquisition of land or interests in land.

''(2) DESCENT.—Except in the State of California, upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

''(A) by testate or intestate succession in trust to an Indian; or

''(B) in fee status to any other devises or heirs.

''(e) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent's heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent's estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

''(f) ESTATE PLANNING ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

''(2) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

''(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

''(B) assist Indian landowners in accessing information pursuant to section 217(e).

''(3) CONTRACTS.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

''(g) NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST OR RESTRICTED LANDS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

''(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

''(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

''(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

''(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

''(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

''(B) through the Federal Register;

''(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

''(D) through any other means determined appropriate by the Secretary.

''(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

''(5) EFFECTIVE DATE.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).'';

(5) in section 208, by striking ''section 206'' and inserting ''subsections (a) and (b) of section 206''; and

(6) by adding at the end the following:

**''SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.**

''(a) ACQUISITION BY SECRETARY.—

''(1) IN GENERAL.—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, and at fair market value, any fractional interest in trust or restricted lands.

''(2) AUTHORITY OF SECRETARY.—

''(A) IN GENERAL.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(g)(5).

''(B) REQUIRED REPORT.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

''(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land involved.

''(b) REQUIREMENTS.—In implementing subsection (a), the Secretary—

''(1) shall promote the policies provided for in section 102 of the Indian Land Consolidation Act Amendments of 2000;

''(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997));

''(3) to the extent practicable—

''(A) shall consult with the tribal government that exercises jurisdiction over the land involved in determining which tracts to acquire on a reservation;

''(B) shall coordinate the acquisition activities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

''(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate entity of the tribal government to carry out some or all of the Secretary's land acquisition program; and

''(4) shall minimize the administrative costs associated with the land acquisition program.

''(c) SALE OF INTEREST TO INDIAN LANDOWNERS.—

''(1) CONVEYANCE AT REQUEST.—

''(A) IN GENERAL.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

''(B) LIMITATION.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

''(2) MULTIPLE OWNERS.—If more than one Indian owner requests an interest under (1), the Secretary shall convey the interest to the Indian owner who owns the largest percentage of the undivided interest in the parcel of trust or restricted land involved.

''(3) LIMITATION.—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

**''SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.**

''(a) IN GENERAL.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

''(b) CONDITIONS.—

''(1) IN GENERAL.—The conditions described in this paragraph are as follows:

''(A) Until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, or until the Secretary makes any of the findings under paragraph (2)(A), any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

''(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

''(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of

the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

''(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the 'Indian Reorganization Act') (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

''(i) the Secretary makes any of the findings under paragraph (2)(A); or

''(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

''(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

''(A) the Secretary makes a finding that—

''(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

''(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

''(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

''(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

''(c) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

''(1) IN GENERAL.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

''(2) APPLICATION OF LEASE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

**''SEC. 215. ESTABLISHING FAIR MARKET VALUE.**

''For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

**''SEC. 216. ACQUISITION FUND.**

''(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

''(1) disburse appropriations authorized to accomplish the purposes of section 213; and

''(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 213(c).

''(b) DEPOSITS; USE.—

''(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

''(A) be deposited in the Acquisition Fund; and

''(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

''(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

**''SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.**

''(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions—

''(1) involving individual Indians;

''(2) between Indians and the tribal government that exercises jurisdiction over the land; or

''(3) between individuals who own an interest in trust and restricted land who wish to convey that interest to an Indian or the tribal government that exercises jurisdiction over the parcel of land involved;

in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

''(b) SALES, EXCHANGES AND GIFT DEEDS BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.—

''(1) IN GENERAL.—

''(A) ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

''(i) the sale or exchange or conveyance of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

''(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

''(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person who is the owner's spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

''(2) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

''(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

''(d) STATUS OF LANDS.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

''(e) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

''(1) other Indian owners of interests in trust or restricted lands within the same reservation;

''(2) the tribe that exercises jurisdiction over the land where the parcel is located or any person who is eligible for membership in that tribe; and

''(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

''(f) NOTICE TO INDIAN TRIBE.—After the expiration of the limitation period provided for in subsection (b)(2) and prior to considering an Indian application to terminate the trust status or to remove the restrictions on alienation from trust or restricted land sold, exchanged or otherwise conveyed under this section, the Indian tribe that exercises jurisdiction over the parcel of such land shall be notified of the application and given the opportunity to match the purchase price that has been offered for the trust or restricted land involved.

**''SEC. 218. REPORTS TO CONGRESS.**

''(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

''(1) the number of fractional interests in trust or restricted lands acquired; and

''(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

''(b) REPORT.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

**''SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.**

''(a) APPROVAL BY THE SECRETARY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land or any other land held in trust or restricted status by the Secretary on behalf of an Indian, if—

''(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

''(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

''(3) DEFINITION.—In this section, the term 'allotted land' includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians.

''(b) APPLICABLE PERCENTAGE.—

''(1) PERCENTAGE INTEREST.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

''(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

''(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

''(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

''(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

''(2) DETERMINATION OF OWNERS.—

''(A) IN GENERAL.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997)).

''(c) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to a lease or agreement under subsection (a)—

''(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

''(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

''(d) EFFECT OF APPROVAL.—

''(1) APPLICATION TO ALL PARTIES.—

''(A) IN GENERAL.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

''(B) DESCRIPTION OF PARTIES.—The parties referred to in subparagraph (A) are—

''(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

''(ii) all other parties to the lease or agreement.

''(2) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

''(A) IN GENERAL.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

''(B) APPLICATION OF LEASE.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

''(e) DISTRIBUTION OF PROCEEDS.—

''(1) IN GENERAL.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

''(2) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.), title II of the Indian Land Consolidation Act Amendments of 2000, or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

**''SEC. 220. APPLICATION TO ALASKA.**

''(a) FINDINGS.—Congress find that—

''(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

''(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

''(b) APPLICATION OF ACT TO ALASKA.—Except as provided in this section, this Act shall not apply to land located within Alaska.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.''.

**SEC. 104. JUDICIAL REVIEW.**

Notwithstanding section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest or interests in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

**SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated not to exceed $8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

**SEC. 106. CONFORMING AMENDMENTS.**

(a) PATENTS HELD IN TRUST.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking ''and partition''; and

(B) by striking ''except'' and inserting ''except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except''.

(b) ASCERTAINMENT OF HEIRS AND DISPOSAL OF ALLOTMENTS.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking ''under'' and inserting ''under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to''; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking ''with regulations'' and inserting ''with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations''.

(c) TRANSFER OF LANDS.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking ''member or:'' and inserting ''member or, except as provided by the Indian Land Consolidation Act,''.

## TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS

**SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.**

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) INDIVIDUALLY OWNED NAVAJO INDIAN ALLOTTED LAND.—The term ''individually owned Navajo Indian allotted land'' means Navajo Indian allotted land that is owned in whole or in part by 1 or more individuals.

(3) NAVAJO INDIAN.—The term ''Navajo Indian'' means a member of the Navajo Nation.

(4) NAVAJO INDIAN ALLOTTED LAND.—The term ''Navajo Indian allotted land'' means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B)(i) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(5) OWNER.—The term ''owner'' means, in the case of any interest in land described in paragraph (4)(B)(i), the beneficial owner of the interest.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) PERCENTAGE INTEREST.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or

more of the heirs or devisees cannot be located.

(4) EFFECT OF APPROVAL.—

(A) APPLICATION TO ALL PARTIES.—

(i) IN GENERAL.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) DESCRIPTION OF PARTIES.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) EFFECT ON INDIAN TRIBE.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement,

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to payment under the lease or agreement), but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) DISTRIBUTION OF PROCEEDS.—

(A) IN GENERAL.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1586, the proposed Indian Land Consolidation Act Amendments of 2000, would reduce the fractionated ownership of Indian trust lands.

Fractionated ownership describes the division of ownership of a parcel of land among a large number of individuals. This has become a significant problem as Indian owners have died without wills and the undivided ownership of those parcels has passed to multiple heirs. In many instances, parcels of lands are owned by several hundred individuals, some of whom are unaccounted for and cannot be located.

The administration of these lands by the Federal Government has become very expensive and extremely complicated.

The Indian Lands Consolidation Act has been amended on various occasions. Unfortunately, the Supreme Court has found a portion of the 1928 act to be unconstitutional.

S. 1586 is intended to prevent further fractionation of Indian trust lands, consolidate fractionated interests, and vest beneficial title to fractionated lands in tribes.

It allows tribes to adopt their own probate codes and to probate the estates of their members in their tribal courts.

S. 1586 would also add new sections to create a pilot program for the acquisition of fractional interests. These provisions are intended to compliment the pilot program started in 1994 to solicit input on how to address land fractionation. S. 1586 requires the Secretary to continue this project for 3 years and then report to Congress on the feasibility of expanding the program.

Mr. Speaker, may I say this is an issue that has caused great concern. I have had calls from Secretary Babbitt and this administration and previous administrations that support this legislation because it is very nearly impossible for the agency, the BIA, or any form of the Interior Department to manage these fractionated lands. Consequently, there are many things that cannot be done that should be done especially for the natives themselves.

So I urge passage of this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1586 and urge my colleagues to support this legislation along the lines that the gentleman from Alaska (Mr. YOUNG) has explained it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1586.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## CONVEYING LAND IN THE SAN BERNARDINO NATIONAL FOREST, CALIFORNIA

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.***

*(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as ''KATY'') all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.*

*(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A–2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.*

*(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.*

*(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.*

*(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).*

*(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.*

*(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as ''GTE'') KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.*

*(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.*

*(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—*

*(1) by striking the comma after the words ''Secretary of Agriculture'';*

*(2) by striking the words ''with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),'';*

*(3) by inserting the words '', real property or interests in lands,'' after the word ''lands'' the first time it is used;*

*(4) by striking ''San Bernardino and Cleveland'' and inserting ''San Bernardino, Cleveland and Los Angeles'';*

*(5) by striking ''county of Riverside'' each place it appears and inserting ''counties of Riverside and San Bernardino'';*

*(6) by striking ''as to minimize soil erosion and flood damage'' and inserting ''for National Forest System purposes''; and*

*(7) after the ''Provided further, That'', by striking the remainder of the sentence to the end of the paragraph, and inserting ''twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.''.*

***SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.***

*The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:*

*(1) In the second sentence of section 2(d)(1), by striking ''and the Committee on Agriculture, Nutrition, and Forestry''.*

*(2) In the second sentence of section 4(a)(3), by striking ''Nothing in this section'' and inserting ''Nothing in this Act''.*

*(3) In section 4(c)(1), by striking ''any person, including''.*

*(4) In section 5, by adding at the end the following:*

*''(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control.''.*

***SEC. 3. TECHNICAL CORRECTION.***

*The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:*

***''SEC. 7. MISCELLANEOUS PROVISIONS.***

*''(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—*

*''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.*

*''(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.*

*''(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.*

*''(4) CONVEYANCE.—*

*''(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.*

*''(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.*

*''(b) OTHER EXCHANGES OF LAND.—*

*''(1) IN GENERAL.—In order to further the purposes of this Act—*

*''(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and*

*''(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.*

*''(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in Pueblo of Santo Domingo v. Rael (Civil No. 83–1888 (D.N.M.)).*

*''(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.*

*''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.*

*''(c) APPROVAL OF CERTAIN RESOLUTIONS.—All agreements, transactions, and conveyances authorized by Resolutions 97–010 and C22–99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12–99–36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3657 was introduced by the gentlewoman from California (Mrs. BONO). This legislation will convey a little over an acre of Forest Service land to a radio station located in the San Bernardino National Forest in California for fair market value.

The bill was amended in the Senate to allow the Forest Service to use the San Bernardino County revenues derived under the Receipts Act for land acquisition.

I would like to commend the gentlewoman from California (Mrs. BONO) for all her diligent work on this important legislation.

I urge all Members to support H.R. 3657.

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

□ 1445

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this legislation.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3657.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

□

## GLACIER BAY NATIONAL PARK RESOURCE MANAGEMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska.

The Clerk read as follows:

S. 501

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Glacier Bay National Park Resource Management Act of 1999''.

**SEC. 2. DEFINITIONS.**

As used in this Act—

(1) the term ''local residents'' means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term ''outer waters'' means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term ''park'' means Glacier Bay National Park;

(4) the term ''Secretary'' means the Secretary of the Interior; and

(5) the term ''State'' means the State of Alaska.

**SEC. 3. COMMERCIAL FISHING.**

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

**SEC. 4. SEA GULL EGG COLLECTION STUDY.**

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 501, the Glacier Bay National Park Resource Management Act.

This legislation passed the Senate with no opposition last November. The legislation was amended to remove some provisions that were controversial and should now enjoy the support of the House.

The legislation requires the Secretary of the Interior and the State of Alaska to cooperate in the development of a management plan for commercial fisheries in the outer waters of Glacier Bay National Park, in accordance with Federal and State laws and any applicable international conservation and management treaties. The legislation also directs the Secretary of the Interior, once funds are made available, to develop a plan for multi-agency comprehensive research and monitoring program to evaluate the health of fishery resources in the park's marine waters.

Once that program has been completed, the Secretary has 7 years to undertake the research program.

In addition, the legislation will allow for the study of the impact of a subsistence harvest of seagull eggs by local residents.

This legislation passed the Senate without opposition. I urge the House to support this bill and forward it to the President for his signature.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the bill is presented before us today, my understanding is it is no longer controversial, as it once was. There have been changes in the Senate to provide for a corporate management plan for commercial fisheries in the national park waters outside of Glacier Bay proper.

The bill is no longer inconsistent with the previous compromise and is now supported by the Park Service, and we urge passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 501.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1508) to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes, as amended.

The Clerk read as follows:

S. 1508

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Indian Tribal Justice Technical and Legal Assistance Act of 2000''.

**SEC. 2. FINDINGS.**

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

**SEC. 3. PURPOSES.**

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103–176).

**SEC. 4. DEFINITIONS.**

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(2) INDIAN LANDS.—The term ''Indian lands'' shall include lands within the definition of ''Indian country'', as defined in 18 U.S.C. 1151; or ''Indian reservations'', as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term ''former Indian reservations in Oklahoma'' as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which

is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term ''judicial personnel'' means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term ''non-profit entity'' or ''non-profit entities'' has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term ''Office of Tribal Justice'' means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term ''tribal court'', ''tribal court system'', or ''tribal justice system'' means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

## TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

### SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

### SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

### SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

### SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

### SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

### SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

## TITLE II—INDIAN TRIBAL COURTS

### SEC. 201. GRANTS.

(a) IN GENERAL.—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) CONSULTATION.—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) REGULATIONS.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

### SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007'';

(2) in subsection (b), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007'';

(3) in subsection (c), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007''; and

(4) in subsection (d), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007''.

## TITLE III—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

### SEC. 301. ALASKA NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking ''and Reindeer'' and inserting ''or''.

(2) Subsection (a)(4)(B) is amended by striking ''; and'' and inserting ''; or''.

(3) Subsection (b)(1)(B)(i) is amended by striking ''June 2, 1971'' and inserting ''December 31, 1971''.

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

''(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—''.

### SEC. 302. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

''(8) A beneficiary's interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.''.

## TITLE IV—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH

### SEC. 401. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation $2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) CONTENT OF SYMPOSIUM.—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the first-hand operations of the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the proposed Tribal Justice Technical and Legal Assistance Act of 1999.

This bill authorizes the Attorney General to award grants to tribal justice systems to provide training and technical assistance for the development, enrichment, and enhancement of tribal justice systems.

This legislation also authorizes the Attorney General to award grants to provide technical assistance to Indian tribes to enable them to carry out programs to support their tribal justice systems.

Let me point out that all grants provided for in this legislation will be subject to the availability of appropriations.

S. 1508 was passed by the other body on November 19, 1999. Very frankly, Mr. Speaker, this is an important bill to many tribes, and I urge my colleagues to support its passage today.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

In essence, Mr. Speaker, this legislation would provide training technical assistance for the development, enrichment, and enhancement of tribal justice systems. We support the legislation, and I urge my colleagues to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1508, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

□

## INDIAN TRIBAL REGULATORY REFORM AND BUSINESS DEVELOPMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 614) to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

The Clerk read as follows:

S. 614

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Indian Tribal Regulatory Reform and Business Development Act of 1999''.

**SEC. 2. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills which are greater than the rates for any other group in the United States;

(2) the capacity of Indian tribes to build strong Indian tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities conducted on Indian lands;

(3) beginning in 1970, with the issuance by the Nixon Administration of a special message to Congress on Indian Affairs, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States; and

(4) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the Indian tribes; and

(B) facilitate economic development on Indian lands.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide for a comprehensive review of the laws (including regulations) that affect investment and business decisions concerning activities conducted on Indian lands.

(2) To determine the extent to which those laws unnecessarily or inappropriately impair—

(A) investment and business development on Indian lands; or

(B) the financial stability and management efficiency of Indian tribal governments.

(3) To establish an authority to conduct the review under paragraph (1) and report findings and recommendations that result from the review to Congress and the President.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Regulatory Reform and Business Development on Indian Lands Authority.

(2) FEDERAL AGENCY.—The term ''Federal agency'' means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(3) INDIAN.—The term ''Indian'' has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term ''Indian lands'' includes lands under the definition of—

(i) the term ''Indian country'' under section 1151 of title 18, United States Code; or

(ii) the term ''reservation'' under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term ''former Indian reservations in Oklahoma'' shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(7) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

**SEC. 4. ESTABLISHMENT OF AUTHORITY.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and other officials whom the Secretary determines to be appropriate, shall establish an authority to be known as the Regulatory Reform and Business Development on Indian Lands Authority.

(2) PURPOSE.—The Secretary shall establish the Authority under this subsection in order to facilitate the identification and subsequent removal of obstacles to investment, business development, and the creation of wealth with respect to the economies of Native American communities.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Authority established under this section shall be composed of 21 members.

(2) REPRESENTATIVES OF INDIAN TRIBES.—12 members of the Authority shall be representatives of the Indian tribes from the areas of the Bureau of Indian Affairs. Each such area shall be represented by such a representative.

(3) REPRESENTATIVES OF THE PRIVATE SECTOR.—No fewer than 4 members of the Authority shall be representatives of nongovernmental economic activities carried out by private enterprises in the private sector.

(c) INITIAL MEETING.—Not later than 90 days after the date of enactment of this Act, the Authority shall hold its initial meeting.

(d) REVIEW.—Beginning on the date of the initial meeting under subsection (c), the Authority shall conduct a review of laws (including regulations) relating to investment, business, and economic development that affect investment and business decisions concerning activities conducted on Indian lands.

(e) MEETINGS.—The Authority shall meet at the call of the chairperson.

(f) QUORUM.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Authority shall select a chairperson from among its members.

**SEC. 5. REPORT.**

Not later than 1 year after the date of enactment of this Act, the Authority shall prepare and submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and to the governing body of each Indian tribe a report that includes—

(1) the findings of the Authority concerning the review conducted under section 4(d); and

(2) such recommendations concerning the proposed revisions to the laws that were subject to review as the Authority determines to be appropriate.

**SEC. 6. POWERS OF THE AUTHORITY.**

(a) HEARINGS.—The Authority may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Authority considers advisable to carry out the duties of the Authority.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Authority may secure directly from any Federal department or agency such information as the Authority considers necessary to carry out the duties of the Authority.

(c) POSTAL SERVICES.—The Authority may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Authority may accept, use, and dispose of gifts or donations of services or property.

**SEC. 7. AUTHORITY PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Members of the Authority who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses as provided under subsection (b).

(2) OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT.—Members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Authority shall be allowed 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 their homes or regular places of business in the performance of services for the Authority.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the Authority may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the Authority to perform its duties.

(2) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Authority may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS–13 of the General Schedule established under section 5332 of title 5, United States Code.

**SEC. 8. TERMINATION OF THE AUTHORITY.**

The Authority shall terminate 90 days after the date on which the Authority has submitted a copy of the report prepared under section 5 to the committees of Congress specified in section 5 and to the governing body of each Indian tribe.

**SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.**

The activities of the Authority conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 614, the Indian Tribal Regulatory Reform and Business Development Act. This important bill would establish a 21-member authority within the Federal Government to facilitate the removal of obstacles to business development with respect to the economies of Native American communities.

Mr. Speaker, this legislation is long overdue. We have many, many times where individual Indian tribes try to improve their lot only to find the process for developing an economic base is slowed down by the very government that they are under trust to. So I urge the passage of this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Alaska (Mr. YOUNG) has quite accurately explained the legislation. We are in support of it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 614.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2719) to provide for business development and trade promotion for Native Americans, and for other purposes.

The Clerk read as follows:

S. 2719

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Native American Business Development, Trade Promotion, and Tourism Act of 2000''.

**SEC. 2. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for Native Americans can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Native American economies by—

(A) encouraging the formation of new businesses by eligible entities, and the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian lands and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce the number of Indians at poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an Indian tribe or tribal organization, an Indian arts and crafts organization, as that term is defined in section 2 of the Act of August 27, 1935 (commonly known as the ''Indian Arts and Crafts Act'') (49 Stat. 891, chapter 748; 25 U.S.C. 305a), a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(2) INDIAN.—The term ''Indian'' has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) INDIAN GOODS AND SERVICES.—The term ''Indian goods and services'' means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the ''Indian Arts and Crafts Act'') (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term ''Indian lands'' includes lands under the definition of—

(i) the term ''Indian country'' under section 1151 of title 18, United States Code; or

(ii) the term ''reservation'' under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term ''former Indian reservations in Oklahoma'' shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN-OWNED BUSINESS.—The term ''Indian-owned business'' means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(6) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(8) TRIBAL ENTERPRISE.—The term ''tribal enterprise'' means a commercial activity or business managed or controlled by an Indian tribe.

(9) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

**SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.**

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this Act as the ''Office'').

(2) DIRECTOR.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this Act as the ''Director''). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) INTERAGENCY COORDINATION.—The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) ACTIVITIES.—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) ASSISTANCE.—In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) PRIORITIES.—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(6) PROHIBITION.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

**SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.**

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the ''program'').

(b) COORDINATION OF FEDERAL PROGRAMS AND SERVICES.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) ACTIVITIES.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) TECHNICAL ASSISTANCE.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) PRIORITIES.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

**SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.**

(a) PROGRAM TO CONDUCT TOURISM PROJECTS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma;

(D) for the Indians of the Great Plains area (as determined by the Secretary); and

(E) for Alaska Natives in Alaska.

(b) ASSISTANCE.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

**SEC. 7. REPORT TO CONGRESS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 2719, the Native American Business Development, Trade Promotion, and Tourism Act of 2000. This bill will establish an office of Native American Business Development which will coordinate Federal programs relating to Indian economic development.

Mr. Speaker, this is a companion bill to the previous bill, and I support this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2719 is good policy, and I urge my colleagues to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2719.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1509) to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes, as amended.

The Clerk read as follows:

S. 1509

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

**TITLE I—INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS**

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000''.

**SEC. 102. FINDINGS, PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization;

(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior;

(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this title are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

**SEC. 103. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.**

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

''(1) FEDERAL AGENCY.—The term 'federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code.''.

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking ''job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training'' and inserting the following: ''assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities''.

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking ''Federal department'' and inserting ''Federal agency'';

(2) by striking ''Federal departmental'' and inserting ''Federal agency'';

(3) by striking ''department'' each place it appears and inserting ''agency''; and

(4) in the third sentence, by inserting ''statutory requirement,'', after ''to waive any''.

(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following; '', including any request for a waiver that is made as part of the plan submitted by the tribal government''; and

(2) in the second sentence, by inserting before the period at the end the following: '', including reconsidering the disapproval of any waiver requested by the Indian tribe''.

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The plan submitted''; and

(2) by adding at the end the following:

''(b) JOB CREATION OPPORTUNITIES.—

''(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

''(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

''(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

''(B) 10 percent.

''(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.''.

**SEC. 104. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.**

Not later than one year after the date of enactment of this title, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this title shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this title, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

**TITLE II—LIMITATION ON PARTIES LIABLE IN CERTAIN LAND DISPUTES**

**SEC. 201. LIABLE PARTIES LIMITED.**

In any action brought claiming an interest in land or natural resources located in Oneida or Madison counties in the State of New York that arises from—

(1) the failure of Congress to approve or ratify the transfer of such land or natural resources from, by, or on behalf of any Indian nation, tribe, or band; or

(2) a violation of any law of the United States that is specifically applicable to the transfer of land or natural resources from, by, or on behalf of any Indian nation, tribe, or band (including the Act entitled ''An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers'', approved June 30, 1834 (1 Stat. 137)),

liability shall be limited to the party to whom the Indian nation, tribe, or band allegedly transferred the land or natural resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 1509, the Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000. This bill will demonstrate our Indian tribal governments can integrate their employment, training, and related services they provide.

This legislation is important to all tribal governments, and I urge my colleagues to support it.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1509, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

□

## INDIAN ARTS AND CRAFTS ENFORCEMENT ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2872) to improve the cause of action for misrepresentation of Indian arts and crafts.

The Clerk read as follows:

S. 2872

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Indian Arts and Crafts Enforcement Act of 2000''.

**SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.**

Section 6 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305e) (as added by section 105 of the Indian Arts and Crafts Act of 1990 (Public Law 101–644; 104 Stat. 4664)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', directly or indirectly,'' after ''against a person who''; and

(B) by inserting the following flush language after paragraph (2)(B):

''For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself.''; and

(B) in paragraph (2)(A)—

(i) by striking ''the amount recovered the amount'' and inserting ''the amount recovered—

''(i) the amount''; and

(ii) by adding at the end the following:

''(ii) the amount for the costs of investigation awarded pursuant to subsection (b) and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and'';

(3) in subsection (d)(2), by inserting ''subject to subsection (f),'' after ''(2)''; and

(4) by adding at the end the following:

''(f) Not later than 180 days after the date of enactment of the Indian Arts and Crafts Enforcement Act of 2000, the Board shall promulgate regulations to include in the definition of the term 'Indian product' specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 2872, the Indian Arts and Crafts Enforcement Act of 2000. This bill will facilitate the initiation of suits by Indian tribes pursuant to the Indian Arts and Crafts Act of 1990.

Mr. Speaker, I urge my colleagues to support this, and why we did not roll all these bills into one, I will never know, but that is not my pay grade. I urge the passage of this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2872 is a needed tool for the enforcement of the Indian Arts and Crafts Act of 1990 and will permit Native American arts and crafts organizations and Indian artisans access to Federal courts to protect their wares and their intellectual properties.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2872.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## NAMPA AND MERIDIAN CONVEYANCE ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3022) to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

The Clerk read as follows:

S. 3022

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Nampa and Meridian Conveyance Act''.

**SEC. 2. CONVEYANCE OF FACILITIES.**

The Secretary of the Interior (in this Act referred to as the ''Secretary'') shall, as soon as practicable after the date of enactment of this Act, convey facilities to the Nampa and Meridian Irrigation District (in this Act referred to as the ''District'') in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (contract No. 1425–99MA102500, dated 7 July 1999) between the Secretary and the District. The conveyance of facilities shall include all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District.

**SEC. 3. LIABILITY.**

Except as otherwise provided by law, effective on the date of conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

**SEC. 4. EXISTING RIGHTS NOT AFFECTED.**

Nothing in this Act affects the rights of any person except as provided in this Act. No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities and interests to the Nampa and Meridian Irrigation District under this Act. Such conveyance shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 3022.

For the last 6 years, the Subcommittee on Water and Power of the Committee on Resources has pursued legislation to shrink the size and scope of the Federal Government through the defederalization of the Bureau of Reclamation assets.

S. 3022 continues this defederalization process by directing the Secretary of the Interior to convey, as soon as practical after the date of enactment, certain facilities to the Nampa and Meridian Irrigation District, pursuant to the Memorandum of Agreement between the Secretary of the Interior and the district.

Mr. Speaker, I urge my colleagues to vote ''aye'' on this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation conveys titles of land and facilities to the Nampa Meridian Irrigation District near Boise, Idaho. It is not controversial and is supported by the administration.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 3022.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## SPANISH PEAKS WILDERNESS ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 503) designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''.

The Clerk read as follows:

S. 503

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Spanish Peaks Wilderness Act of 2000''.

**SEC. 2. DESIGNATION OF SPANISH PEAKS WILDERNESS.**

(a) COLORADO WILDERNESS ACT.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following:

''(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that—

''(A) comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999; and

''(B) shall be known as the 'Spanish Peaks Wilderness'.''.

(b) MAP; BOUNDARY DESCRIPTION.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the ''Secretary''), shall file a map and boundary description of the area designated under subsection (a) with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The map and boundary description under paragraph (1) shall have the same force and effect as if included in the Colorado Wilderness act of 1993 (Public Law 103–77; 107 Stat. 756), except that the Secretary may correct clerical and typographical errors in the map and boundary description.

(3) AVAILABILITY.—The map and boundary description under paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

**SEC. 3. ACCESS.**

(a) IN GENERAL.—The Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established before the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide.

(b) PRIVATELY OWNED LAND.—Access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

**SEC. 4. CONFORMING AMENDMENTS.**

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 503, the Spanish Peaks Wilderness Act of 1999, was introduced by Senator WAYNE ALLARD and will simply add the Spanish Peaks area to a list of areas designated as wilderness by the Colorado Wilderness Act of 1993.

I would like to take a moment to commend my esteemed colleague, the gentleman from Colorado (Mr. MCINNIS), for all his diligent work on the House version of this legislation, H.R. 898. H.R. 898 passed through the subcommittee and full committee by a voice vote. However, in the interest of time we are considering the Senate version today. Therefore, I urge all Members to support passage of S. 503, the Spanish Peaks Wilderness Act of 2000, under suspension of the rules.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as I may consume to join with the chairman in urging all Members to support this legislation.

The lands contained in this legislation contain headwaters in two spectacular 13,000-foot peaks that have been studied and considered for wilderness designation for nearly two decades. We support this legislation and would note that the House passed the legislation of the gentleman from Colorado (Mr. MCINNIS) and the gentleman from Colorado (Mr. UDALL), H.R. 898, last year; and the Senate has now passed this amended version this last week. I want to commend our House colleagues for all the effort they put into working out some of the problems that were found in this legislation. We support this bill, Mr. Speaker.

Mr. MCINNIS. Mr. Speaker, today we will consider S. 503, a companion to my bill H.R. 898, the Spanish Peaks Wilderness Act of 1999. This legislation will give permanent protection, in the form of wilderness, to the heart of the beautiful Spanish Peaks area in Colorado.

The bill is supported by several of my colleagues from Colorado, including Mr. SCHAFFER, whose district includes the portion of the Spanish Peaks within Las Animas County. I am also pleased to be joined by Mr. HEFLEY, Mr. TANCREDO and Mr. MARK UDALL of Colorado. I greatly appreciate their assistance and support of this legislation.

Also, across the Capitol, Senator ALLARD sponsored this legislation that we consider on the House floor today. I would like to extend my appreciation to the Senator for his active support of this worthwhile legislation. I would also like to thank Chairman YOUNG and Subcommittee Chairman CHENOWETH-HAGE for their work in the Committee on Resources to

bring this bill to final passage and hopefully on to signature by the President.

Finally, I would offer a note of appreciation and thanks to the former Members of Congress whose efforts made today's legislation possible. First, approximately twenty years ago, Senator William Armstrong of Colorado began this worthwhile process by proposing wilderness in Colorado, and in 1986 Senator Armstrong proposed protected status and management for the Spanish Peaks. His efforts set in place the foundation upon which today's bill is built. Second, I would like to thank the former Congressman from the Second District, Mr. Skaggs. Together, he and I introduced this legislation in the 104th Congress and again in the 105th Congress, which passed the House but due to time constraints did not pass the Senate. The efforts by both of these individual legislators helped make this bill possible.

The mountains known as the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties. The eastern peak rises to 12,683 feet above sea level, while the summit of the western peak reaches 13,626 feet. The two served as landmarks for Native Americans as well as some of Colorado's other early settlers.

With this history, it's not surprising that the Spanish Peaks portion of the San Isabel National Forest was included in 1977 on the National Registry of Natural Landmarks. The Spanish Peaks area has outstanding scenic, geologic, and wilderness values, including a spectacular system of over 250 free standing dikes and ramps of volcanic materials radiating from the peaks. The lands covered by this bill are not only beautiful and part of a rich heritage, but also provide an excellent source of recreation. The State of Colorado has designated the Spanish Peaks as a natural area, and they are a popular destination for hikers seeking an opportunity to enjoy an unmatched vista of southeastern Colorado's mountains and plains.

The Forest Service originally reviewed and recommended the Spanish Peaks area for possible wilderness designation in 1979. The process since then has involved several steps, and during that time, the Forest Service has been able to acquire most of the inholdings within Spanish Peaks area. So the way is now clear for Congress to finish the job and designate the Spanish Peaks area as part of the National Wilderness Preservation System.

The bill before the House today would designate as wilderness about 18,000 acres of the San Isabel National Forest, including both of the Spanish Peaks as well as the slopes below and between them. This includes most of the lands originally recommended for wilderness by the Forest Service, but with boundary revisions that will exclude some private lands. I would like to note that Senator ALLARD and I have made significant efforts to address local concerns about the wilderness designation, including: (1) adjusting the boundary slightly to exclude certain lands that are likely to have the capacity for mineral production; and (2) excluding from the wilderness a road used by locals for access to the beauty of the Spanish Peaks. Senator ALLARD and I did not act to introduce this bill until a local consensus was achieved on this wilderness designation.

The bill itself is very simple. It would just add the Spanish Peaks area to the list of areas designated as wilderness by the Colorado Wilderness Act of 1993. As a result, all the provisions of that Act—including the provisions related to water—would apply to the Spanish Peaks area just as they do to the other areas on that list. Like all the areas now on that list, the Spanish Peaks area covered by this bill is a headwaters area, which for all practical purposes eliminates the possibility of water conflicts. There are no water diversions within the area.

Mr. Speaker, I close my statement by thanking all of my fellow members for your time and by urging all Members of the House to vote yes in support of passage of S. 503.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 503.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## IMPROVEMENT OF NATIVE HIRING WITHIN THE STATE OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 748) to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

The Clerk read as follows:

S. 748

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

**SECTION 1. REPORT.**

(a) Within six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the ''Secretary'' shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate; and the Committee on Resources of the United States House of Representatives.

**SEC. 2. PILOT PROGRAM.**

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska:

(A) Bering Land Bridge National Preserve,

(B) Cape Krusenstern National Monument,

(C) Kobuk Valley National Park, and

(D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

□ 1500

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 748 directs the Secretary of the Interior to complete and submit a report within 6 months after enactment of this act on the progress the Department has made in implementing section 1307 and 1308 of the Alaska National Interest Lands Conservation Act, called ANILCA.

Since ANILCA was enacted, the Department has failed to implement these two sections of the bill. This bill further requires the Secretary to include a detailed action plan for the implication of ANILCA section 1307 and 1308 to consult with Alaska Native Corporations formed under the Alaska Native Claims Settlement Act, nonprofit organizations, and tribal entities in the immediate vicinity of the park units. It further requires the Secretary, to the extent possible, to involve such groups in developing materials and pilot programs.

I urge an aye vote on this important legislation for the Alaska Natives.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 748, legislation intended to encourage the Department of the Interior to improve Native hiring and contracting within the State of Alaska.

As I understand it, this legislation is supported by the Department of the Interior. I urge its passage.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Alaska

(Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 748.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## LAKE TAHOE RESTORATION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3388) to promote environmental restoration around the Lake Tahoe basin, as amended.

The Clerk read as follows:

H.R. 3388

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Lake Tahoe Restoration Act''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

(4) Lake Tahoe is in the midst of an environmental crisis; the Lake's water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

(6) methyl tertiary butyl ether—

(A) has contaminated and closed more than ⅓ of the wells in South Tahoe; and

(B) is advancing on the Lake at a rate of approximately 9 feet per day;

(7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake's ability to cleanse itself of pollutants;

(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91–148; 83 Stat. 360) and in 1980 (Public Law 96–551; 94 Stat. 3233);

(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

(11) the President renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

(A) expenditures—

(i) exceeding $200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

(ii) exceeding $30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional $20,000,000; and

(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

(b) PURPOSES.—The purposes of this Act are—

(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term ''environmental threshold carrying capacity'' has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96–551 (94 Stat. 3235).

(2) FIRE RISK REDUCTION ACTIVITY.—

(A) IN GENERAL.—The term ''fire risk reduction activity'' means an activity that is necessary to reduce the risk of wildlife to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

(B) INCLUDED ACTIVITIES.—The term ''fire risk reduction activity'' includes—

(i) prescribed burning;

(ii) mechanical treatment;

(iii) road obliteration or reconstruction; and

(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

(3) PLANNING AGENCY.—The term ''Planning Agency'' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

(4) PRIORITY LIST.—The term ''priority list'' means the environmental restoration priority list developed under section 6.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

**SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.**

(a) IN GENERAL.—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) RELATIONSHIP TO OTHER AUTHORITY.—

(1) PRIVATE OR NON-FEDERAL LAND.—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) PLANNING AGENCY.—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) ACQUISITION UNDER OTHER LAW.—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe basin under any other law.

**SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.**

(a) IN GENERAL.—With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of—

(1) the Planning Agency;

(2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;

(3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);

(4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and

(5) the Lake Tahoe Transportation and Water Quality Coalition.

(b) DUTIES.—The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to—

(1) the administration of the Lake Tahoe Basin Management Unit;

(2) the development of the priority list;

(3) the promotion of consistent policies and strategies to address the Lake Tahoe basin's environmental and recreational concerns;

(4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and

(5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decision-making on an ongoing basis.

**SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe Basin Management Unit.

(b) DEVELOPMENT OF PRIORITY LIST.—In developing the priority list, the Secretary shall—

(1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and

(2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that—

(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

(B) would help to achieve and maintain the environmental threshold carrying capacities for—

(i) air quality;

(ii) fisheries;

(iii) noise;

(iv) recreation;

(v) scenic resources;

(vi) soil conservation;

(vii) forest health;

(viii) water quality; and

(ix) wildlife.

(c) FOCUS IN DETERMINING ORDER OF PRIORITY.—In determining the order of priority of potential and proposed environmental restoration projects under subsection (b)(2), the focus shall address projects (listed in no particular order) involving—

(1) erosion and sediment control, including the activities described in section 2(g) of Public Law 96–586 (94 Stat. 3381) (as amended by section 7 of this Act);

(2) the acquisition of environmentally sensitive land from willing sellers—

(A) using funds appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(B) under the authority of Public Law 96–586 (94 Stat. 3381);

(3) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under the authority of Public Law 96–586 (94 Stat. 3381);

(4) cleaning up methyl tertiary butyl ether contamination; and

(5) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

(A) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

(B) the Highway 28 and 89 corridors and parking problems in the area; and

(C) cooperation with local public transportation systems, including—

(i) the Coordinated Transit System; and

(ii) public transit systems on the north shore of Lake Tahoe.

(d) MONITORING.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

(e) CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

(f) REVIEW OF PRIORITY LIST.—Periodically, but not less often than every 3 years, the Secretary shall—

(1) review the priority list;

(2) consult with—

(A) the Tahoe Regional Planning Agency;

(B) interested political subdivisions; and

(C) the Lake Tahoe Water Quality and Transportation Coalition;

(3) make any necessary changes with respect to—

(A) the findings of scientific research and monitoring in the Lake Tahoe basin;

(B) any change in an environmental threshold as determined by the Planning Agency; and

(C) any change in general environmental conditions in the Lake Tahoe basin; and

(4) submit to Congress a report on any changes made.

(g) CLEANUP OF HYDROCARBON CONTAMINATION.—

(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, make a payment of $1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.

(2) CONSULTATION.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.

(3) WILLING SELLERS.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (g), $20,000,000 for the first fiscal year that begins after the date of enactment of this Act and for each of the 9 fiscal years thereafter.

**SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.**

Section 2 of Public Law 96–586 (94 Stat. 3381) is amended by striking subsection (g) and inserting the following:

''(g) PAYMENTS TO LOCALITIES.—

''(1) IN GENERAL.—The Secretary of Agriculture shall, subject to the availability of appropriations, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

''(2) USE OF PAYMENTS.—Payments under this subsection may be used—

''(A) first, for erosion control and water quality projects; and

''(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

''(3) ELIGIBILITY FOR PAYMENTS.—

''(A) IN GENERAL.—To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

''(B) COMPONENTS OF LIST.—A priority list under subparagraph (A) shall include, for each proposed project listed—

''(i) a description of the need for the project;

''(ii) all projected costs and benefits; and

''(iii) a detailed budget.

''(C) USE OF PAYMENTS.—A payment under this subsection shall be used only to carry out a project or proposed project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

''(D) FEDERAL OBLIGATION.—All projects funded under this subsection shall be part of Federal obligation under the enviromental improvment program.

''(4) DIVISION OF FUNDS.—

''(A) IN GENERAL.—The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for and merits of projects proposed for payment under this section.

''(B) MINIMUM.—To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe basin receives amounts appropriated for payments under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection $10,000,000 for the first fiscal year that begins after the date of enactment of this paragraph and for each of the 9 fiscal years thereafter.''.

**SEC. 8. FIRE RISK REDUCTION ACTIVITIES.**

(a) IN GENERAL.—In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

(b) GROUND DISTURBANCE.—The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

**SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.**

(a) IN GENERAL.—Funds authorized under this Act and the amendment made by this Act—

(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

(2) shall not reduce allocations for other Regions of the Forest Service.

(b) MATCHING REQUIREMENT.—Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

(c) RELOCATION COSTS.—The Secretary shall provide ⅔ of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96–586.

**SEC. 10. AMENDMENT OF PUBLIC LAW 96–586.**

Section 3(a) of Public Law 96–586 (94 Stat. 3383) is amended by adding at the end the following:

''(5) WILLING SELLERS.—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.''.

**SEC. 11. RELATIONSHIP TO OTHER LAWS.**

Nothing in this Act exempts the Secretary from the duty to comply with any applicable Federal law.

**SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3388.

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

There was no objection.

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

Mr. Speaker, H.R. 3388, the Lake Tahoe Restoration Act, was introduced by my colleague, the gentleman from California (Mr. DOOLITTLE). This bill authorizes $30 million per year for 10 years to be used for a variety of activities relating to protecting and restoring the water quality of Lake Tahoe. Such projects may include erosion control projects, hazardous fuel treatments, cleanup of groundwater contamination, traffic management, and acquisition of environmental sensitive lands. All projects will involve partnerships with appropriate State and local officials. The Forest Service supports this bill, with the understanding that funds for these projects must be new appropriations and will not come from existing Forest Service funding.

The bill, as amended, ensures that any land acquisition under this bill will be funded only by the Land and Water Conservation Fund or the Santini-Burton Act.

I urge support for the bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Lake Tahoe is owned jointly by the State of California and the State of Nevada and is one of the largest, deepest, clearest lakes in the world. Yet the lake is experiencing an environmental crisis. Water clarity has declined from a visibility level of 105 feet in 1967 to 70 feet in 1999. Scientists believe damage to Tahoe's clarity could be irreversible within a decade.

Approximately 30 to 40 percent of the trees in the Lake Tahoe Basin are dead or dying and pose a risk to catastrophic fire. Thirty percent of the South Lake Tahoe water supply has been contaminated by MTBE, a gasoline additive. A number of factors have contributed to the basin's and lake's deterioration, among them land disturbance, erosion, air pollution, fertilizers, runoff, and boating activity.

Following a Presidential forum, the Tahoe Regional Planning Agency estimated that it will cost $900 million over the next 10 years to restore the lake. Since 1980, Nevada and California contributions to the effort have exceeded $230 million. In 1997, Nevada authorized a bond issuance of $82 million over a 10-year period. California has appropriated $60 million of a $275 million commitment. In addition, a coalition of 18 businesses and environmental groups have also pledged to raise $300 million.

H.R. 3388 would authorize $300 million, a third of the total cost on a matching basis over 10 years for environmental restoration projects at Lake Tahoe. The bill requires the Secretary of Agriculture to develop a priority list of projects to address air quality, fisheries, noise, recreation, scenic resources, soil conservation, forest health, water quality, and wildlife. The bill would require that the Secretary give priority to projects involving erosion and sediment control, acquisition of environmentally sensitive land, fire risk reduction in urban areas and urban-wildland interface, MTBE cleanup, and management of parking and traffic.

This is a very healthy and ambitious agenda. These projects would account for $200 million. Another million dollars will be granted to the Tahoe Regional Planning Authority and local utility districts to address well and water contamination.

Finally, the bill would authorize $1 million to local authorities for erosion control activities, water quality, and soil conservation projects on non-Federal land. Much of this activity requires extensive consultation with State, regional, and local authorities.

I note that the bill is virtually identical to the one of Senator FEINSTEIN's passed in the Senate on October 5. There is no reason why we should not be taking up that bill and sending it to the President.

Although I do not support the limited acquisition authority in the bill, I support this legislation; and I urge my colleagues to do the same.

I also want to say that I think that certainly the local governments and the private business community should be commended for the efforts that they are undertaking to dramatically alter the activities, many of which I think will, in fact, be enhanced when they are completed, but will provide for better transportation, for less contamination of the lake, for greater setbacks and protections of the lake, which is one of the great, great natural assets of our two States and one in which the people of both Nevada and California have a great deal of pride in.

I would urge my colleagues to support this legislation.

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

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

Mr. Speaker, I would like to thank the gentleman from California (Mr. DOOLITTLE) whose district includes that portion of Lake Tahoe. It was his vision, hard work, and leadership on this issue that is going to reward us with a preservation of the water quality of Lake Tahoe. I want to thank him for his efforts in this regard.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3388, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## BEND FEED CANAL PIPELINE PROJECT ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2425) to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

The Clerk read as follows:

S. 2425

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Bend Feed Canal Pipeline Project Act of 2000''.

**SEC. 2. FEDERAL PARTICIPATION.**

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the ''District''), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 per centum of the total, and shall be non-reimbursable. The District shall receive credit from the Secretary toward the District's share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated $2,500,000 for the Federal share of the activities authorized under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, S. 2425 will enable the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project in Oregon, and for other purposes.

The Federal cost share of the costs of the project shall not exceed 50 percent of the total. The legislation authorizes $2,500,000 for this project.

I urge an aye vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to this legislation, and I urge its passage.

Mr. WALDEN of Oregon. Mr. Speaker, today I rise in strong support of S. 2425, the Bend Feed Canal Pipeline Project Act of 2000. This bill was sponsored in the Senate by my good friend, Senator SMITH of Oregon, and I sponsored the companion legislation in the House.

S. 2425 would authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project in Oregon.

The Bend Feed Canal is built on pumice and other porous volcanic rock. Because of the porous rock, over 20 cubic feet per second of water is lost over the length of the Bend Feed Canal. This loss causes the Tumalo Irrigation District (District) to use all available water, and in drought years even that is not enough to supply the needs of its irrigators. The existing Bend Feed Canal has several segments currently piped. This creates a dangerous situation as a person falling into an open section of the canal will soon find themselves approaching a piped section which would mean almost certain death. Although the beginning of each piped section has a trash rack, with the urbanization of Bend and the development around the Bend Feed Canal, the risk to small children is great.

This legislation will allow the District to replace six segments of open canal with pipeline. In addition to the water conservation benefits, once the project is complete the District will have increased system reliability and the customers in the area will have fewer safety concerns. This is a very important step for a once largely rural community that is experiencing rapid growth.

The Bend Feed Canal Pipeline Project Act of 2000 is supported by the Tumalo Irrigation District and the Oregon Water Resources Congress.

The District would pay 50% of the costs of the project. The total cost of the project is expected to be approximately $4 million.

Mr. Speaker, I strongly support S. 2425. It is a good bill for the irrigators and it is good bill for the Bend community.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2425.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2882) to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

The Clerk read as follows:

S. 2882

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Klamath Basin Water Supply Enhancement Act of 2000''.

**SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUDIES.**

In order to help meet the growing water needs in the Klamath River basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath Basins, the Secretary of the Interior (hereafter referred to as the ''Secretary'') is authorized and directed, in consultation with affected state, local and tribal interests, stakeholder groups and the interested public, to engage in feasibility studies of the following proposals related to the Upper Klamath Basin and the Klamath Project, a federal reclamation project in Oregon and California:

(1) Increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

(2) The potential for development of additional Klamath Basin groundwater supplies to improve water quantity and quality, including the effect of such groundwater development on non-project lands, groundwater and surface water supplies, and fish and wildlife.

(3) The potential for further innovations in the use of existing water resources, or market-based approaches, in order to meet growing water needs consistent with state water law.

**SEC. 3. ADDITIONAL STUDIES.**

(a) NON-PROJECT LANDS.—The Secretary may enter into an agreement with the Oregon Department of Water Resources to fund studies relating to the water supply needs of non-project lands in the Upper Klamath Basin.

(b) SURVEYS.—To further the purposes of this Act, the Secretary is authorized to compile information on native fish species in the Upper Klamath River Basin, upstream of Upper Klamath Lake. Wherever possible, the Secretary should use data already developed by Federal agencies and other stakeholders in the Basin.

(c) HYDROLOGIC STUDIES.—The Secretary is directed to complete ongoing hydrologic surveys in the Klamath River Basin currently being conducted by the U.S. Geological Survey.

(d) REPORTING REQUIREMENTS.—The Secretary shall submit the findings of the studies conducted under section 2 and Section 3(a) of this Act to the Congress within 90 days of each study's completion, together with any recommendations for projects.

**SEC. 4. LIMITATION.**

Activities funded under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

**SEC. 5. WATER RIGHTS**

Nothing in this Act shall be construed to—

(1) create, by implication or otherwise, any reserved water right or other right to the use of water;

(2) invalidate, preempt, or create any exception to State water law or an interstate compact governing water;

(3) alter the rights of any State to any appropriated share of the waters of any body or surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(4) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(5) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any groundwater resources.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized such sums as necessary to carry out the purposes of this Act. Activities conducted under this Act shall be non-reimbursable and nonreturnable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, S. 2882 will enable the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

I urge an aye vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to offer my strong support for S. 2882, the Klamath Basin Water Supply Enhancement Act of 2000. This bill was sponsored in the Senate by Senator GORDON SMITH of Oregon, and I sponsored the companion bill on the House side with my good friend WALLY HERGER of California. I would like to thank Chairman Young of the Resources Committee and Chairman DOOLITTLE of the Water and Power Subcommittee for helping bring this bill to the floor.

The Klamath Project in Oregon and California was one of the earliest federal reclamation projects. The Secretary of the Interior authorized development of the project on May 15, 1905, under provisions of the Reclamation Act of 1902. The project irrigates over 200,000 acres of farmland in south-central Oregon and north-central California. The two main sources of water for the project are Upper Klamath Lake and the Klamath River, as well as Clear Lake Reservoir, Gerber Reservoir, and Lost River, which are located in a closed basin. The total drainage area is approximately 5,700 square miles. The Klamath River is subject to an interstate compact between the States of Oregon and California.

There are also several wildlife refuges in the basin that are an important part of the western flyway. There are suckers in Upper Klamath Lake on the Endangered Species List that require the lake to be maintained at certain levels throughout the summer. There are also salmon in the Klamath River for which federal agencies are seeking additional flow. It is my understanding that there will be significant additional flow requirements next year.

S. 2882, as amended by the Senate, would authorize the Bureau of Reclamation to conduct feasibility studies to determine what steps can be taken to meet the growing water needs in the Klamath River Basin (Basin) of Oregon and California. The outcome of these studies will help to determine the future water use of the residents and wildlife that surround this area. It will simply evaluate the feasibility of increasing the storage capacity, and/or the yield

of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

It is important to note that there were severe shortages of water in the Basin this year. However, this was not a drought year. The shortages are symptoms of a much larger problem in the Basin. If a solution is not found soon, a drought could have devastating effects on farmers in the area and on the wildlife that depends upon certain flow levels.

S. 2882 is an extremely important bill to people of the Klamath Basin. I support this measure and urge its immediate passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2882.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## STUDY OF RESOURCES IN SALMON CREEK WATERSHED

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2951) to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

The Clerk read as follows:

S. 2951

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

**SECTION 1. SALMON CREEK WATERSHED, WASHINGTON, WATER MANAGEMENT STUDY.**

(a) IN GENERAL.—The Secretary of the Interior may conduct a study to investigate the opportunities to better manage the water resources in the Salmon Creek Watershed, a tributary to the Upper Columbia River system, Okanagoan County, Washington, so as to restore and enhance fishery resources (especially the endangered Upper Columbia Spring Chinook and Steelhead), while maintaining or improving the availability of water supplies for irrigation practices vital to the economic well-being of the county.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to derive the benefits of and further the objectives of the comprehensive, independent study commissioned by the Confederated Tribes of the Colville Reservation and the Okanagoan Irrigation District, which provides a credible basis for pursuing a course of action to simultaneously achieve fish restoration and improved irrigation conservation and efficiency.

(c) COST SHARE.—The Federal Government's cost share for the feasibility study shall not exceed 50 percent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, I rise in support of S. 2951, a bill to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

The study would allow the Secretary of the Interior to build on an independent study commissioned by the Confederated Tribes of the Colville Reservation and the local irrigation district to restore and enhance fishery resources, especially the endangered Upper Columbia Spring Chinook and Steelhead, while maintaining or improving the availability of water supplies for irrigation practices.

S. 2951 passed the Senate on October 13. I urge an aye vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in support of S. 2951. This legislation would authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River. The purpose of the study is to explore ways to improve salmon migration while maintaining irrigation for area farms.

Mr. Speaker, this legislation is very similar to my legislation passed by the House and Senate earlier this year to study the potential benefits of replacing water currently removed from the Yakima River with water drawn from the Columbia River in order to benefit salmon. These two pieces of legislation highlight our commitment to saving the salmon in Central Washington without tearing down our dams and destroying our way of life. This common sense legislation is a locally derived solution that will greatly improve habitat and salmon survival while respecting historic water rights in my district.

Salmon Creek is a tributary of the Okanogan River in my district in Central Washington. During irrigation season, water is released from the reservoirs to provide water needed by local farms. However, the diversion of the creek waters causes approximately 4.3 miles of Salmon Creek to dry up during the later months of the irrigation season. This creek has historically provided habitat for several threatened and endangered salmon species.

The Okanogan Irrigation District in Okanogan County, Washington and the Confederated Tribes of the Colville Reservation have worked together to study and develop a series of projects to restore natural fish runs in Salmon Creek while protecting irrigation for over 5000 acres of orchards and farms. As a result of this collaborative effort, the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation have developed a proposal that would move the intake system for the Okanogan Irrigation District from Salmon Creek to the Okanogan River. These projects, which are frequently referred to as ''pump exchanges,'' allow irrigation districts to terminate withdrawals from over appropriated rivers and streams and secure water from more abundant rivers further downstream from the initial intake point.

This legislation authorizes the study of both the pump exchange and other irrigation improvements that could return as much as 11,000 acre feet of water to Salmon Creek. The bill would limit the federal government's share of the total cost of the feasibility study to 50 percent, and the Congressional Budget Office estimates that implementing S. 2951 would cost about $250,000 in fiscal year 2001. The Administration testified in favor of this legislation during a hearing in the Senate Committee on Energy and Natural Resources Subcommittee on Water and Power.

This feasibility study offers Okanogan County residents hope for the protection and improvement of what is left of their hard-hit economy. More than 262 jobs have been lost in the Okanogan Basin in recent months due to declines in the forest products industry. Additionally, falling apple prices have resulted in the loss of 80 jobs from the recent closure of an apple packing facility in Tonasket, Washington. This is compounded by the possibility that the National Marine Fisheries Service (NMFS) will shut down irrigation facilities, as they have elsewhere in my district, due to inadequate stream flow in local rivers and creeks for endangered fish species. As more than 5000 acres of orchards and fields are served by the Okanogan Irrigation District, an irrigation shutdown would be devastating.

Once again, I thank you for this opportunity to express my support for authorizing this essential fish restoration study provided in S. 2951. I commend the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation for their proactive approach to restoring salmon and steelhead populations and maintaining water deliveries to irrigators. I urge my colleagues to support this common sense local solution to improve the water resources in Salmon Creek.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2951.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## AUTHORIZING APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3595) to increase the authorization of appropriations for the Reclamation of Safety of Dams Act of 1978, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3595

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

***SECTION 1. INCREASED AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.***

*The Reclamation Safety of Dams Act of 1978 is amended—*

*(1) in section 4 (43 U.S.C. 508)—*

*(A) in subsection (a), by striking ''or from nonperformance of reasonable and normal maintenance of the structure by the operating entity'';*

*(B) in subsection (c), by—*

*(i) inserting after ''1984'' the following: ''and the additional $380,000,000 further authorized to be appropriated by amendments to that Act in 2000'';*

*(ii) striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and*

*(iii) in the first sentence of paragraph (3), as so redesignated, inserting ''irrigation,'' after ''Costs allocated to the purpose of'', and inserting ''without regard to water users' ability to pay'' before the period at the end; and*

*(C) in subsection (d), by inserting before the period at the end the following: '': Provided further, That the Secretary is authorized to expend payments of such reimbursable costs made pursuant to a repayment contract at any time prior to completion of construction'';*

*(2) in section 5 (43 U.S.C. 509), by—*

*(A) inserting after ''levels)'' the following: ''and, effective October 1, 1997, not to exceed an additional $380,000,000 (October 1, 2000, price levels),'';*

*(B) striking ''$750,000'' and inserting ''$1,200,000 (October 1, 2000, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein,''; and*

*(C) striking ''sixty days (which'' and all that follows through ''day certain)'' and inserting ''30 calendar days''; and*

*(3) in section 2 (43 U.S.C. 506), by inserting ''(a)'' before ''In order to'', and by adding at the end the following:*

*''(b) Prior to selecting a Bureau of Reclamation facility for modification, the Secretary shall notify project beneficiaries in writing of such selection and solicit their interest in participating in evaluating the facility for modification. If requested by the project beneficiaries, the Secretary, acting through the Commissioner of the Bureau of Reclamation, is authorized to negotiate an agreement with project beneficiaries for the cooperative oversight of planning, design, cost containment, procurement, construction, and management of the modifications. Prior to submitting the modification reports required by section 5, the Secretary shall consider, and where appropriate implement, alternatives recommended by project beneficiaries. Within 30 days after receiving such recommendations, the Secretary shall provide to the project beneficiaries a written response detailing proposed actions to address the recommendations. The Secretary's response to the project beneficiaries shall be included in the modification reports required by section 5.*

*''(c) Following submission of the reports required by section 5, project beneficiaries who wish to receive regular information concerning the status and costs of modifications shall notify the Secretary in writing. During the construction phase of the modifications, the Secretary shall keep such beneficiaries informed of the costs and status of such modifications. The Secretary shall consider, and where appropriate implement, alternatives recommended by project beneficiaries concerning the cost containment measures and construction management techniques needed to carry out such modifications.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, this legislation would increase the authorized cost ceiling for the Bureau of Reclamation's dam safety program. The program is designed to ensure that its facilities operate in a safe and reliable condition to protect the public, property, and natural resources downstream of reclamation structures.

Since the introduction of this bill, members of the Subcommittee on Water and Power have worked to ensure that project beneficiaries are informed of the costs and status of dam safety modifications. This legislation requires the Secretary to provide the costs and the status of the modifications if the project beneficiaries notify the Secretary in writing of their interest in this information.

In addition, the legislation requires the Secretary to consider and, where appropriate, implement containment and construction management techniques and recommendations provided by the project beneficiaries regarding costs.

I urge an aye vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. The bill amends the Reclamation Safety of Dams Act of 1978 to increase the authorized cost ceiling for the Reclamation Safety of Dams Act by $380 million.

The bill also makes important changes pertaining to reimbursable costs. The amendment affords local projects beneficiaries an opportunity to negotiate an agreement with the Bureau of Reclamation, allowing for local participation in the oversight of dam safety project planning, design, cost containment, and other matters.

It should be clearly understood, however, that the public safety responsibilities of the Secretary pursuant to this Act are not diminished or affected in any way by these procedures allowing for full participation by the project beneficiaries.

I urge adoption of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3595, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□

## MIWALETA PARK EXPANSION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

The Clerk read as follows:

Senate amendments:

Page 3, strike out lines 6 through 10 and insert:

(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes consistent with the plan for expansion of the Miwaleta Park as approved in the Decision Record for Galesville Campground, EA #OR110–99–01, dated September 17, 1999.

Page 3, line 14, strike out ''purposes—'' and insert ''purposes as described in paragraph 2(b)(1)—''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, I rise in support of H.R. 1725, as amended and introduced by my colleague the gentleman from Oregon (Mr. DEFAZIO).

A significant amount of effort has gone into the preparation of this bill, and I would like to begin by commending the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN) for their diligence in bringing this legislation to the floor.

The Miwaleta Park, located in Oregon, is a 30-acre area jointly managed by the Bureau of Land Management and Douglas County.

□ 1515

The title to this park and surrounding area is currently held by the BLM; and under H.R. 1725, the title and all rights and interests to this land would be transferred to Douglas County for the purpose of building a public campground.

I reiterate my support for H.R. 1725 and ask for support of this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1725.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1725.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

□

## WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HERITAGE ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4794) to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

The Clerk read as follows:

H.R. 4794

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Washington-Rochambeau Revolutionary Route National Heritage Act of 2000''.

**SEC. 2. STUDY OF THE WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE.**

(a) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Jean Baptiste Donatien de Vimeur, comte de Rochambeau during the American Revolutionary War.

(b) CONSULTATION.—In conducting the study required by subsection (a), the Secretary shall consult with State and local historic associations and societies, State historic preservation agencies, and other appropriate organizations.

(c) CONTENTS.—The study shall—

(1) identify the full range of resources and historic themes associated with the route referred to in subsection (a), including its relationship to the American Revolutionary War;

(2) identify alternatives for National Park Service involvement with preservation and interpretation of the route referred to in subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified pursuant to paragraph (2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, H.R. 4794 requires the Secretary of the Interior to complete a resource study of the 600-mile route used by George Washington and General Rochambeau during the Revolutionary War. The extensive route travels through nine different States and stretches from Massachusetts to Virginia.

The study will identify the full range of resources and historic themes associated with the route and identify alternatives for a National Park Service involvement with the preservation and interpretation of the route.

Compared to those of the Civil War, there just are not that many designated historic sites associated with the Revolutionary War. We need to protect these very important Revolutionary War sites as well. Thus, I urge my colleagues to support H.R. 4794.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4794, the Washington-Rochambeau Revolutionary Route National Heritage Act of 2000. I want to commend our colleague, the gentleman from Connecticut (Mr. LARSON), for all of the work he has done on this legislation. There is bipartisan support by every Member who represents the areas crossed by this road.

Mr. LARSON. Mr. Speaker, I rise today in support of my bill H.R. 4794, the Washington-Rochambeau Revolutionary Route National Heritage Act of 2000.

At the outset, Mr. Speaker, I wish to deeply thank the gentleman from Alaska, Chairman YOUNG, and the gentleman from California, Mr. MILLER, for all of their efforts to bring this bill to the floor today. I also would like to thank and commend my colleagues Mr. GILCHREST and Ms. KELLY, who helped to have this bill placed on the House Calendar, and the other co-sponsors of this bill.

Earlier this year, I received a letter from Hans DePold, a constituent of mine and a Member of the Sons of the American Revolution. The letter asked for my help in preserving a very special piece of history for all Americans, a route traveled by General George Washington and General Rochambeau during the American Revolution. It is from this correspondence and several meetings with Mr. DePold that I decided to introduce this piece of legislation. Since the introduction of H.R. 4794, I have received letters of support from States across this Nation urging the preservation of this Route.

Almost 220 years after the Yorktown campaign, which was the decisive battle in the Revolutionary War, few Americans are unaware of the assistance from America's French Allies. In 1780, George Washington's army dwindled to less than 3,000 and assistance was desperately needed. Fortunately, 5,000 troops from the French expeditionary army, led by General Rochambeau, landed in Newport, Rhode Island to assist General Washington. At Rochambeau's urging, Washington abandoned his original plan to face the British in New York, and the combined army continued south to Yorktown, Virginia. General Rochambeau was vital in advising Washington and in guiding the ''end-game'' strategy that implemented the Yorktown Campaign.

The Washington-Rochambeau Revolutionary Route is just another example of our Country's rich history. The troops traveled through 9 states up and down the East Coast and it is this route these soldiers took that has become known as the Washington-Rochambeau Revolutionary Road.

When the troops passed through Connecticut, many buildings served as inns or officers housing. Seven towns and cities in my Congressional District have been documented as Washington Rochambeau sites. But my District and the State of Connecticut only represent a small piece of the larger story. There has been no comprehensive effort since 1957 to mark this route in its entirely.

This bill would authorize the National Park Service to conduct a resource study for the 600 miles that extend through Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, and Virginia. The study would identify the means of preservation and interpretation of the Route for the education of the public.

The Secretary will also consult with the State and Local historic associations and other appropriate organizations. This bill will help in preserving this route, which serves as a reminder of how Americans won their freedom.

This legislation has bipartisan support and the co-sponsorship of every member who represents the district where the WRRR travels through.

I applaud the hard work and vision of the members of The Connecticut Society of the Sons of the American Revolution, Russell Wirtalla, Vice President of the New England Region Sons of the American Revolution, and Hans DePold, Washington-Rochambeau Revolutionary Route Committee of Correspondence. My sincere thanks and admiration also goes to Dr. Jacques Bossiere Chairman of the Washington Rochambeau Revolutionary Route Committee, Dr. James Johnson, Executive Director of the Washington Rochambeau Revolutionary Route Committee and Serge Gabriel, President of Souvenir Francais, Connecticut. In addition I would like to recognize, John Shannahan and Mary M. Donahue of the Connecticut Historical Commission, Dr. Robert A. Selig an eminent historian on Rochambeau's Cavalry, and Marolyn Paulis, President of the Connecticut State Society of the Daughters of the American Revolution. It would be remiss of me to not also recognize the work and support of Jay Jackson, Chancellor and Dr. David Musto, President of the Society of the Cincinnati in the State of Connecticut. Much gratitude is also extended to Larry Gall of the National Park Service and Steve Elkinton, Director of National Park Service Historic Trails.

I would also like to offer my gratitude for the support of the Ambassador of France to the United States, François Bujon de l'Estang.

Mr. Speaker, I submit for the RECORD a letter of support from François Bujon de l'Estang, the Ambassador of France to the United States, and urge my colleagues to support this legislation.

AMBASSADE DE FRANCE
AUX ETATS-UNIS,
*Washington, June 29, 2000.*

Hon. JOHN B. LARSON,
*Member of Congress, House of Representatives, Longworth House Office Building, Washington, DC.*

DEAR MR. LARSON: Thank you for taking the initiative to introduce a legislation to commission the Secretary of Interior and the National Park Service to complete a resource study of the Washington-Rochambeau

Revolutionary Road, the six hundred mile trail traveled by the American and French generals en route to the decisive battle of Yorktown.

I commend you for paving the way to a proper commemoration of an important page of the shared history of our nations. The Washington-Rochambeau alliance is a reminder to us of how long and deep the relationship between our two countries has been. All events that remind us of the importance of the historical links uniting our nations should be encouraged.

Sincerely,

FRANÇOIS BUJON DE L'ESTANG.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4794.

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

A motion to reconsider was laid on the table.

□

## NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988 AMENDMENTS

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 439) to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, as amended.

The Clerk read as follows:

S. 439

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

**SECTION 1. ADJUSTMENT OF BOUNDARY OF THE TOIYABE NATIONAL FOREST, NEVADA.**

Section 4(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking ''Effective'' and inserting ''(1) Effective''; and

(2) by adding at the end the following:

''(2) Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked 'Old Forest Boundary' and 'Revised National Forest Boundary' on the map entitled 'Nevada Interchange ''A'', Change 1', and dated September 16, 1998, is transferred to the Secretary of the Interior.''.

**SEC. 2. OVERTIME PAY FOR CERTAIN FIREFIGHTERS.**

(a) IN GENERAL.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

''(5) Notwithstanding paragraphs (1) and (2), for an employee of the Department of the Interior or the United States Forest Service in the Department of Agriculture engaged in emergency wildland fire suppression activities, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the end of the 30-day period beginning on the date of the enactment of this Act, and shall apply only to funds appropriated after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, Senate 439 would amend the National Forest and Public Lands of Nevada Enhancement Act to adjust a boundary of the Toiyabe National Forest in Nevada, thereby transferring the jurisdiction of the land from the Secretary of Agriculture to the Secretary of the Interior. This legislation has local support, as well as support from the administration. Senate 439 was favorably reported by the full committee on June 7, 2000, by voice vote.

Senate 439, as amended, also includes the Wildland Fire Firefighters Pay Equity Act of 1999, introduced by the gentleman from California (Mr. POMBO). One of the problems faced during the catastrophic fire season of 2000 was a shortage of properly trained fire fighting crews. This language will go far to address this particular problem by allowing fire fighters to earn the standard time-and-a-half overtime rate for time spent fighting fires, regardless of their pay base.

Mr. Speaker, I ask all Members to support this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 439, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read:

''A bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.''.

A motion to reconsider was laid on the table.

## ASSISTING IN ESTABLISHMENT OF INTERPRETATIVE CENTER AND MUSEUM NEAR DIAMOND VALLEY LAKE IN SOUTHERN CALIFORNIA

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2977) to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

The Clerk read as follows:

S. 2977

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

**SECTION 1. INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA.**

(a) ASSISTANT FOR ESTABLISHMENT OF CENTER AND MUSEUM.—The Secretary of the Interior shall enter into an agreement with an appropriate entity for the purpose of sharing costs incurred to design, construct, furnish, and operate an interpretive center and museum, to be located on lands under the jurisdiction of the Metropolitan Water District of Southern California, intended to preserve, display, and interpret the paleontology discoveries made at and in the vicinity of the Diamond Valley Lake, near Hemet, California, and to promote other historical and cultural resources of the area.

(b) ASSISTANCE FOR NONMOTORIZED TRAILS.—The Secretary shall enter into an agreement with the State of California, a political subdivision of the State, or a combination of State and local public agencies for the purpose of sharing costs incurred to design, construct, and maintain a system of trails around the perimeter of the Diamond Valley Lake for use by pedestrians and nonmotorized vehicles.

(c) MATCHING REQUIREMENT.—The Secretary shall require the other parties to an agreement under this section to secure an amount of funds from non-Federal sources that is at least equal to the amount provided by the Secretary.

(d) TIME FOR AGREEMENT.—The Secretary shall enter into the agreements required by this section not later than 180 days after the date on which funds are first made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $14,000,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, the purpose of S. 2977 is to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in Southern California. Diamond Valley Lake is the result of a joint effort by State and local authorities to address possible water shortage problems in Southern California. This Senate bill has House companion legislation introduced by the gentleman from California (Mr. CALVERT), who deserves

credit for his hard work and leadership on this bill.

Mr. Speaker, S. 2977 provides recreational and educational opportunities to the region by assisting in the funding for the design, construction, furnishing, and operation of an interpretive center and museum.

The center and museum will be known as the Western Center for Archeology, and will house an assortment of archeological remains which were excavated during the construction of the reservoir. The Western Center will also be available to provide storage and state-of-the-art curation services for other valuable artifacts that many Federal agencies have been unable to care for in recent years.

This bill also provides funding to share in the cost of the design, construction, and maintenance of a trails system around Diamond Valley Lake and the surrounding areas. The trails will provide nonmotorized recreation for visitors to the area.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know if this is a very good bill or not, to tell you the truth. There is no Federal connection to this project at all. None of the facilities, the land, are federally owned or operated; and I do not quite know why the Federal Government is spending money here when we have a multibillion dollar backlog in maintenance and construction on our Federal lands and our national parks, and why we would now be spending money on a completely non-Federal project here to construct recreational facilities and design of a visitors center.

I know that the gentleman from California (Mr. CALVERT) and Senator FEINSTEIN support this legislation. I do not know if it is the best idea, but we will let it go at that.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2977.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

## GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the 34 suspensions just passed.

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

There was no objection.

□

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 23 minutes p.m.), the House stood in recess until approximately 4 p.m.

□

□ 1600

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 4 p.m.

□

## AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2440) to amend title 49, United States Code, to improve airport security, as amended.

The Clerk read as follows:

S. 2440

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Airport Security Improvement Act of 2000''.

**SEC. 2. CRIMINAL HISTORY RECORD CHECKS.**

(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

(2) LIMITATION.—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

(b) APPLICATION OF EXPANDED PROGRAM.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator's efforts to utilize the program described in subsection (a).

(2) NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.—If the Administrator determines that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.

(c) CHANGES IN EXISTING REQUIREMENTS.—Section 44936(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking '', as the Administrator decides is necessary to ensure air transportation security,'';

(2) in subparagraph (D) by striking ''as a screener'' and inserting ''in the position for which the individual applied''; and

(3) by adding at the end the following:

''(E) CRIMINAL HISTORY RECORD CHECKS FOR SCREENERS AND OTHERS.—

''(i) IN GENERAL.—A criminal history record check shall be conducted for each individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii).

''(ii) SPECIAL TRANSITION RULE.—During the 3-year period beginning on the date of enactment of this subparagraph, an individual described in clause (i) may be employed in a position described in clause (i)—

''(I) in the first 2 years of such 3-year period, for a period of not to exceed 45 days before a criminal history record check is completed; and

''(II) in the third year of such 3-year period, for a period of not to exceed 30 days before a criminal history record check is completed,

if the request for the check has been submitted to the appropriate Federal agency and the employment investigation has been successfully completed.

''(iii) EMPLOYMENT INVESTIGATION NOT REQUIRED FOR INDIVIDUALS SUBJECT TO CRIMINAL HISTORY RECORD CHECK.—An employment investigation shall not be required for an individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii), if a criminal history record check of the individual is completed before the individual begins employment in such position.

''(iv) EFFECTIVE DATE.—This subparagraph shall take effect—

''(I) 30 days after the date of enactment of this subparagraph with respect to individuals applying for a position at an airport that is defined as a Category X airport in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations; and

''(II) 3 years after such date of enactment with respect to individuals applying for a position at any other airport that is subject to the requirements of part 107 of such title.

''(F) EXEMPTION.—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this subparagraph.''.

(d) LIST OF OFFENSES BARRING EMPLOYMENT.—Section 44936(b)(1)(B) of title 49, United States Code, is amended—

(1) by inserting ''(or found not guilty by reason of insanity)'' after ''convicted'';

(2) in clause (xi) by inserting ''or felony unarmed'' after ''armed'';

(3) by striking ''or'' at the end of clause (xii);

(4) by redesignating clause (xiii) as clause (xv) and inserting after clause (xii) the following:

''(xiii) a felony involving a threat;

''(xiv) a felony involving—

''(I) willful destruction of property;

''(II) importation or manufacture of a controlled substance;

''(III) burglary;

''(IV) theft;

''(V) dishonesty, fraud, or misrepresentation;

''(VI) possession or distribution of stolen property;

''(VII) aggravated assault;

''(VIII) bribery; and

''(IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the

Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or''; and

(5) in clause (xv) (as so redesignated) by striking ''clauses (i)–(xii) of this paragraph'' and inserting ''clauses (i) through (xiv)''.

**SEC. 3. IMPROVED TRAINING.**

(a) TRAINING STANDARDS FOR SCREENERS.—Section 44935 of title 49, United States Code, is amended by adding at the end the following:

''(e) TRAINING STANDARDS FOR SCREENERS.—

''(1) ISSUANCE OF FINAL RULE.—Not later than May 31, 2001, and after considering comments on the notice published in the Federal Register for January 5, 2000 (65 Fed. Reg. 559 et seq.), the Administrator shall issue a final rule on the certification of screening companies.

''(2) CLASSROOM INSTRUCTION.—

''(A) IN GENERAL.—As part of the final rule, the Administrator shall prescribe minimum standards for training security screeners that include at least 40 hours of classroom instruction before an individual is qualified to provide security screening services under section 44901.

''(B) CLASSROOM EQUIVALENCY.—Instead of the 40 hours of classroom instruction required under subparagraph (A), the final rule may allow an individual to qualify to provide security screening services if that individual has successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by the classroom instruction under subparagraph (A).

''(3) ON-THE-JOB TRAINING.—In addition to the requirements of paragraph (2), as part of the final rule, the Administrator shall require that before an individual may exercise independent judgment as a security screener under section 44901, the individual shall—

''(A) complete 40 hours of on-the-job training as a security screener; and

''(B) successfully complete an on-the-job training examination prescribed by the Administrator.''.

(b) COMPUTER-BASED TRAINING FACILITIES.—Section 44935 of title 49, United States Code, is further amended by adding at the end the following:

''(f) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible.''.

**SEC. 4. IMPROVING SECURED-AREA ACCESS CONTROL.**

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(g) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—

''(1) ENFORCEMENT.—

''(A) ADMINISTRATOR TO PUBLISH SANCTIONS.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

''(B) USE OF SANCTIONS.—Each airport operator, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

''(2) IMPROVEMENTS.—The Administrator shall—

''(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses by January 31, 2001;

''(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

''(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

''(D) assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;

''(E) improve and better administer the Administrator's security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

''(F) improve the execution of the Administrator's quality control program by January 31, 2001; and

''(G) require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001.''.

**SEC. 5. PHYSICAL SECURITY FOR ATC FACILITIES.**

(a) IN GENERAL.—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

(b) REPORTS.—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.

**SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.**

Section 44903(c)(2) of title 49, United States Code, is amended by adding at the end the following:

''(C) MANUAL PROCESS.—

''(i) IN GENERAL.—The Administrator shall issue an amendment to air carrier security programs to require a manual process, at explosive detection system screen locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Administrator, are examined.

''(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Clause (i) shall not be construed to limit the ability of the Administrator to impose additional security measures on an air carrier or a foreign air carrier when a specific threat warrants such additional measures.

''(iii) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under clause (i), the Administrator shall seek to maximize the use of the explosive detection equipment.''.

**SEC. 7. AIRPORT NOISE STUDY.**

(a) IN GENERAL.—Section 745 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47501 note; 114 Stat. 178) is amended—

(1) in the section heading by striking ''**GENERAL ACCOUNTING OFFICE**'';

(2) in subsection (a) by striking ''Comptroller General of the United States shall'' and inserting ''Secretary shall enter into an agreement with the National Academy of Sciences to'';

(3) in subsection (b)—

(A) by striking ''Comptroller General'' and inserting ''National Academy of Sciences'';

(B) by striking paragraph (1);

(C) by adding ''and'' at the end of paragraph (4);

(D) by striking ''; and'' at the end of paragraph (5) and inserting a period;

(E) by striking paragraph (6); and

(F) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively;

(4) by striking subsection (c) and inserting the following:

''(c) REPORT.—Not later than 18 months after the date of the agreement entered into under subsection (a), the National Academy of Sciences shall transmit to the Secretary a report on the results of the study. Upon receipt of the report, the Secretary shall transmit a copy of the report to the appropriate committees of Congress.''.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of contents for such Act (114 Stat. 61 et seq.) is amended by striking item relating to section 745 and inserting the following:

''Sec. 745. Airport noise study.''.

**SEC. 8. TECHNICAL AMENDMENTS.**

(a) FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.—Section 106(p)(2) is amended by striking ''15'' and inserting ''18''.

(b) NATIONAL PARKS AIR TOUR MANAGEMENT.—Title VIII of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 40128 note; 114 Stat. 185 et seq.) is amended—

(1) in section 803(c) by striking ''40126'' each place it appears and inserting ''40128'';

(2) in section 804(b) by striking ''40126(e)(4)'' and inserting ''40128(f)''; and

(3) in section 806 by striking ''40126'' and inserting ''40128''.

(c) RESTATEMENT OF PROVISION WITHOUT SUBSTANTIVE CHANGE.—Section 41104(b) of title 49, United States Code, is amended—

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

''(1) IN GENERAL.—Except as provided in paragraph (3), an air carrier, including an indirect air carrier, may not provide, in aircraft designed for more than 9 passenger seats, regularly scheduled charter air transportation for which the public is provided in advance a schedule containing the departure

location, departure time, and arrival location of the flight unless such air transportation is to and from an airport that has an airport operating certificate issued under part 139 of title 14, Code or Federal Regulations (or any subsequent similar regulation).''; and

(2) by adding at the end the following:

''(3) EXCEPTION.—This subsection does not apply to any airport in the State of Alaska or to any airport outside the United States.''.

**SEC. 9. EFFECTIVE DATE.**

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, last March the Subcommittee on Aviation held a hearing on aviation security, and at that time it heard some disturbing testimony.

For example, the General Accounting Office testified that although security screeners have detected about 10,000 guns over the last 5 years, weapons still often pass through airport checkpoints undetected. This is not surprising, given the repetitive, monotonous, stressful job that the screeners have. Moreover, screener pay is very low, only about $6 or $7 an hour. Some only get minimum wage. Most could probably make more working in a fast food restaurant. As a result, turnover exceeds 100 percent at most large airports; and at one airport, turnover of security screeners topped 400 percent a year.

But it is not turnover that is the problem. For example, the DOT Inspector General told us that even though Congress has authorized about $350 million for the purchase of explosive detection systems, airlines often do not use this equipment as much as they could. The IG also testified that the list of 25 crimes that disqualified one from being a security screener did not include such serious crimes as burglary, bribery, and felony drug possession.

As a result of that hearing, the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Mr. DUNCAN), along with some of my colleagues on the Subcommittee on Aviation, the gentleman from Pennsylvania (Mr. SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Illinois (Mr. LIPINSKI); and the gentleman from California (Mr. GARY MILLER), introduced H.R. 4529. That bill expanded the list of crimes that would disqualify one from being a security screener.

In the Senate, Senator HUTCHISON of Texas introduced a similar bill. That bill, S. 2440, passed the Senate on October 3. Mr. Speaker, S. 2440 not only expands the list of disqualifying crimes, it also attempts to plug some of the other holes in our aviation security system that hearings have revealed.

Let me emphasize that I believe that our aviation system is safe. There has not been a hijacking of a U.S. airline flight since 1991, and that hijacker did not actually have a weapon as he claimed, so he was arrested. However, as recent events demonstrate, it remains a dangerous world for Americans, and aviation is still a tempting target for terrorists. That is why it is so important to maintain a strong aviation security system, and that is why passage of this bill is so important.

This bill will take several steps to improve aviation security. For one, it will mandate fingerprint checks for all employees who will have access to the airfield or who will be responsible for screening passengers and their baggage. Previously, fingerprint checks were required only where a background investigation revealed gaps in a person's employment history.

To expedite these fingerprint checks, the bill expands the electronic fingerprint transmission project into an aviation industry-wide program. Each airport, airline, and screening company will have the option of deciding whether they want to participate in this new program.

This bill, like the original House bill, also expands the list of crimes that would disqualify a person from working as a screener or getting a job with an airport that would provide access to the airfield.

Another important feature of this bill is the directive to make greater use of explosive detection systems.

Taxpayers have already spent millions on these systems, and we want to make sure that they are fully utilized. FAA and the airlines have been relying on a profiling system to ensure that suspicious bags are examined by an explosive detection system. However, there is no guarantee that this profiling is 100 percent effective.

Increasing the number of bags randomly selected for further examination improves the odds that a 1-in-a-million bag with a bomb will be discovered.

In short, while security in this country is good, it could be better. By upgrading screener training and making other changes that I have described, this bill will make it better, and it will do this at very little cost to the FAA, the airlines, and the airports.

Therefore, I urge passage of this legislation, and I will include a more detailed section-by-section summary of the bill in the RECORD at this point.

SECURITY BILL—S. 2440

SECTION-BY-SECTION SUMMARY

Section 1 is the short title.

Section 2 changes the system and requirements governing criminal history record checks (i.e. fingerprint checks).

Subsection (a) expands the electronic fingerprint pilot program.

Paragraph (1) directs FAA to develop the electronic fingerprint transmission pilot project into an aviation industry-wide program within 2 years. This may require airports to purchase new equipment but will expedite the fingerprint checking process.

Paragraph (2) makes clear that small airports do not have to buy the new equipment or participate in the electronic fingerprint transmission program if it would be too costly. They can continue to do the fingerprint checks under the current slower process.

Subsection (b) describes the implementation of the new fingerprint transmission program.

Paragraph (1) directs the FAA to report to Congress within 1 year on the FAA's progress in making this program available throughout the aviation industry.

Paragraph (2) requires the FAA to notify Congress if the fingerprint transmission program will not be operational within 2 years as required by subsection (a)(1).

Subsection (c) requires that fingerprint checks be done for anyone applying for a job as a security screener, a screener supervisor, or that will allow unescorted access to the air field. This requirement takes effect within 30 days at category X airports and within 3 years at all other airports. During the first 3 years, the person can be temporarily employed without the fingerprint check if the fingerprints have been submitted and an employment or background investigation has been done and found no cause for suspicion. This temporary employment without a fingerprint check can last 45 days within 2 years of enactment and 30 days during the third year of enactment. After that, all new employees must have a fingerprint check before beginning work. Applicants who are subject to the fingerprint check do not have to also undergo an employment or background investigation as was formerly the case. Government employees and others with access to the air field, who are exempted under FAA rules from fingerprint checks, will not be subject to them as a result of this bill.

Subsection (d) lists additional crimes that would disqualify a person from being a security screener.

Section 3 calls for improved training.

Subsection (a) adds a new subsection (e) to section 44935 of title 49 establishing new training standards for screeners.

Paragraph (e)(1) requires FAA to issue a final rule for the certification of screening companies by May 31, 2001. This is the rule that was previously mandated by section 302 of public law 104–264, 110 Stat. 3250.

Paragraph (e)(2) requires this rule to prescribe 40 hours of classroom instruction, or an equivalent program, before a person can be a security screener.

Paragraph (e)(3) requires that a person complete 40 hours of on-the-job training and pass an on-the-job exam before exercising independent judgment as a security screener.

Subsection (b) directs FAA to work with airlines and airports to ensure that computer-based training devices for screeners are conveniently located and easily accessible.

Section 4 adds a new subsection (g) to section 44903 of Title 49 to tighten access controls to the airfield.

Paragraph (g)(1) requires FAA to publish a list of sanctions for disciplining employees who violate airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach. Airports, airlines and screening companies shall include the sanctions in their security programs.

Paragraph (g)(2) requires FAA to work with airlines and airports to improve airport access controls by January 31, 2001.

Section 5 calls for better security at air traffic control facilities. This applies only to

those facilities that are staffed, not to those that merely house equipment.

Subsection (a) requires FAA to improve security at ATC facilities so that they all can get security accreditation by April 30, 2004.

Subsection (b) requires annual reports from the FAA on the progress being made in getting its facilities accredited, including the percentage that have been accredited.

Section 6 requires FAA to increase the number of checked bags that are selected for screening by explosive detection systems (EDS). The purpose of this requirement is to increase utilization of explosive detection systems at those airport terminals where they are installed. However, the requirement is not intended to require an increase in the number of ''selectees'' when an air carrier instead employs a bag match system—even if the carrier serves an airport in which explosive detection equipment is installed.

Section 7 transfers responsibility for a noise study mandated by section 745 of AIR 21 (P.L. 106–181, 114 Stat. 115) from the General Accounting Office to the National Academy of Sciences.

Section 8 makes several technical changes.

Subsection (a) changes the total number of members of the Management Advisory Council to conform to the number that were added by AIR 21.

Subsection (b) changes incorrect cross references in the National Parks Air Tour Management Act of 2000.

Subsection (c) rewrites section 723 of Air 21 dealing with restrictions on scheduled charters to remove double negatives and make it more understandable.

Section 9 states that the bill becomes effective 30 days after enactment.

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

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

Mr. Speaker, I rise in strong support of S. 2440, the Airport Security Improvement Act of 2000. Mr. Speaker, S. 2440 makes several needed changes to the Federal Aviation Administration's airport security program.

In March of this year, the House Subcommittee on Aviation held a hearing on aviation security. During that hearing, both the General Accounting Office and DOT's Inspector General highlighted certain weaknesses in FAA's security program. Significantly, both the GAO and IG uniformly described security screener performance as a ''weak link'' in the aviation system.

Millions of passengers and pieces of baggage pass through our airports each day. Therefore, it is important to maintain passenger screening check points and to ensure that the screeners that operate them are qualified. However, high turnover, low wages, and lack of adequate training hinders security screening performance.

To remedy this situation, S. 2440 directs the FAA to finalize by May 1, 2001, its proposed rule to certify screening companies and enhance screener training. As part of this effort, S. 2440 mandates minimum training standards for screeners: 40 hours of classroom training and 40 hours on the job. Certification of screening companies and mandatory training requirements will help to ensure a proficient and highly qualified screening workforce.

In addition, the IG has found that FAA's background investigative procedures are often ineffective and that vulnerabilities exist in airport access control. To ensure effective background investigations, S. 2440 requires criminal history record checks for those individuals who apply for a position as a screener or as screening supervisor, or who apply for a position that allows for unescorted access to secured areas of an airport. Importantly, S. 2440 adds several crimes to the list of crimes that would disqualify an individual from holding a security-sensitive position.

Mr. Speaker, S. 2440 requires that FAA, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, to expand its electronic fingerprint transmission pilot project into an aviation industry-wide program. This program will allow for a quick turnaround on criminal background checks for individuals applying for screener or other security-sensitive positions.

To ensure that all potential areas of vulnerability are addressed, S. 2440 directs the FAA to work with responsible parties to eliminate access control weaknesses, requiring airport operators and air carriers to adopt training programs so that all employees are aware of the importance of complying with the access control procedures. Mr. Speaker, S. 2440 also requires airport operators and air carriers to develop programs that award compliance with the access controls procedures, penalize noncompliance, and hold individuals accountable for their actions.

Finally, the GAO testified that although many FAA-certified explosive detection machines have been installed, many of these machines are underutilized. To maximize EDS usage, S. 2440 directs the FAA to require certain air carriers to develop a manual process whereby extra bags would be selected to go through EDS screening.

Congress must continue to oversee FAA's progress in resolving these very significant and complex security issues. I urge my colleagues to support S. 2440.

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

Mr. LATOURETTE. Mr. Speaker, the gentleman from Mississippi (Mr. SHOWS) and I have, I think, adequately demonstrated that it is not easy to say ''security screener'' 10 times in a row.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2330, the Airport Security Improvement Act of 2000. S. 2440 makes several needed changes to the Federal Aviation Administration's (FAA) airport security program.

Whenever I consider aviation security, I first reflect on the Pan American World Airways flight 103. On December 21, 1988, the world of aviation security changed forever when a terrorist bomb tore apart a Boeing 737 killing all 259 passengers and crew, and 11 residents of the small town of Lockerbie, Scotland. This terrorist act propelled the families of those victims on a tireless mission to prevent such future tragedies, culminating in the creation of the President's Commission on Aviation Security and Terrorism, on which I served as a commissioner.

The Commission's 1990 report found the nation's civilian aviation security system to be seriously flawed, and made 64 recommendations to correct those flaws. First and foremost among its recommendations was that the FAA aggressively pursue a research and development program to produce new techniques and equipment that will detect small amounts of explosives in an airport operational environment. I introduced legislation implementing the Commission's recommendations. My legislation was enacted in the Aviation Security Improvement Act of 1990. Six years later, spurred by initial concerns that a terrorist act was responsible for the TWA 800 explosion off Long Island, President Clinton organized another commission, the 1996 White House Commission on Aviation Safety and Security. The Gore Commission, as it was known, made 31 recommendations for enhancing aviation security. Again, Congress acted swiftly and, in the 1996 FAA Reauthorization Act, included measures to heighten security.

Since the passage of the 1996 FAA Reauthorization Act, Congress has provided more than $350 million for deployment of security equipment, and more than $250 million in research funds. Recently, the Wendell H. Ford Aviation Investment and Reform Act (AIR 21), which was signed into law by the President on April 5, authorized $5 million annually for the Department of Transportation (DOT) to carry out at least one project to test and evaluate innovation security systems. In addition, AIR 21 authorized such sums as may be necessary to develop and improve security screener training programs and such sums as may be necessary to hire additional inspectors to enhance air cargo security programs.

To date, the FAA has installed 92 FAA-certified explosive detection (''EDS'') machines at 35 airports, 553 explosive trace detection devices at 84 U.S. and foreign airports, and 18 advanced technology bulk explosives detection x-ray machines at eight airports. In addition, the FAA has deployed 38 computer-based training device platforms at 37 airports. The General Accounting Office (GAO) has commented, however, that at many airports EDS machines are underutilized. S. 2440 directs the FAA to require those air carriers whose EDS machines are underutilized to develop a manual process whereby extra bags would be selected to go through EDS screening.

While deploying EDS equipment is a critical component to increase aviation security, with millions of passengers and pieces of baggage passing through our airports each day, it is also of paramount importance to maintain passenger-screening checkpoints and ensure that the screeners that operate them are well qualified. In March of this year, the House Aviation Subcommittee held a hearing on aviation security. During that hearing, both the GAO and DOT's Inspector General uniformly described security screener performance as the ''weak link'' in the aviation system. The FAA and the airlines share the responsibility to ensure optimal performance of security screeners. However, high turnover, low wages, and lack of adequate training hinder security screener performance.

S. 2440 directs the FAA to finalize by May 1, 2001, its proposed rule that would implement the Gore Commission recommendations

to certify screening companies, and enhance screener training. In addition, S. 2440 mandates minimum training standards for screeners: 40 hours of classroom training and 40 hours on the job. Certification of screening companies and mandatory training requirements will go a long way toward ensuring a proficient and highly qualified screening workforce.

In addition, the Inspector General has made some very startling findings regarding the ineffectiveness of FAA's background investigative procedures, and the vulnerabilities in airport access control. An Inspector General study of security procedures at six airports concluded that compliance with existing FAA regulations was lax. Of the 35 percent of employee files reviewed, the IG found no evidence that a complete background investigation had been performed. Despite this failure, airport identification cards were issued to these employees. In addition, 15 percent of the files reviewed showed an unexplained employment gap, but with no requisite criminal background check being performed.

To ensure effective background investigations, S. 2440 requires criminal history record checks for those individuals who apply for a position as a screener or a screener supervisor, or who apply for a position that allows for unescorted access to secured areas of an airport. Importantly, S. 2440 adds several crimes, including illegal possession of a controlled substance, to the list of crimes that would disqualify an individual from holding a security-sensitive position.

Further, S. 2440 requires the FAA, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, to expand its electronic fingerprint transmission pilot project into an aviation industry wide program. This program will allow for a quick turnaround on criminal background checks for individuals applying for screener or other security-sensitive positions.

The FAA must take a holistic view toward its security responsibilities to ensure that all areas of vulnerability are addressed. However, the airlines and airports also share in that responsibility—and should not put cost considerations above passenger safety. S. 2440 directs the FAA to work with all responsible parties to eliminate access control weaknesses, requiring airport operators and air carriers to adopt training programs so that all employees are aware of the importance of complying with the access control procedures. S. 2440 also requires airport operators and air carriers to develop programs that award compliance with access controls procedures, penalize noncompliance, and hold individuals accountable for their actions.

I made a promise when I was on the President's 1990 Commission on Aviation Security and Terrorism that I would not let that Report gather dust on a shelf. Passage of S. 2440, in combination with the AIR 21 provisions, is just another milestone on the infinite continuum of enhancing aviation security.

We must remain vigilant in our oversight of the FAA's progress in resolving these very significant and complex security issues. We owe it to the American traveling public both here and abroad. I urge my colleagues to support this critical piece of legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 2440, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

□

## GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

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

There was no objection.

□

## AUTHORIZING USE OF CAPITOL GROUNDS FOR DEDICATION OF JAPANESE-AMERICAN MEMORIAL TO PATRIOTISM

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and concur in the Senate Concurrent Resolution (S. Con. Res. 139) authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

The Clerk read as follows:

S. CON. RES. 139

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. DEFINITIONS.**

In this Resolution:

(1) EVENT.—The term ''event'' means the dedication of the National Japanese-American Memorial to Patriotism.

(2) SPONSOR.—The term ''sponsor'' means the National Japanese-American Memorial Foundation.

**SEC. 2. AUTHORIZATION OF EVENT TO CELEBRATE THE DEDICATION OF THE NATIONAL JAPANESE-AMERICAN MEMORIAL.**

The National Japanese-American Memorial Foundation may sponsor the dedication of the National Japanese-American Memorial to Patriotism on the Capitol grounds on November 9, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

**SEC. 3. TERMS AND CONDITIONS.**

(a) IN GENERAL.—The event shall be open to the public, free of admission charge, and arranged so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

**SEC. 4. STRUCTURES AND EQUIPMENT.**

(a) STRUCTURES AND EQUIPMENT.—

(1) IN GENERAL.—Subject to the approval of the Architect of the Capitol, beginning on November 8, 2000, the sponsor may erect or place and keep on the Capitol grounds, until not later than 8:00 p.m. on Saturday, November 11, 2000, such stage, sound amplification devices, and other related structures and equipment as are required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements as are appropriate to carry out the event.

**SEC. 5. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol grounds, as well as other restrictions applicable to the Capitol grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, Senate Concurrent Resolution 139 authorizes use of the Capitol grounds for the dedication ceremony of the National Japanese-American Memorial on November 9, 2000, or on such date that the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the National Japanese-American Memorial Foundation, the sponsor of the event, to negotiate the necessary arrangements for carrying out the events in complete compliance with the rules and regulations governing the use of the Capitol grounds. The event will be free of charge and open to the public.

In 1991, former Congressman and now Secretary Mineta introduced House Joint Resolution 271 authorizing the Go For Broke National Veterans Association Foundation to establish a memorial to honor Japanese-American patriotism during World War II. This measure had the support of 132 cosponsors and unanimously passed the House and the Senate. In 1995, the Committee on Transportation and Infrastructure reported legislation transferring land between the Architect of the Capitol, the Department of the Interior, and the District of Columbia for the purpose of setting aside a parcel of land suitable for this memorial.

The memorial, which was authorized by Congress and is privately funded, occupies a triangular Federal park just south of the Capitol at Louisiana and New Jersey Avenues and D Street, Northwest. This memorial will help us all better understand Japanese-Americans' World War II experiences. I would encourage all members to attend this important dedication ceremony. I support this measure, and I urge my colleagues to support it.

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

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

Mr. Speaker, I rise in support of Senate Concurrent Resolution 139, a resolution to authorize the use of the Capitol grounds on November 9 for the dedication of the National Japanese-

American Memorial to Patriotism. The memorial is to be constructed on a prominent site located at the intersection of New Jersey Avenue and Louisiana Avenue, just a few yards from the Capitol. The event will be free of charge, open to the public, and will be arranged and conducted on the conditions prescribed by the Architect of the Capitol and the Capitol Police Board.

I support the resolution and urge my colleagues to also support the resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this resolution, which authorizes the use of the Capitol grounds for the dedication of the National Japanese-American Memorial to Patriotism. As with all events on the Capitol Grounds, this event will be open to the public and free of charge.

The Transportation and Infrastructure Committee, and its predecessor, the Public Works and Transportation Committee, has a long, proud history associated with this Memorial and the event. In 1991, our former Committee colleague, the gentleman from California, Norman Mineta, introduced House Joint Resolution 271. This Joint Resolution, which Congress adopted in October 1992, authorized the Go For Broke National Veterans Association to establish a memorial in the District of Columbia to honor Japanese American patriotism in World War II.

In November 1995, I had the honor of introducing H.R. 2636, co-sponsored by the gentleman from California, Mr. MATSUI, and the gentleman from New York, Mr. KING. The bill authorized the transfer of certain parcels of property to establish and build the memorial. In 1996, the bill was passed as part of the Omnibus Parks and Lands Management Act of 1996 (P.L. 104–333). Finally, today, nine years after then-Congressman Norman Mineta began this process, we authorize use of the Capitol grounds for the dedication ceremony and celebration to open the National Japanese-American Memorial to Patriotism on November 9, 2000.

The Memorial honors the patriotism of Japanese Americans who served the armed forces of the United States during World War II. More than 33,000 Japanese-Americans were drafted or volunteered for U.S. military service during the war. The Japanese-American 100th/442nd Regimental Combat Team is one of the most highly decorated military units in American history. Its members received more than 18,000 individual decorations. Just last week, this body considered and passed a bill to name the new courthouse in Seattle, Washington, after just one of this unit's many heroes, William Kenzo Nakamura.

Mr. Speaker, this beautiful Memorial is more than a fitting tribute to World War II veterans of Japanese ancestry. It also recognizes one of our nation's darker moments—the sacrifices of approximately 120,000 Japanese-Americans who were interned as a matter of ''military necessity'' for up to four years during the War. One of those interned was my friend, Norm Mineta. We came to Congress together 25 years ago and I will never forget his story. He was only 11 years old when he and his family were forced from their California home at gunpoint. Norm was wearing his Cub Scout uniform and carrying his baseball, bat, and glove. Before he boarded the evacuation train, a Military Police officer confiscated his bat because it could be used as a weapon. Norm and his family would spend the next 18 months interned in the Heart Mountain concentration camp, outside Cody, Wyoming.

Many, like our former colleague, now-Secretary of Commerce Mineta, although placed in internment camps during the war, never lost their faith in America. They lost their jobs, their homes, and their livelihoods, but they clung to their belief in the justice of the American system. At a time when so many were faced with terror and adversity, they held in their hearts a steadfast belief in the American system. It is fitting that this Memorial to Japanese-American Patriotism is within a stone's throw of the U.S. Capitol.

I support the resolution and wish to extend my thanks to Secretary Mineta, the gentleman from California, Mr. MATSUI, and the gentleman from Hawaii, Senator INOUYE, for their perseverance in their long struggle to create this Memorial, and their many contributions to our country.

I urge adoption of the resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and concur in the Senate Concurrent Resolution, S. Con. Res. 139.

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

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

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

There was no objection.

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## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

(Mr. PORTER addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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## KEEPING SOCIAL SECURITY SOLVENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I wanted to address what I think is one of the important issues in this election, and I would hope everybody all over the country would ask the candidates that are running for the United States Senate, or for the U.S. House of Representatives, or for the President, do they have a plan that will keep Social Security solvent.

Social Security, which is probably one of our most important, most successful programs in the United States, now pays over 90 percent of the retirement benefits to almost one-third of our retirees. Social Security is important. The longer we put off developing a solution for Social Security, the more drastic that solution.

I first came to Congress in 1993. I introduced my first Social Security bill that year; and then in 1995, 1997 and 1999, I introduced a Social Security solvency bill that was actually scored by the Social Security Administration, scored to keep Social Security solvent for the next 75 years.

□ 1615

It is interesting that in the earlier years there were less changes, and we needed less money from the general fund to accommodate the continuation of Social Security. In other words, putting off that bill, missing our opportunity for the last 8 years has meant that the changes are going to be more dramatic. Somehow we have got to do it without reducing benefits for existing or near-term retirees and somehow we have got to do it with yet again increasing taxes on working Americans.

I am going to go through a few charts very quickly. This is, of course, a picture of President Franklin Delano Roosevelt. When he created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings and private pension plans.

A lot of people have said, well, Social Security somehow is going to solve the problem and so maybe I do not need to save. So where we have ended up in this country is having a lower savings than most any of the other industrialized countries in the world. Somehow

because savings and investment are important, we need to refurbish and encourage savings and investment; and we need to save Social Security to the full extent of its benefits.

How do we do that? That is the question. That is the argument in this election year. The system is stretched to its limits. 78 million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2015. So as the baby boomers retire, these are the higher wage earners now, so since Social Security taxes are based on how much one's income is, they go out of the high paying-in mode, if you will, and start taking the higher benefits, because benefits are also indexed to how much one paid in during one's working life. So the problem is Social Security trust funds go broke in 2013 although the crisis could arrive much sooner.

I want to spend a little time on the crisis arriving much sooner, because it is 2015 up here when tax revenues are going to be short of paying benefits. Then the question is, or I could say the problem, where does the money come from to start supplementing those benefits over and above tax increases? What should make us all very nervous, Mr. Speaker, is that, in the past, in 1978, in 1977 and again in 1983, what we did when we ran into a financial problem of being short money, we reduced benefits and increased taxes.

Let us not put it off. Let us not do it again. It is too much of a burden. It is too disruptive for the economy to yet again increase taxes on the American worker.

Insolvency is certain. It is not some wild-eyed, green-shaded economist predicting insolvency. We know how many people there are, and we know when they are going to retire. We know that people will live longer in retirement. We know how much they will pay in in taxes. We know how much they are going to take out in benefits. It is all a strict formula. Payroll taxes will not cover benefits starting in 2015, and the shortfalls will add up to $120 trillion between 2015 and 2075; $120 trillion.

Who knows what $120 trillion is? Most of us in this Chamber certainly do not. But our annual budget is approaching $1.9 trillion. That is the annual budget, $1.9 trillion. But for the next 75 years, between 15 and 75, it is going to take $120 trillion more than what is coming in in Social Security taxes to accommodate the benefits that we have promised the American people.

One thing that needs to be done is we need to start getting a better return on that investment that employees and employers are paying into Social Security.

The demographics are part of what is causing the insolvency. Our pay as you go retirement system will not meet the challenge of demographic change.

Let me just state, before we get to how many workers are paying in their taxes for each retiree, that when this system started in 1935, when we started Social Security, the average age, the average life-span was 62 years. That meant that most people paid into Social Security taxes all their lives but did not take out Social Security benefits. So that pay as you go worked very well in those years.

But what is happening now, there are fewer workers paying in every year because of the reduction in birth rate, because life-span is increasing. In 1940, for example, there were 38 workers paying in their Social Security taxes that was immediately sent out, it almost goes out the same week that Treasury gets it, 38 people paying in their Social Security tax to accommodate every one retiree. Today there are three workers paying in their Social Security tax to pay the benefits for that one retiree. By 2025, the estimate is that there will be two workers. So there is a tremendous burden on those two workers. If the benefits in today's dollars are, some of the average is $1,200 a month, for that $1,200 a month, that means in today's dollars each one of those workers is going to have to chip in $600 a month to pay for the retirement benefits.

Again, we are not talking about touching the insurance portion of Social Security. The disability insurance is never being considered to be invested in anything else. It is an insurance program. Whether it is Governor Bush's plan or my plan or the plan of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Texas (Mr. STENHOLM), it never touches that portion that is the insurance portion of Social Security.

I was trying to represent how serious the unfunded liability is for Social Security. So this chart sort of represents what I call a bleak future of future deficits. Because of the large tax increases in 1983 when we started having problems coming up with the money, we really jacked up those taxes, those payroll taxes for Social Security in 1983.

So that means that there is more money coming in to Social Security than is needed to pay benefits. But that runs out in the year 2015. I think it is, I am trying to think of the best word, maybe unconscionable is a good word, to start promising more benefits now in Social Security or to stand aside and not do anything to solve Social Security because all of this red most likely is going to have to be paid with tax increases.

We cannot borrow $120 trillion because the economists say to borrow that much from the private sector would totally disrupt the economy. But really there are only three choices. We either increase taxes, reduce benefits, or we borrow from the private sector. So to do nothing I think puts a huge burden on our kids and our grandkids.

Some have said, well, the economy is great, the economic growth will solve the Social Security problem. Social Security benefits, however, are indexed to wage growth. That means the more money one makes now one pays in more Social Security taxes now, but eventually one's benefits are also going to be higher.

So in the long run, economic expansion and higher wages are a short-term benefit, but it leaves a long-term hole. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire.

Growth makes the numbers look better now but leaves that larger hole to fill later. The administration has used these short-term advantages as an excuse to do nothing.

I think it is unfair, I think it is, in a way, untruthful for anybody to suggest that somehow because we do not hit the problem until 2015, another 14 years from now, that we do not have to worry about it now, because, again, to put off this problem not to take advantage of the surpluses while we have them is going to be just a huge burden on future young people and their taxes.

It is now predicted that to pay Social Security, Medicare and Medicaid, it would take 47 percent payroll tax within the next 40 years. So if we do nothing, no changes, no better return on the money coming in, payroll taxes could go up to 47 percent to cover the cost of Medicare and Medicaid and Social Security.

There is no Social Security account with one's name on it. The Supreme Court, on two decisions now, have said, look, the Social Security tax is a tax. Any benefits that people decide to give to seniors or the disabled is a decision of Congress and the President. There is no relation, there is no entitlement to Social Security benefits. So what should make us all a little nervous is, when times really get tough, will Congress and the President decide to reduce benefits, or will they increase taxes, or will they do both?

This is a quote that I brought from President Clinton's Office of Management and Budget: These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense.

This is the trust fund they are talking about. They are the claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.

In the trust fund, for the last 40 years, up until the last 5 years, we have been taking all the Social Security surplus and spending it on other government programs. So a lot of people, as I give talks in my district and throughout the country, they said, well, look, if government would just keep its hands off those trust funds, we would be okay.

Government has got to keep its paws off the trust funds, but it is still not enough that we will get into. We have got to do more. What we did 3, 4 years ago in this Congress is we started saying, look, we are going to slow down

the growth of government. We are going to save and put aside the Social Security trust funds.

I introduced a bill 3 years ago that said we are not going to spend any of the Social Security surplus, and we started implementing that. We called it a lockbox for the Social Security surplus. But what it does is it makes sure that we do not spend any of the Social Security surplus for other government programs. We do not expand government that is going to be demanded for that increased expansion in the future. That is a good start.

This year to draw the line in the sand, our Republican conference said, well, we need public support, again, if we are not going to increase spending so much and let this government bureaucracy continue to grow as fast as it has grown in the past.

So this year what we did is we came up with another sort of gimmick, but it is going to do the job. It says we are going to take 90 percent of all of the surplus, Social Security and so-called on budget surplus, and we are going to use 90 percent of all that total surplus to pay down the debt held by the public, and only 10 percent is going to be available for spending.

Now, there is enough public support on that, that these appropriation bills we are going to pass in the next, hopefully this week, but within the next 2 weeks is going to live within that commitment to use 90 percent of the surplus to pay down the debt held by the public.

I am concerned with the suggestion, in fact this is the Vice President's suggestion on Social Security that we pay down the debt held by the public and then we use that interest savings, what we are paying in interest of what we owe on the $3.4 trillion that is the debt held by the public.

Let me just give my colleagues a quick note on that. The total debt of this country is $5.6 trillion. Of that $5.6 trillion, $3.4 trillion is the so-called Treasury bills. It is what Treasury has its weekly auctions. When one buys a bond or any other Treasury paper, that is the debt held by the public. That accounts for $3.4 trillion out of the $5.6 trillion total.

The rest, there is about a trillion that is owed to the Social Security Trust Fund and then another trillion that is owed to all of the other 120 trust funds in government. So we are still sort of playing creative financing games. We have got to be careful about doing that.

But the Vice President has suggested pay down this debt and then accommodate what he suggests that will save Social Security until 2057. The problem is that it is going to take $46.6 trillion between now and 2057 to accommodate the shortfall, the shortage, where we need another $46.6 trillion over and above what is coming in in Social Security taxes.

□ 1630

And so to pay down this amount cannot accommodate the need for that many dollars over and above taxes. So I think it is, I guess some people have been using the words ''fuzzy math.'' This is fuzzy math.

This is another way of depicting what the problem is if we simply rely on the $260 billion a year that we are now using to service the debt held by the public. $260 billion a year. It may be reasonable to say, well, we can add another IOU to the trust fund to the amount of $260 billion a year, but here the blue shade at the bottom represents the $260 billion a year for the next 57 years. Still, the difference between that $260 billion a year in total leaves a shortfall of $35 trillion that is needed over and above the $260 billion in interest. So it still is not going to accommodate the needs. So to not be totally up front with the American people, I think, is unfair.

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $9 trillion. I mentioned the $120 trillion over the next 75 years. If we put $9 trillion into a savings account now, earning a real 7 percent, then it will be worth the $120 trillion as we need it over the next 75 years. But we need, today, an unfunded liability of coming up with $9 trillion today and putting it into that kind of an interesting bearing account if we are to have enough money.

The Social Security trust fund contains nothing but IOUs in a steel box in Maryland. Again, the challenge is coming up with the money we need to pay these benefits. To keep paying promised Social Security benefits, the payroll tax, if we make no changes in the program, no systemic changes, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. Neither one of these should be acceptable to this body or the President or the other Chamber, and that is why it is important that we move ahead.

I have introduced Social Security legislation, as I mentioned, that does not have any tax increase, that does not reduce the benefits for seniors or near-term seniors, very similar to what Governor Bush has suggested that we do with Social Security to make sure that we get a better return on investment.

I wonder if my colleagues can guess how much the average retiree will get back, in their retirement years, of the money they and their employer put into Social Security; 1.9 percent, on average. Some get back a negative return.

Just a mention of the Social Security lockbox. It is maybe a little gimmicky, but it accomplished our goal this past year in saying, look, we are not going to spend any of the Social Security surplus for anything except Social Security or to pay down the debt held by the public. And the Vice President, by the way, as an officer of the United States Senate, I am sure could help us get that bill through the Senate. We passed it in this Chamber, sent it to the Senate; and now, as I understand it, there has been a threat of a filibuster. So the Vice President could help us get that bill passed and into law so that the lockbox is locked in.

I mentioned the return of Social Security. The real return of Social Security is less than 2 percent for most workers and shows a negative return for some compared to over 7 percent for the marketplace. So over the last 100 years, the equity market has given a real return of 7 percent. But looking at this chart, we see the light blue over here that shows that minorities actually have a negative return. One reason for that is that, for example, a young black male on average is going to have a life-span of 62 years.

So that means that they die before they are eligible for their Social Security benefits. So they pay in all their life and do not get anything in return. If there was a retirement account in their individual name, at least it would go into their estate and the government could not mess around with the benefits in the future. The average is 1.9 percent return for the average retiree; and again, the market average for a real return on investments is 7 percent.

I am going to get a little more into this. This is another way of expressing that Social Security is a bad investment right now. The insurance part for disability is good, and that needs to be totally saved. That cannot be privately invested. It has to stay in the same system as it is. It is working well. But the rest of Social Security, as an investment, is not good.

For example, if a person retired 5 years ago, they would have had to live 16 years after retirement to break even with what that individual and his or her employer paid into Social Security. By 2005, they would have to live to be 23 years. Remember, at one time there were 38 people working for every retiree. If someone retired in 1940, in 2 months they got back everything they and their employer put into it. But for our kids and our grandkids, if they retire after 2015 and 2025, they will have to live 26 years after retirement to break even. It is not a good investment. How can we do better than the 1.9 percent? A CD gives better than 1.9 percent.

This is the picture I have on my wall of my office. When I come out to vote, I look at my grandkids. Bonnie and I have nine grandkids, and I think they really are the generation at risk. It is easy for politicians to make all kinds of promises now and to do more things for more people so that they can get elected to office, but part of the decision has got to be what are our high standards of living, and doing what we think we deserve now, going to do to our kids and our grandkids in terms of the obligation that they are going to have in taxes or paying off our bills.

I am a farmer from Michigan, and it has always been a goal in our farm community to just try to pay down the

mortgage to let our kids have a little better start than we might have had. But in this Congress, in this government, what we are doing is increasing the debt, increasing the mortgage on our kids and our grandkids. Let us not do this.

I will do this for practice now, in case my family is looking. This is my oldest, Nick Smith; this is my youngest, Frances, and Claire and Emily, and George is a tiger, and here is Henry and James, and Selena. I might show that again, because I would hope that every grandparent, I would hope every grandparent, Mr. Speaker, considers the implication of not doing anything and just saying, well, Social Security is important, we have to put it first, but they have to come up with a plan. It should be scored by the Social Security Administration to keep Social Security solvent for the next 75 years.

Just look what we have done on tax increases and think what is going to happen in the future if we continue to depend on tax increases on working Americans. In 1940, the rate was 2 percent, 1 percent for the employee, 1 percent for the employer; a total of 2 percent on the first $3,000 for a total of $60 a year taxes for Social Security. By 1960, that went up to 6 percent, 3 percent for the employee, 3 percent for the employer, first $4,800; total a year $288. In 1980, we jumped the taxes again because benefits were jacked up and people said, well, we need more money. So again we imposed this tax on the American worker of 10.16 percent of everything they made, and so the base was $25,900; the total tax by the employee and the employer went up to $2,631. Today, our taxes are 12.4 percent on the first $76,000, and the $76,000 is indexed for inflation. So that $76,000 base goes up every year.

So I think the question is, if we keep putting this problem off, like we have in the past, are we going to do the same thing we did in 1977 and 1983, reduce benefits and increase taxes? I am concerned that the temptation to do that is going to be great, and that is why it is so important that during these good times, where we have a surplus, not in Social Security but in the general fund, that we use that surplus now. We do not spend it on expanded government, but we use it to make sure that we keep Social Security safe. And that means we have to introduce bills.

In the legislation that I introduced, what I did was I started out allowing 2.5 percent, or the equivalent of 2.5 percent of the taxes to be invested in a private retirement account that can only be used after retirement; that can only be invested in safe investments, index funds or other safe investments determined by the Secretary of the Treasury. So it is only for retirement; it does not go out of Social Security. Like Governor Bush's proposal, it does not go out of Social Security; it supplements Social Security.

There have been suggestions that one way to do it, and we could do this, is that for every $4 an individual makes on their investments, they would lose $3 of Social Security benefits. So it can be a fail-safe system, and what we have to accomplish is a return of better than the 1.9 percent.

This pie chart is part of the problem. We have raised social security taxes so high that 76 percent of American workers pay more in the Social Security tax than they do in the income tax; 78 percent of American workers now, if we add the Medicare to it, 78 percent of the American workers pay more in the FICA payroll reduction tax than they do in the income tax. So when we talk about income tax changes, somehow we have also got to get to the top of the discussion priorities: What do we do about the FICA tax? Are we just going to continue increasing the FICA tax to accommodate the demand for more spending by this Congress?

These are the six principles of Social Security. Senator ROD GRAMS from Minnesota has these criteria. I have these criteria in my bill. Governor Bush has these criteria in his proposal.

Number one, protect current and future beneficiaries; two, allow freedom of choice; three, preserve the safety net; four, make Americans better off, not worse off; five, create a fully funded system; and, six, no tax increases, and no reduction in benefits for seniors or near-term retirees.

Personal retirement accounts. How much of a risk is it? In the first place, they do not come out of Social Security. They are part of the Social Security benefit. They become part of the Social Security retirement benefits and an offset to the fixed program; yet everybody would have the option whether to go into this kind of an investment where they can invest and own their own retirement account or whether they stay in the same system. A worker will own their own retirement account. It is limited to safe investments that will earn more than the 1.9 percent paid by Social Security.

This was a chart I got from Senator GRAMS; no new taxes. I think that has to be paramount. The burden on social security taxes on so many working families today is already way too high.

A little more on personal retirement accounts. If, for example, if an individual is able to invest 2 percent of their earnings, if John Doe makes an average of $36,000 a year, he can expect monthly payments of $6,000 rather than the $1,280 from Social Security, if he has his own PRA to supplement it.

I think it is good that when we passed the Social Security bill in 1935 there were provisions that said counties and States do not have to opt into Social Security. They could develop their own retirement system if they were a county employee or a State employee. Several counties in the United States, Galveston County, Texas, being one of them, opted to go into personal savings accounts.

□ 1645

Employees of Galveston County, Texas, that opted out of Social Security, here is what they are getting: Death benefits $75,000. Social Security would pay a burial benefit of $253. The disability benefits $1,280 for Social Security. The Galveston plan is accommodating $2,749. For retirement benefits Social Security is the same as disability, $1,280. The Galveston plan is paying $4,790 a month for their retirees.

Spouses and survivor benefits under the Galveston County plan: This is a young lady by the name of Wendy Colehill that used her death benefits check of $126,000 to pay for her husband's funeral and to get a college education.

I just put this up here just to try to emphasize that those kind of personal investments can do much better for us. And so, there has got to be a safety net for everybody. I mean, we are not a society that is going to let old people go hungry or go without shelter, but we have got to look for ways that are going to supplement the income coming in for these retirees.

She says, ''Thank God that some wise men privatized Social Security here in Galveston. If I had regular Social Security, I would be broke.''

San Diego is another county that has opted out of Social Security. A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement. Under the current Social Security system, that employee would get $1,077 a month under Social Security. So $3,000 compared to $1,000.

The difference between San Diego's system of PRAs and Social Security is the more than the difference in a check, it is also the difference between ownership and dependence. It is the difference between having that money there, that it is your money, that if you die before retirement age, it goes into your estate. It means that, with the Supreme Court decisions, that there is no guarantee that politicians do not mess around with that money that you have expected in your retirement.

Even those who oppose PRAs, I thought this was an interesting quote. I got this from Senator GRAMS also. This is a letter from Senators BARBARA BOXER, DIANNE FEINSTEIN, and Senator TED KENNEDY to President Clinton saying let San Diego keep their PRA program and not use a technicality to force them back into Social Security. And they said in the letter to President Clinton, ''Millions of our constituents will receive higher retirement benefits from their current public pension than they would under Social Security.''

I am wrapping this up with the last three charts. This again is what other countries are doing by privatizing, well ahead of America. Even these countries that are socialist countries have now gone to privatization.

The British workers chose PRAs with 10 percent returns. And who could blame them. They have got a two-tier

system. But two out of three of the British workers enrolled in the second tier, Social Security system chose to enroll in the personal retirement accounts. The British workers have enjoyed a 10 percent return on their pension investments over the past few years. The pool of PRAs in Britain exceeds nearly $1.4 trillion, larger than their entire economy and larger than the private pensions of all other European countries combined.

The U.S. trails other countries in saving its retirement system. Of course Chile was one of the early countries. In the 18 years since Chile offered the PRAs, 90 percent of the Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. Among others, Australia, Britain, Switzerland offer workers the PRAs.

I represented the United States Public Pension Retirement Program in an international meeting in Europe 3 years ago. I was really, and I am not sure if the word is impressed or astounded, at the number of countries throughout the world that is moving their public pensions to have some real investments with some of that money that is coming in.

We have got countries now that are paying up to a 40 percent payroll tax to cover their senior benefits and a tremendous pressure not only on the workers and how much money they get, but a tremendous pressure on the cost of the goods they produce. So it puts those countries at a real competitive disadvantage when they have to add to the cost of products they sell enough to pay their workers to survive and still take almost half of it for their senior retirement program.

I want to save this one. This is the average rate of return on stocks in the last 100 years. But this is based on a family income of $58,000. The returns on a PRA, the three colors, the light blue is 2 percent of your earnings, the pink is 6 percent of your earnings, and the purple is 10 percent of your earnings. And so, you can see that in 20 years you can take 10 percent of your earnings and have it valued at $274,000. If you were to leave that in for 40 years, it would be worth $1,389,000.

The point is that you can be an average income worker and you can retire as a wealthy retiree because of the magic of compound interest. And that means the long-term investments.

I drew this chart which represents what you would have paid in if you had left the money in for 30 years. Any year in our history, a 30-year period put around the worst depressions that we have had in the last 100 years is still going to end up with a positive return of almost three percent. The average is 2.6 percent. So, on average, leaving that investment in the equity stock markets for 30 years, it is a 2.6 return.

We have got to have provisions where you do not have to bounce out and cash in all at once. And I do this in my legislation. It has got to be done in any legislation we have. We have got to continue the safety net. We have got to continue having options for those individuals that decide they want to stay in the same system. But we have also got to have an opportunity where individuals have that ownership, have that control by having their own accounts without the chance that Government is going to mess around with it later. And we have got to have the criteria in developing any plan that we do not have yet again another tax increase, that we do not have any benefit cuts for seniors or near-term retirees.

If anybody would like to see the details of my Social Security proposal and probably more than you ever wanted to know about Social Security, this is my website: www.house.gov.NickSmith/welcomehtml.

If you go to one of the search engines and you do ''Nick Smith on Social Security,'' it should come up here on my website.

Mr. Speaker, I think we have come a long way in terms of the lockbox, not spending the Social Security surplus. I think this year we are doing it again by saying we are going to take at least 90 percent of the total surplus and put that 90 percent for either Social Security for the time being, use it to pay down the debt held by the public, and only argue about the other 10 percent.

There is a danger of Government growing faster than it should simply because politicians get on the front page of the paper and on the television set when they take home pork barrel projects.

I think if there is anything I would ask the public, Mr. Speaker, to do in this campaign when they are talking to the representatives running for Federal office is to pin them down on Social Security. It is something that we cannot afford to give up.

□

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHOWS) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. LATOURETTE) to revise and extend their remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today and October 24.

Mr. CANADY of Florida, for 5 minutes, October 25.

□

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1854. An act to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976; to the Committee on the Judiciary.

S. 2943. An act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; to the Committee on International Relations.

□

## ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 24, 2000, at 10:30 a.m., for morning hour debates.

□

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10663. A letter from the Associate Administrator, Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting the Department's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations [Docket No. FV00–956–1 IFR] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10664. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Time Limited Tolerances for Pesticide Emergency Exemptions [OPP–181051A; FRL–6749–7] (RIN: 2070–AD15) received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10665. A letter from the Office of the Secretary, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment—received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10666. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, Veterans Benefits Administration, transmitting the Department's final rule—Reservists Education: Monthly Verification of Enrollment and Other Reports (RIN: 2900–AI68) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10667. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Official Foreign Travel—received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10668. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 110–1110; FRL–6889–8] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10669. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 108–

1108; FRL–6890–3] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10670. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 116–1116a; FRL–6890–4] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10671. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Arizona: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6888–7] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10672. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6889–7] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10673. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans (SIP) for the State of Alabama—Call for 1-hour Attainment Demonstration for the Birmingham, Alabama Marginal Ozone Nonattainment Area [AL–200018; FRL–6892–2] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10674. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Vermont: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6892–8] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10675. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Wisconsin [WI99–01–7330a, FRL–6891–3 received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10676. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Addition (RIN: 3150–AG32) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10677. A letter from the Secretary, Department of Agriculture, transmitting a report on the Strategic Plan for FY 2000—2005; to the Committee on Government Reform.

10678. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10F, DC–10–15, DC–10–30, DC–10–30F, and DC–10–40 Series Airplanes, and Model MD–11 and –11F Series Airplanes [Docket No. 99–NM–162–AD; Amendment 39–11750; AD 2000–11–02] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10679. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 and MD–90–30 Series Airplanes, and Model MD–88 Airplanes [Docket No. 99–NM–161–AD; Amendment 39–11749; AD 2000–11–01] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10680. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2000–NM–312–AD; Amendment 39–11914; AD 2000–20–03] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10681. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900C, 1900C (C–12J), and 1900D Airplanes [Docket No. 2000–CE–02–AD; Amendment 39–11905; AD 2000–19–04] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10682. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–1A11 (CL–600) and CL–600–2A12 (CL–601) Series Airplanes [Docket No. 99–NM–26–AD; Amendment 39–11902; AD 2000–19–01] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10683. A letter from the Program Anaylst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes Equipped with Rolls-Royce RB211–524G/H and RB211–524G-T/H-T Engines [Docket No. 99–NM–76–AD; Amendment 39–11540; AD 2000–02–22] (RIN:2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10684. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 2000–NM–305–AD; Amendment 39–11911; AD 2000–19–10] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by Rolls-Royce RB 211 Series Engines [Docket No. 2000–NM–140–AD; Amendment 39–11910; AD 2000–19–09] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10686. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines [Docket No. 2000–NE–11–AD; Amendment 39–11912; AD 2000–20–01] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10687. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109K2 and A109E Helicopters [Docket No. 2000–SW–21–AD; Amendment 39–11917; AD 2000–20–06] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10688. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 99–NM–329–AD; Amendment 39–11855; AD 2000–16–01] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–50 Series Turbofan Engines [Docket No. 2000–NE–38–AD; Amendment 39–11913; AD 2000–20–02] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10690. A letter from the Secretary, Department of Labor, transmitting a draft of proposed legislation entitled the ''Black Lung Disability Trust Fund Debt Restructuring Act''; to the Committee on Ways and Means.

10691. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2000–50] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10692. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting a draft of proposed legislation to reduce and eliminate the issuance of certain securities due to the current and projected budget surplus; jointly to the Committees on Education and the Workforce, the Judiciary, and Ways and Means.

□

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 3312. A bill to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions and disputes in administrative programs; with amendments (Rept. 106–994 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform discharged. H.R. 3312 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

□

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

*[The following action occurred on October 20, 2000]*

H.R. 1552. Referral to the Committee on Resources extended for a period ending not later than October 25, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 25, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 25, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 25, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 25, 2000.

*[Submitted October 23, 2000]*

H.R. 3312. Referral to the Committee on Government Reform extended for a period ending not later than October 23, 2000.

□

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARDIN (for himself, Mr. STARK, Mr. MENENDEZ, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. DOGGETT, and Ms. ROYBAL-ALLARD):

H.R. 5524. A bill to amend the Internal Revenue Code of 1986 to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work; to the Committee on Ways and Means.

By Mr. GRAHAM:

H.R. 5525. A bill to extend the temporary office of bankruptcy judge established for the district of South Carolina; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself and Mr. SMITH of New Jersey):

H. Con. Res. 433. Concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000; to the Committee on International Relations.

□

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 464: Mr. COX.

H.R. 1093: Mr. POMEROY and Mr. MCCOLLUM.

H.R. 1411: Mr. COX.

H.R. 1456: Mr. SOUDER.

H.R. 3275: Mr. GEJDENSON.

H.R. 3514: Mr. SABO, Mr. FRELINGHUYSEN, Mr. REYES, and Mr. CAMP.

H.R. 3576: Mr. BONILLA.

H.R. 3677: Mr. LATOURETTE.

H.R. 3700: Mr. GUTIERREZ.

H.R. 4025: Mrs. CHRISTENSEN.

H.R. 4353: Ms. ESHOO.

H.R. 4467: Mr. BLUNT.

H.R. 4538: Mr. BONIOR and Ms. CARSON.

H.R. 4740: Mr. CARDIN and Mr. UDALL of Colorado.

H.R. 5250: Mr. PAYNE and Mr. FRANK of Massachusetts.

H.R. 5268: Mr. KENNEDY of Rhode Island.

H.R. 5276: Mr. RUSH.

H.R. 5306: Mr. BURTON of Indiana.

H.R. 5345: Mr. UDALL of Colorado and Mr. RUSH.

H.R. 5472: Mr. PORTER and Mr. RUSH.

H.R. 5506: Mr. MATSUI.

H.R. 5511: Mr. FARR of California and Mr. DELAHUNT.

H. Con. Res. 426: Mr. KLINK, Mr. HAYES, Mr. BISHOP, Mr. GONZALEZ, Mr. CUMMINGS, and Mr. TANNER.

H. Res. 517: Ms. CARSON.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

*Vol. 146* WASHINGTON, MONDAY, OCTOBER 23, 2000 *No. 133*

# Senate

*(Legislative day of Friday, September 22, 2000)*

**NOTICE—OCTOBER 23, 2000**

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Records@Reporters''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

**NOTICE**

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

Michael F. DiMario, *Public Printer*

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



Printed on recycled paper.

The Senate met at 4:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Daniel Coughlin, Chaplain, U.S. House of Representatives, Washington, DC.

We are pleased to have you with us.

PRAYER

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

Blessed are You, Lord God of Heaven and Earth. Besides endowing this country with rich and beautiful natural resources, You have blessed us with a strong and creative Government which in every age brings about improvement. Under Your guidance, You have allowed us to develop the resources of our land and its people. You have called forth the power within us to build up its institutions and promote all its best interests. Guide the Members of this noble assembly that they may perform their public and sacred duty so that this present generation may see their accomplished deeds worthy to be remembered. By Your blessing, may this country itself become a vast and splendid monument of wisdom, of peace, and of liberty upon which the world may gaze with admiration, both now and forever. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable TRENT LOTT, a Senator from the State of Mississippi, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President.

## THANKING REVEREND DANIEL COUGHLIN

Mr. LOTT. Mr. President, we wish to thank the very distinguished House Chaplain, Rev. Daniel Coughlin, for being with us today. We appreciate the work he does in the House of Representatives also.

## SCHEDULE

Mr. LOTT. For the information of all Senators, the Senate will be in a short session today for scheduling announcements and to accommodate some morning business requests. The Senate is expected to take action on the conference report to accompany the foreign operations appropriations bill as soon as it becomes available. However, votes are not expected to occur during today's session of the Senate. Votes are more likely to occur on Wednesday, and all Senators will be notified as to the exact time votes can be expected to occur. It is the leadership's intention to complete all business by the end of this week. I hope that that can be achieved, and I thank my colleagues for their attention.

Let me emphasize again, at this time, as I had indicated to Senator REID last week, we will notify the Members as to whether or not there will be votes on Tuesday or what time they will occur. As it now stands, while there will be, I believe, reports filed on Tuesday to accompany appropriations bills and perhaps even a tax bill, we do not anticipate any votes to occur on Tuesday, but we do expect perhaps even several votes to occur on Wednesday.

Mr. President, I yield the floor.

Mr. President, let me reclaim the floor. I do have some additional business here that we can go ahead and do at this time.

## WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2796.

There being no objection, the Chair laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 2796) entitled ''An Act 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'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2000''.*

*(b) TABLE OF CONTENTS.—*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Definition of Secretary.*

*TITLE I—WATER RESOURCES PROJECTS*

*Sec. 101. Project authorization.*
*Sec. 102. Small projects for flood damage reduction.*
*Sec. 103. Small project for bank stabilization.*
*Sec. 104. Small projects for navigation.*
*Sec. 105. Small project for improvement of the quality of the environment.*
*Sec. 106. Small projects for aquatic ecosystem restoration.*
*Sec. 107. Small project for shoreline protection.*
*Sec. 108. Small project for snagging and sediment removal.*
*Sec. 109. Petaluma River, Petaluma, California.*

*TITLE II—GENERAL PROVISIONS*

*Sec. 201. Cost sharing of certain flood damage reduction projects.*
*Sec. 202. Harbor cost sharing.*
*Sec. 203. Nonprofit entities.*
*Sec. 204. Rehabilitation of Federal flood control levees.*
*Sec. 205. Flood mitigation and riverine restoration program.*
*Sec. 206. Tribal partnership program.*
*Sec. 207. Native American reburial and transfer authority.*
*Sec. 208. Ability to pay.*
*Sec. 209. Interagency and international support authority.*
*Sec. 210. Property protection program.*
*Sec. 211. Engineering consulting services.*
*Sec. 212. Beach recreation.*
*Sec. 213. Performance of specialized or technical services.*
*Sec. 214. Design-build contracting.*
*Sec. 215. Independent review pilot program.*
*Sec. 216. Enhanced public participation.*
*Sec. 217. Monitoring.*
*Sec. 218. Reconnaissance studies.*
*Sec. 219. Fish and wildlife mitigation.*
*Sec. 220. Wetlands mitigation.*
*Sec. 221. Credit toward non-Federal share of navigation projects.*
*Sec. 222. Maximum program expenditures for small flood control projects.*
*Sec. 223. Feasibility studies and planning, engineering, and design.*
*Sec. 224. Administrative costs of land conveyances.*
*Sec. 225. Dam safety.*

*TITLE III—PROJECT-RELATED PROVISIONS*

*Sec. 301. Nogales Wash and Tributaries, Nogales, Arizona.*
*Sec. 302. John Paul Hammerschmidt Visitor Center, Fort Smith, Arkansas.*
*Sec. 303. Greers Ferry Lake, Arkansas.*
*Sec. 304. Ten- and Fifteen-Mile Bayous, Arkansas.*
*Sec. 305. Cache Creek basin, California.*
*Sec. 306. Larkspur Ferry Channel, Larkspur, California.*
*Sec. 307. Norco Bluffs, Riverside County, California.*
*Sec. 308. Sacramento deep water ship channel, California.*
*Sec. 309. Sacramento River, Glenn-Colusa, California.*
*Sec. 310. Upper Guadalupe River, California.*
*Sec. 311. Brevard County, Florida.*
*Sec. 312. Fernandina Harbor, Florida.*
*Sec. 313. Tampa Harbor, Florida.*
*Sec. 314. East Saint Louis and vicinity, Illinois.*
*Sec. 315. Kaskaskia River, Kaskaskia, Illinois.*
*Sec. 316. Waukegan Harbor, Illinois.*
*Sec. 317. Cumberland, Kentucky.*
*Sec. 318. Lock and Dam 10, Kentucky River, Kentucky.*
*Sec. 319. Saint Joseph River, South Bend, Indiana.*
*Sec. 320. Mayfield Creek and tributaries, Kentucky.*
*Sec. 321. Amite River and tributaries, East Baton Rouge Parish, Louisiana.*
*Sec. 322. Atchafalaya Basin Floodway System, Louisiana.*
*Sec. 323. Atchafalaya River, Bayous Chene, Boeuf, and Black Louisiana.*
*Sec. 324. Red River Waterway, Louisiana.*
*Sec. 325. Thomaston Harbor, Georges River, Maine.*
*Sec. 326. Breckenridge, Minnesota.*
*Sec. 327. Duluth Harbor, Minnesota.*
*Sec. 328. Little Falls, Minnesota.*
*Sec. 329. Poplar Island, Maryland.*
*Sec. 330. New York Harbor and adjacent channels, Port Jersey, New Jersey.*
*Sec. 331. Passaic River basin flood management, New Jersey.*
*Sec. 332. Times Beach nature preserve, Buffalo, New York.*
*Sec. 333. Garrison Dam, North Dakota.*
*Sec. 334. Duck Creek, Ohio.*
*Sec. 335. Astoria, Columbia River, Oregon.*
*Sec. 336. Nonconnah Creek, Tennessee and Mississippi.*
*Sec. 337. Bowie County levee, Texas.*
*Sec. 338. San Antonio Channel, San Antonio, Texas.*
*Sec. 339. Buchanan and Dickenson Counties, Virginia.*
*Sec. 340. Buchanan, Dickenson, and Russell Counties, Virginia.*
*Sec. 341. Sandbridge Beach, Virginia Beach, Virginia.*

*Sec. 342. Wallops Island, Virginia.*
*Sec. 343. Columbia River, Washington.*
*Sec. 344. Mount St. Helens sediment control, Washington.*
*Sec. 345. Renton, Washington.*
*Sec. 346. Greenbrier Basin, West Virginia.*
*Sec. 347. Lower Mud River, Milton, West Virginia.*
*Sec. 348. Water quality projects.*
*Sec. 349. Project reauthorizations.*
*Sec. 350. Continuation of project authorizations.*
*Sec. 351. Declaration of nonnavigability for Lake Erie, New York.*
*Sec. 352. Project deauthorizations.*
*Sec. 353. Wyoming Valley, Pennsylvania.*
*Sec. 354. Rehoboth Beach and Dewey Beach, Delaware.*

*TITLE IV—STUDIES*

*Sec. 401. Studies of completed projects.*
*Sec. 402. Watershed and river basin assessments.*
*Sec. 403. Lower Mississippi River resource assessment.*
*Sec. 404. Upper Mississippi River basin sediment and nutrient study.*
*Sec. 405. Upper Mississippi River comprehensive plan.*
*Sec. 406. Ohio River System.*
*Sec. 407. Eastern Arkansas.*
*Sec. 408. Russell, Arkansas.*
*Sec. 409. Estudillo Canal, San Leandro, California.*
*Sec. 410. Laguna Creek, Fremont, California.*
*Sec. 411. Lake Merritt, Oakland, California.*
*Sec. 412. Lancaster, California.*
*Sec. 413. Napa County, California.*
*Sec. 414. Oceanside, California.*
*Sec. 415. Suisun Marsh, California.*
*Sec. 416. Lake Allatoona Watershed, Georgia.*
*Sec. 417. Chicago River, Chicago, Illinois.*
*Sec. 418. Chicago sanitary and ship canal system, Chicago, Illinois.*
*Sec. 419. Long Lake, Indiana.*
*Sec. 420. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.*
*Sec. 421. Coastal areas of Louisiana.*
*Sec. 422. Iberia Port, Louisiana.*
*Sec. 423. Lake Pontchartrain seawall, Louisiana.*
*Sec. 424. Lower Atchafalaya basin, Louisiana.*
*Sec. 425. St. John the Baptist Parish, Louisiana.*
*Sec. 426. Las Vegas Valley, Nevada.*
*Sec. 427. Southwest Valley, Albuquerque, New Mexico.*
*Sec. 428. Buffalo Harbor, Buffalo, New York.*
*Sec. 429. Hudson River, Manhattan, New York.*
*Sec. 430. Jamesville Reservoir, Onondaga County, New York.*
*Sec. 431. Steubenviille, Ohio.*
*Sec. 432. Grand Lake, Oklahoma.*
*Sec. 433. Columbia Slough, Oregon.*
*Sec. 434. Reedy River, Greenville, South Carolina.*
*Sec. 435. Germantown, Tennessee.*
*Sec. 436. Park City, Utah.*
*Sec. 437. Milwaukee, Wisconsin.*
*Sec. 438. Upper Des Plaines River and tributaries, Illinois and Wisconsin.*
*Sec. 439. Delaware River watershed.*

*TITLE V—MISCELLANEOUS PROVISIONS*

*Sec. 501. Bridgeport, Alabama.*
*Sec. 502. Duck River, Cullman, Alabama.*
*Sec. 503. Seward, Alaska.*
*Sec. 504. Augusta and Devalls Bluff, Arkansas.*
*Sec. 505. Beaver Lake, Arkansas.*
*Sec. 506. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.*
*Sec. 507. Calfed Bay Delta program assistance, California.*
*Sec. 508. Clear Lake basin, California.*
*Sec. 509. Contra Costa Canal, Oakley and Knightsen, California.*
*Sec. 510. Huntington Beach, California.*
*Sec. 511. Mallard Slough, Pittsburg, California.*
*Sec. 512. Penn Mine, Calaveras County, California.*
*Sec. 513. Port of San Francisco, California.*
*Sec. 514. San Gabriel basin, California.*
*Sec. 515. Stockton, California.*
*Sec. 516. Port Everglades, Florida.*
*Sec. 517. Florida Keys water quality improvements.*
*Sec. 518. Ballard's Island, La Salle County, Illinois.*
*Sec. 519. Lake Michigan Diversion, Illinois.*
*Sec. 520. Koontz Lake, Indiana.*
*Sec. 521. Campbellsville Lake, Kentucky.*
*Sec. 522. West View Shores, Cecil County, Maryland.*
*Sec. 523. Conservation of fish and wildlife, Chesapeake Bay, Maryland and Virginia.*
*Sec. 524. Muddy River, Brookline and Boston, Massachusetts.*
*Sec. 525. Soo Locks, Sault Ste. Marie, Michigan.*
*Sec. 526. Duluth, Minnesota, alternative technology project.*
*Sec. 527. Minneapolis, Minnesota.*
*Sec. 528. St. Louis County, Minnesota.*
*Sec. 529. Wild Rice River, Minnesota.*
*Sec. 530. Coastal Mississippi wetlands restoration projects.*
*Sec. 531. Missouri River Valley improvements.*
*Sec. 532. New Madrid County, Missouri.*
*Sec. 533. Pemiscot County, Missouri.*
*Sec. 534. Las Vegas, Nevada.*
*Sec. 535. Newark, New Jersey.*
*Sec. 536. Urbanized peak flood management research, New Jersey.*
*Sec. 537. Black Rock Canal, Buffalo, New York.*
*Sec. 538. Hamburg, New York.*
*Sec. 539. Nepperhan River, Yonkers, New York.*
*Sec. 540. Rochester, New York.*
*Sec. 541. Upper Mohawk River basin, New York.*
*Sec. 542. Eastern North Carolina flood protection.*
*Sec. 543. Cuyahoga River, Ohio.*
*Sec. 544. Crowder Point, Crowder, Oklahoma.*
*Sec. 545. Oklahoma-tribal commission.*
*Sec. 546. Columbia River, Oregon and Washington.*
*Sec. 547. John Day Pool, Oregon and Washington.*
*Sec. 548. Lower Columbia River and Tillamook Bay estuary program, Oregon and Washington.*
*Sec. 549. Skinner Butte Park, Eugene, Oregon.*
*Sec. 550. Willamette River basin, Oregon.*
*Sec. 551. Lackawanna River, Pennsylvania.*
*Sec. 552. Philadelphia, Pennsylvania.*
*Sec. 553. Access improvements, Raystown Lake, Pennsylvania.*
*Sec. 554. Upper Susquehanna River basin, Pennsylvania and New York.*
*Sec. 555. Chickamauga Lock, Chattanooga, Tennessee.*
*Sec. 556. Joe Pool Lake, Texas.*
*Sec. 557. Benson Beach, Fort Canby State Park, Washington.*
*Sec. 558. Puget Sound and adjacent waters restoration, Washington.*
*Sec. 559. Shoalwater Bay Indian Tribe, Willapa Bay, Washington.*
*Sec. 560. Wynoochee Lake, Wynoochee River, Washington.*
*Sec. 561. Snohomish River, Washington.*
*Sec. 562. Bluestone, West Virginia.*
*Sec. 563. Lesage/Greenbottom Swamp, West Virginia.*
*Sec. 564. Tug Fork River, West Virginia.*
*Sec. 565. Virginia Point Riverfront Park, West Virginia.*
*Sec. 566. Southern West Virginia.*
*Sec. 567. Fox River system, Wisconsin.*
*Sec. 568. Surfside/Sunset and Newport Beach, California.*
*Sec. 569. Illinois River basin restoration.*
*Sec. 570. Great Lakes.*
*Sec. 571. Great Lakes remedial action plans and sediment remediation.*
*Sec. 572. Great Lakes dredging levels adjustment.*
*Sec. 573. Dredged material recyling.*
*Sec. 574. Watershed management, restoration, and development.*
*Sec. 575. Maintenance of navigation channels.*
*Sec. 576. Support of Army civil works program.*
*Sec. 577. National recreation reservation service.*
*Sec. 578. Hydrographic survey.*
*Sec. 579. Lakes program.*
*Sec. 580. Perchlorate.*
*Sec. 581. Abandoned and inactive noncoal mine restoration.*
*Sec. 582. Release of use restriction.*
*Sec. 583. Comprehensive environmental resources protection.*
*Sec. 584. Modification of authorizations for environmental projects.*
*Sec. 585. Land transfers.*
*Sec. 586. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.*
*Sec. 587. Waurika Lake, Oklahoma.*
*Sec. 588. Columbia River Treaty fishing access.*
*Sec. 589. Devils Lake, North Dakota.*

*TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION*

*Sec. 601. Comprehensive Everglades restoration plan.*
*Sec. 602. Sense of Congress concerning Homestead Air Force Base.*

*TITLE VIII—MISSOURI RIVER RESTORATION*

*Sec. 701. Definitions.*
*Sec. 702. Missouri River Trust.*
*Sec. 703. Missouri River Task Force.*
*Sec. 704. Administration.*
*Sec. 705. Authorization of appropriations.*

***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 AUTHORIZATION.***

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

*(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000.*

*(2) PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.—*

*(A) IN GENERAL.—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.*

*(B) CREDIT.—The Secretary may provide the non-Federal interests credit toward cash contributions required—*

*(i) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and*

*(ii) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.*

*(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary*

*substantially in accordance with the plans, and subject the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:*

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

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

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

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

*(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.*

*(6) MURRIETTA CREEK, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Murrietta Creek, California, described as alternative 6, based on the District Engineer's Murrietta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000. The locally preferred plan described as alternative 6 shall be treated as a final favorable report of the Chief Engineer's for purposes of this subsection.*

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

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

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

*(10) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000.*

*(11) PORT SUTTON, FLORIDA.—The project for navigation, Port Sutton, Florida, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.*

*(12) BARBERS POINT HARBOR, HAWAII.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of $30,003,000, with an estimated Federal cost of $18,524,000 and an estimated non-Federal cost of $11,479,000.*

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

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

*(15) OHIO RIVER MAINSTEM, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.*

*(16) MONARCH-CHESTERFIELD, MISSOURI.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.*

*(17) ANTELOPE CREEK, LINCOLN, NEBRASKA.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of $49,788,000, with an estimated Federal cost of $24,894,000 and an estimated non-Federal cost of $24,894,000.*

*(18) SAND CREEK WATERSHED, WAHOO, NEBRASKA.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of $29,212,000, with an estimated Federal cost of $17,586,000 and an estimated non-Federal cost of $11,626,000.*

*(19) WESTERN SARPY AND CLEAR CREEK, NEBRASKA.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of $20,600,000, with an estimated Federal cost of $13,390,000 and an estimated non-Federal cost of $7,210,000.*

*(20) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000.*

*(21) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000.*

*(22) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of $69,518,000, with an estimated Federal cost of $49,846,000 and an estimated non-Federal cost of $19,672,000.*

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

*(24) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of $115,879,000, with an estimated Federal cost of $75,322,000 and an estimated non-Federal cost of $40,557,000.*

*(25) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of $24,223,000, with an estimated Federal cost of $16,097,000 and an estimated non-Federal cost of $8,126,000.*

*(26) JACKSON HOLE, WYOMING.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.*

***SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.***

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

*(1) BUFFALO ISLAND, ARKANSAS.—Project for flood damage reduction, Buffalo Island, Arkansas.*

*(2) ANAVERDE CREEK, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.*

*(3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.*

*(4) SANTA CLARA RIVER, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.*

*(5) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.*

*(6) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.*

*(7) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.*

*(8) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.*

*(9) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.*

*(10) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.*

*(11) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.*

*(12) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.*

*(13) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.*

*(14) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—The project for flood damage reduction, Pennsville Township, Salem County, New Jersey.*

*(15) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.*

*(16) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.*

*(17) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.*

*(18) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West LaFayette, Ohio.*

*(19) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.*

*(20) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.*

*(21) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.*

*(22) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.*

*(b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.*

***SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.***

*The Secretary shall conduct a study for each of the following projects and, if the Secretary*

*determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):*

*(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for bank stabilization, Maumee River, Fort Wayne, Indiana.*

*(2) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for bank stabilization, Bayou Sorrell, Iberville Parish, Louisiana.*

***SEC. 104. SMALL PROJECTS FOR NAVIGATION.***

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

*(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.*

*(2) CAPE CORAL, FLORIDA.—Project for navigation, Cape Coral, Florida.*

*(3) EAST TWO LAKES, TOWER, MINNESOTA.—Project for navigation, East Two Lakes, Tower, Minnesota.*

*(4) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.*

*(5) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.*

*(6) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.*

***SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.***

*The Secretary shall conduct a study for a project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa, and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)).*

***SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.***

*The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):*

*(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.*

*(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.*

*(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.*

*(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.*

*(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.*

*(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.*

*(7) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.*

*(8) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.*

*(9) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.*

*(10) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.*

*(11) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, New York.*

*(12) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.*

*(13) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.*

*(14) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.*

*(15) MIDDLE CUYAHOGA RIVER.—Project for aquatic ecosystem restoration, Middle Cuyahoga River, Kent, Ohio.*

*(16) CENTRAL AMAZON CREEK, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Eugene, Oregon.*

*(17) EUGENE MILLRACE, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Eugene, Oregon.*

*(18) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.*

*(19) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.*

***SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.***

*The Secretary shall conduct a study for a project for shoreline protection, Hudson River, Dutchess County, New York, and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056).*

***SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT REMOVAL.***

*The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, Sangamon River and tributaries, Riverton, Illinois. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (50 Stat. 177).*

***SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.***

*(a) IN GENERAL.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of $32,227,000.*

*(b) COST SHARING.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.*

*(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal sponsor for any project costs that the non-Federal sponsor has incurred in excess of the non-Federal share of project costs, regardless of the date such costs were incurred.*

## *TITLE II—GENERAL PROVISIONS*

***SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE REDUCTION PROJECTS.***

*Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:*

*''(n) LEVEL OF FLOOD PROTECTION.—If the Secretary determines that it is technically sound, environmentally acceptable, and economically justified, to construct a flood control project for an area using an alternative that will afford a level of flood protection sufficient for the area not to qualify as an area having special flood hazards for the purposes of the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Secretary, at the request of the non-Federal interest, shall recommend the project using the alternative. The non-Federal share of the cost of the project assigned to providing the minimum amount of flood protection required for the area not to qualify as an area having special flood hazards shall be determined under subsections (a) and (b).''.*

***SEC. 202. HARBOR COST SHARING.***

*(a) IN GENERAL.—Sections 101 and 214 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2241; 100 Stat. 4082–4084 and 4108–4109) are each amended by striking ''45 feet'' each place it appears and inserting ''53 feet''.*

*(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.*

***SEC. 203. NONPROFIT ENTITIES.***

*(a) ENVIRONMENTAL DREDGING.—Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:*

*''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.''.*

*(b) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:*

*''(e) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.''.*

*(c) LAKES PROGRAM.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:*

*''(d) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.''.*

***SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.***

*Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking ''1992,'' and all that follows through ''1996'' and inserting ''2001 through 2005''.*

***SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.***

*Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—*

*(1) by striking ''and'' at the end of paragraph (22);*

*(2) by striking the period at end of paragraph (23) and inserting a semicolon;*

*(3) by adding at the end the following:*

*''(24) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;*

*''(25) Lower Hudson River and tributaries, New York;*

*''(26) Susquehanna River watershed, Bradford County, Pennsylvania; and*

*''(27) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.''.*

***SEC. 206. TRIBAL PARTNERSHIP PROGRAM.***

*(a) IN GENERAL.—The Secretary is authorized, in cooperation with Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country (as defined in section 1151 of title 18, United States Code), or in proximity to an Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).*

*(b) CONSULTATION AND COORDINATION.—The Secretary shall consult with the Secretary of the Interior on studies conducted under this section.*

*(c) CREDITS.—For any study conducted under this section, the Secretary may provide credit to the Indian tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the study. In no event shall such credit exceed the Indian tribe's required share of the cost of the study.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006. Not more than $1,000,000 appropriated to carry out this section for a fiscal year may be used to substantially benefit any one Indian tribe.*

*(e) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.*

***SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AUTHORITY.***

*(a) IN GENERAL.—The Secretary, in consultation with appropriate Indian tribes, may identify and set aside land at civil works projects managed by the Secretary for use as a cemetery for the remains of Native Americans that have been discovered on project lands and that have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation with and with the consent of the lineal descendant or Indian tribe, may recover and rebury the remains at such cemetery at Federal expense.*

*(b) TRANSFER AUTHORITY.—Notwithstanding any other provision of law, the Secretary may transfer to an Indian tribe land identified and set aside by the Secretary under subsection (a) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary determines necessary to carry out the purpose of the project.*

*(c) DEFINITIONS.—In this section, the terms ''Indian tribe'' and ''Native American'' have the meaning such terms have under section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).*

***SEC. 208. ABILITY TO PAY.***

*Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—*

*(1) by striking paragraphs (1) and (2) and inserting the following:*

*''(1) IN GENERAL.—Any cost-sharing agreement under this section for construction of an environmental protection and restoration, flood control, or agricultural water supply project shall be subject to the ability of a non-Federal interest to pay.*

*''(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, within 180 days after such date of enactment to reflect the requirements of such paragraph (3).''; and*

*(2) in paragraph (3)—*

*(A) by inserting ''and'' after the semicolon at the end of subparagraph (A)(ii);*

*(B) by striking subparagraph (B); and*

*(C) by redesignating subparagraph (C) as subparagraph (B).*

***SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.***

*The first sentence of section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended to read as follows: ''There is authorized to be appropriated to carry out this section $250,000 per fiscal year for fiscal years beginning after September 30, 2000.''.*

***SEC. 210. PROPERTY PROTECTION PROGRAM.***

*(a) IN GENERAL.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program, the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.*

*(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the program.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 per fiscal year for fiscal years beginning after September 30, 2000.*

***SEC. 211. ENGINEERING CONSULTING SERVICES.***

*In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.*

***SEC. 212. BEACH RECREATION.***

*(a) IN GENERAL.—In studying the feasibility of and making recommendations concerning potential beach restoration projects, the Secretary may not implement any policy that has the effect of disadvantaging any such project solely because 50 percent or more of its benefits are recreational in nature.*

*(b) PROCEDURES FOR CONSIDERATION AND REPORTING OF BENEFITS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are adequately considered and displayed in reports for such projects.*

***SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.***

*(a) IN GENERAL.—Before entering into an agreement to perform specialized or technical services for a State (including the District of Columbia), a territory, or a local government of a State or territory under section 6505 of title 31, United States Code, the Secretary shall certify that—*

*(1) the services requested are not reasonably and expeditiously available through ordinary business channels; and*

*(2) the Corps of Engineers is especially equipped to perform such services.*

*(b) SUPPORTING MATERIALS.—The Secretary shall develop materials supporting such certification under subsection (a).*

*(c) ANNUAL REPORT TO CONGRESS.—*

*(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the requests described in subsection (a) that the Secretary received during such calendar year.*

*(2) CONTENTS.—With respect to each request, the report transmitted under paragraph (1) shall include a copy of the certification and supporting materials developed under this section and information on each of the following:*

*(A) The scope of services requested.*

*(B) The status of the request.*

*(C) The estimated and final cost of the requested services.*

*(D) Each district and division office of the Corps of Engineers that has supplied or will supply the requested services.*

*(E) The number of personnel of the Corps of Engineers that have performed or will perform any of the requested services.*

*(F) The status of any reimbursement.*

***SEC. 214. DESIGN-BUILD CONTRACTING.***

*(a) PILOT PROGRAM.—The Secretary may conduct a pilot program consisting of not more than 5 projects to test the design-build method of project delivery on various civil engineering projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.*

*(b) DESIGN-BUILD DEFINED.—In this section, the term ''design-build'' means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.*

*(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall report on the results of the pilot program.*

***SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.***

*Title IX of the Water Resources Development Act of 1986 (100 Stat. 4183 et seq.) is amended by adding at the end the following:*

***''SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.***

*''(a) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—The Secretary shall undertake a pilot program in fiscal years 2001 through 2003 to determine the practicality and efficacy of having feasibility reports of the Corps of Engineers for eligible projects reviewed by an independent panel of experts. The pilot program shall be limited to the establishment of panels for not to exceed 5 eligible projects.*

*''(b) ESTABLISHMENT OF PANELS.—*

*''(1) IN GENERAL.—The Secretary shall establish a panel of experts for an eligible project under this section upon identification of a preferred alternative in the development of the feasibility report.*

*''(2) MEMBERSHIP.—A panel established under this section shall be composed of not less than 5 and not more than 9 independent experts who represent a balance of areas of expertise, including biologists, engineers, and economists.*

*''(3) LIMITATION ON APPOINTMENTS.—The Secretary shall not appoint an individual to serve on a panel of experts for a project under this section if the individual has a financial interest in the project or has with any organization a professional relationship that the Secretary determines may constitute a conflict of interest or the appearance of impropriety.*

*''(4) CONSULTATION.—The Secretary shall consult the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.*

*''(5) COMPENSATION.—An individual serving on a panel of experts under this section may not be compensated but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.*

*''(c) DUTIES OF PANELS.—A panel of experts established for a project under this section shall—*

*''(1) review feasibility reports prepared for the project after the identification of a preferred alternative;*

*''(2) receive written and oral comments of a technical nature concerning the project from the public; and*

*''(3) transmit to the Secretary an evaluation containing the panel's economic, engineering, and environmental analyses of the project, including the panel's conclusions on the feasibility report, with particular emphasis on areas of public controversy.*

*''(d) DURATION OF PROJECT REVIEWS.—A panel of experts shall complete its review of a feasibility report for an eligible project and transmit a report containing its evaluation of the project to the Secretary not later than 180*

*days after the date of establishment of the panel.*

*''(e) RECOMMENDATIONS OF PANEL.—After receiving a timely report on a project from a panel of experts under this section, the Secretary shall—*

*''(1) consider any recommendations contained in the evaluation;*

*''(2) make the evaluation available for public review; and*

*''(3) include a copy of the evaluation in any report transmitted to Congress concerning the project.*

*''(f) COSTS.—The cost of conducting a review of a project under this section shall not exceed $250,000 and shall be a Federal expense.*

*''(g) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the results of the pilot program together with the recommendations of the Secretary regarding continuation, expansion, and modification of the pilot program, including an assessment of the impact that a peer review program would have on the overall cost and length of project analyses and reviews associated with feasibility reports and an assessment of the benefits of peer review.*

*''(h) ELIGIBLE PROJECT DEFINED.—In this section, the term 'eligible project' means—*

*''(1) a water resources project that has an estimated total cost of more than $25,000,000, including mitigation costs; and*

*''(2) a water resources project—*

*''(A) that has an estimated total cost of $25,000,000 or less, including mitigation costs; and*

*''(B)(i) that the Secretary determines is subject to a substantial degree of public controversy; or*

*''(ii) to which an affected State objects.''.*

***SEC. 216. ENHANCED PUBLIC PARTICIPATION.***

*(a) IN GENERAL.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:*

*''(e) ENHANCED PUBLIC PARTICIPATION.—*

*''(1) IN GENERAL.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.*

*''(2) MEMBERSHIP.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.*

*''(3) LIMITATION.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).''.*

***SEC. 217. MONITORING.***

*(a) IN GENERAL.—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary.*

*(b) DURATION.—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.*

*(c) REPORTS.—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section.*

*(d) ELIGIBLE WATER RESOURCES PROJECT DEFINED.—In this section, the term ''eligible project'' means a water resources project, or separable element thereof—*

*(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;*

*(2) that has a total cost of more than $25,000,000; and*

*(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or*

*(B) that has significant environmental benefits or significant environmental mitigation components.*

*(e) COSTS.—The cost of conducting monitoring under this section shall be a Federal expense.*

***SEC. 218. RECONNAISSANCE STUDIES.***

*Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is amended—*

*(1) in the second sentence by inserting after ''environmental impacts'' the following: ''(including whether a proposed project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated)''; and*

*(2) by inserting after the second sentence the following: ''The Secretary shall not recommend that a feasibility study be conducted for a project based on a reconnaissance study if the Secretary determines that the project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated.''.*

***SEC. 219. FISH AND WILDLIFE MITIGATION.***

*(a) DESIGN OF MITIGATION PROJECTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—*

*(1) by striking ''(1)'' and inserting ''(A)''; and*

*(2) by striking ''(2)'' and inserting ''(B)'';*

*(3) by striking ''(d) After the date'' and inserting the following:*

*''(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—*

*''(1) IN GENERAL.—After the date'';*

*(4) by adding at the end the following:*

*''(2) DESIGN OF MITIGATION PROJECTS.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.*

*''(3) RECOMMENDATION OF PROJECTS.—The Secretary shall not recommend a water resources project unless the Secretary determines that the adverse impacts of the project on aquatic resources and fish and wildlife can be cost-effectively and successfully mitigated.''; and*

*(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).*

*(b) CONCURRENT MITIGATION.—*

*(1) INVESTIGATION.—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In conducting the investigation, the Comptroller General shall determine whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances.*

*(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.*

***SEC. 220. WETLANDS MITIGATION.***

*In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).*

***SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVIGATION PROJECTS.***

*The second sentence of section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended—*

*(1) by striking ''paragraph (3) and'' and inserting ''paragraph (3),''; and*

*(2) by striking ''paragraph (4)'' and inserting ''paragraph (4), and the costs borne by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing community access to the project (including such disposal areas), and meeting applicable beautification requirements''.*

***SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.***

*Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''$40,000,000'' and inserting ''$50,000,000''.*

***SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.***

*Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking ''Not more than ½ of the'' and inserting ''The''.*

***SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.***

*(a) IN GENERAL.—Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property to a non-Federal governmental or nonprofit entity shall be limited to not more than 5 percent of the value of the property to be conveyed to such entity if the Secretary determines, based on the entity's ability to pay, that such limitation is necessary to complete the conveyance. The Federal cost associated with such limitation shall not exceed $70,000 for any one conveyance.*

*(b) SPECIFIC CONVEYANCE.—In carrying out subsection (a), the Secretary shall give priority consideration to the conveyance of 10 acres of Wister Lake project land to the Summerfield Cemetery Association, Wister, Oklahoma, authorized by section 563(f) of the Water Resources Development Act of 1999 (113 Stat. 359–360).*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000 for fiscal years 2001 through 2003.*

***SEC. 225. DAM SAFETY.***

*(a) INVENTORY AND ASSESSMENT OF OTHER DAMS.—*

*(1) INVENTORY.—The Secretary shall establish an inventory of dams constructed by and using funds made available through the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps.*

*(2) ASSESSMENT OF REHABILITATION NEEDS.—In establishing the inventory required under paragraph (1), the Secretary shall also assess the condition of the dams on such inventory and the need for rehabilitation or modification of the dams.*

*(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.*

*(c) INTERIM ACTIONS.—*

*(1) IN GENERAL.—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary is authorized to carry out measures to prevent or mitigate against such risk.*

*(2) EXCLUSION.—The assistance authorized under paragraph (1) shall not be available to dams under the jurisdiction of the Department of the Interior.*

*(3) FEDERAL SHARE.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent of such cost.*

*(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $25,000,000 for fiscal years beginning after September 30, 1999, of which not more than $5,000,000 may be expended on any one dam.*

## *TITLE III—PROJECT-RELATED PROVISIONS*

***SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.***

*The project for flood control, Nogales Wash and Tributaries, Nogales, Arizona, authorized*

*by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.*

***SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER, FORT SMITH, ARKANSAS.***

*Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended—*

*(1) in the subsection heading by striking ''LAKE'' and inserting ''VISITOR CENTER''; and*

*(2) in paragraph (1) by striking ''at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas'' and inserting ''on property provided by the city of Fort Smith, Arkansas, in such city''.*

***SEC. 303. GREERS FERRY LAKE, ARKANSAS.***

*The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary to construct water intake facilities for the benefit of Lonoke and White Counties, Arkansas.*

***SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.***

*The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the project.*

***SEC. 305. CACHE CREEK BASIN, CALIFORNIA.***

*The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to evaluate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system and to mitigate such impacts at Federal expense and a total cost of $2,800,000.*

***SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.***

*The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is technically sound, environmentally acceptable, and economically justified. If the Secretary determines that maintenance of the project is technically sound, environmentally acceptable, and economically justified, the Secretary shall carry out the maintenance.*

***SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.***

*Section 101(b)(4) of the Water Resources Development Act of 1996 (110 Stat. 3667) is amended by striking ''$8,600,000'' and all that follows through ''$2,150,000'' and inserting ''$15,000,000, with an estimated Federal cost of $11,250,000 and an estimated non-Federal cost of $3,750,000''.*

***SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.***

*The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to provide credit to the non-Federal interest toward the non-Federal share of the cost of the project for the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses.*

***SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.***

*The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to provide the non-Federal interest a credit of up to $4,000,000 toward the non-Federal share of the cost of the project for direct and indirect costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project. If any of such costs were incurred by the non-Federal interests before execution of the project cooperation agreement, the Secretary may reimburse the non-Federal interest for such pre-agreement costs instead of providing a credit for such pre-agreement costs to the extent that the amount of the credit exceeds the remaining non-Federal share of the cost of the project.*

***SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.***

*The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to provide that the non-Federal share of the cost of the project shall be 50 percent, with an estimated Federal cost and non-Federal cost of $70,164,000 each.*

***SEC. 311. BREVARD COUNTY, FLORIDA.***

*(a) INCLUSION OF REACH.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to provide that, notwithstanding section 902 of the Water Resources Development Act of 1986, the Secretary may incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, if the Secretary determines, in coordination with appropriate local, State, and Federal agencies, that the project as modified is technically sound, environmentally acceptable, and economically justified.*

*(b) CLARIFICATION.—Section 310(a) of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by inserting ''shoreline associated with the'' after ''damage to the''.*

***SEC. 312. FERNANDINA HARBOR, FLORIDA.***

*The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat. 186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.*

***SEC. 313. TAMPA HARBOR, FLORIDA.***

*The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of $61,592,000, with an estimated Federal cost of $39,621,000 and an estimated non-Federal cost of $21,971,000.*

***SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.***

*The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.*

***SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.***

*The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.*

***SEC. 316. WAUKEGAN HARBOR, ILLINOIS.***

*The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.*

***SEC. 317. CUMBERLAND, KENTUCKY.***

*Using continuing contracts, the Secretary shall initiate construction of the flood control project, Cumberland, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), in accordance with option 4 contained in the draft detailed project report of the Nashville District, dated September 1998, to provide flood protection from the 100-year frequency flood event and to share all costs in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).*

***SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.***

*(a) IN GENERAL.—The Secretary may take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of $24,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $12,000,000.*

*(b) DEFINITIONS.—For purposes of this section, the term ''stabilize and renovate'' includes the following activities: stabilization of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.*

***SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.***

*Section 321(a) of the Water Resources Development Act of 1999 (113 Stat. 303) is amended—*

*(1) in the subsection heading by striking ''TOTAL'' and inserting ''FEDERAL''; and*

*(2) by striking ''total'' and inserting ''Federal''.*

***SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.***

*The project for flood control, Mayfield Creek and tributaries, Kentucky, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.*

***SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON ROUGE PARISH, LOUISIANA.***

*The project for flood damage reduction and recreation, Amite River and Tributaries, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), is modified to*

*provide that cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as in effect on October 11, 1996.*

***SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.***

*The Atchafalaya Basin Floodway System project, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to construct the visitor center and other recreational features identified in the 1982 project feasibility report of the Corps of Engineers at or near the Lake End Park in Morgan City, Louisiana.*

***SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.***

*The project for navigation Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to direct the Secretary to investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel and to develop and carry out a solution to the problem if the Secretary determines that the work is technically sound, environmentally acceptable, and economically justified.*

***SEC. 324. RED RIVER WATERWAY, LOUISIANA.***

*The project for mitigation of fish and wildlife loses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the Secretary to purchase mitigation lands in any of the 7 parishes that make up the Red River Waterway District, including the parishes of Caddo, Bossier, Red River, Natchitoches, Grant, Rapides, and Avoyelles.*

***SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.***

*The project for navigation, Georges River, Maine (Thomaston Harbor), 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 June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.*

***SEC. 326. BRECKENRIDGE, MINNESOTA.***

*(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Breckenridge, Minnesota, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $10,500,000.*

*(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.*

***SEC. 327. DULUTH HARBOR, MINNESOTA.***

*The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.*

***SEC. 328. LITTLE FALLS, MINNESOTA.***

*The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 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 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.*

***SEC. 329. POPLAR ISLAND, MARYLAND.***

*(a) IN GENERAL.—The project for beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified to authorize the Secretary to provide the non-Federal interest credit toward cash contributions required—*

*(1) before and during construction of the project, for the costs of planning, engineering, and design and for construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and*

*(2) during construction of the project, for the costs of the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.*

*(b) REDUCTION.—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under paragraph (1).*

***SEC. 330. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.***

*The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 337 of the Water Resources Development Act of 1999 (113 Stat. 306–307), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—*

*(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and*

*(2) during and after construction for the costs of construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.*

***SEC. 331. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.***

*(a) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, conducted as part of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607–4610), to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).*

*(b) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, conducted as part of the Passaic River Main Stem project to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).*

*(c) PRESERVATION OF NATURAL STORAGE AREAS.—*

*(1) IN GENERAL.—The Secretary shall reevaluate the acquisition of wetlands in the Central Passaic River Basin for flood protection purposes to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).*

*(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.*

*(d) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.*

*(e) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—*

*(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the ''Passaic River Flood Management Task Force'', to provide advice to the Secretary concerning reevaluation of the Passaic River Main Stem project.*

*(2) MEMBERSHIP.—The task force shall be composed of 22 members, appointed as follows:*

*(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.*

*(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:*

*(i) 2 representatives of the New Jersey legislature who are members of different political parties.*

*(ii) 3 representatives of the State of New Jersey.*

*(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.*

*(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.*

*(v) 1 representative of the Palisades Interstate Park Commission.*

*(vi) 1 representative of the North Jersey District Water Supply Commission.*

*(vii) 1 representative of each of—*

*(I) the Association of New Jersey Environmental Commissions;*

*(II) the Passaic River Coalition; and*

*(III) the Sierra Club.*

*(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.*

*(3) MEETINGS.—*

*(A) REGULAR MEETINGS.—The task force shall hold regular meetings.*

*(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.*

*(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.*

*(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.*

*(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.*

*(f) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718–3719), is amended by adding at the end the following:*

*''(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.''.*

*(g) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection*

*for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).*

*(h) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River Main Stem project.*

***SEC. 332. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.***

*The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.*

***SEC. 333. GARRISON DAM, NORTH DAKOTA.***

*The Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to direct the Secretary to mitigate damage to the water transmission line for Williston, North Dakota, at Federal expense and a total cost of $3,900,000.*

***SEC. 334. DUCK CREEK, OHIO.***

*The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary carry out the project at a total cost of $36,323,000, with an estimated Federal cost of $27,242,000 and an estimated non-Federal cost of $9,081,000.*

***SEC. 335. ASTORIA, OREGON.***

*The project for navigation, Columbia River, Astoria, Oregon, 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. 637), is modified to provide that the Federal share of the cost of relocating causeway and mooring facilities located at the Astoria East Boat Basin shall be 100 percent but shall not exceed $500,000.*

***SEC. 336. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.***

*The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary, if the Secretary determines that it is feasible—*

*(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and*

*(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles.*

***SEC. 337. BOWIE COUNTY LEVEE, TEXAS.***

*The project for flood control, Red River below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County levee feature of the project in accordance with the plan described as Alternative B in the draft document entitled ''Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee'', dated April 1997. In evaluating and implementing the modification, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation of the modification indicates that applying such section is necessary to implement the modification.*

***SEC. 338. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.***

*The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.*

***SEC. 339. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.***

*The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725), is further modified to direct the Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criteria specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).*

***SEC. 340. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.***

*At the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water Resources Development Act of 1990 (104 Stat. 4643–4644), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.*

***SEC. 341. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.***

*The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.*

***SEC. 342. WALLOPS ISLAND, VIRGINIA.***

*Section 567(c) of the Water Resources Development Act of 1999 (113 Stat. 367) is amended by striking ''$8,000,000'' and inserting ''$20,000,000''.*

***SEC. 343. COLUMBIA RIVER, WASHINGTON.***

*(a) IN GENERAL.—The project for navigation, Columbia River, Washington, 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 June 13, 1902 (32 Stat. 369), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline of Puget Island, at a total cost of $1,000,000.*

*(b) ALLOCATION.—The cost of the mitigation shall be allocated as an operation and maintenance cost of the Federal navigation project.*

***SEC. 344. MOUNT ST. HELENS, WASHINGTON.***

*The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318–319), is modified to authorize the Secretary to provide such cost-effective, environmentally acceptable measures as are necessary to maintain the flood protection levels for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, identified in the October 1985 report of the Chief of Engineers entitled ''Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)'', printed as House Document number 99–135.*

***SEC. 345. RENTON, WASHINGTON.***

*(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Renton, Washington, carried out under section 205 of the Flood Control Act of 1948, shall be $5,300,000.*

*(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.*

*(c) REIMBURSEMENT.—The Secretary may reimburse the non-Federal interest for the project described in subsection (a) for costs incurred to mitigate overdredging.*

***SEC. 346. GREENBRIER BASIN, WEST VIRGINIA.***

*Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking ''$12,000,000'' and inserting ''$73,000,000''.*

***SEC. 347. LOWER MUD RIVER, MILTON, WEST VIRGINIA.***

*The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), is modified to direct the Secretary to carry out the project.*

***SEC. 348. WATER QUALITY PROJECTS.***

*Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking ''Jefferson and Orleans Parishes'' and inserting ''Jefferson, Orleans, and St. Tammany Parishes''.*

***SEC. 349. PROJECT REAUTHORIZATIONS.***

*(a) IN GENERAL.—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:*

*(1) NARRAGUAGUS RIVER, MILBRIDGE, MAINE.—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:*

*(A) An area located east of the 11-foot channel starting at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.*

*(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.*

*(2) CEDAR BAYOU, TEXAS.—The project for navigation, Cedar Bayou, Texas, 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. 444), and modified 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 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile −2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.*

*(b) REDESIGNATION.—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.*

***SEC. 350. CONTINUATION OF PROJECT AUTHORIZATIONS.***

*(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:*

*(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900–901).*

*(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).*

*(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.*

***SEC. 351. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.***

*(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.*

*(b) BOUNDARIES.—The portion of Erie County, New York, referred to in subsection (a) are all that tract or parcel of land, situate in the Town of Hamburg and the City of Lackawanna, County of Erie, State of New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:*

*Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36′46″ East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36′46″ East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40–R2, Parcel No. 44 the following 20 courses and distances:*

*(1) South 10°00′07″ East a distance of 164.30 feet;*

*(2) South 18°40′45″ East a distance of 355.00 feet;*

*(3) South 71°23′35″ West a distance of 2.00 feet;*

*(4) South 18°40′45″ East a distance of 223.00 feet;*

*(5) South 22°29′36″ East a distance of 150.35 feet;*

*(6) South 18°40′45″ East a distance of 512.00 feet;*

*(7) South 16°49′53″ East a distance of 260.12 feet;*

*(8) South 18°34′20″ East a distance of 793.00 feet;*

*(9) South 71°23′35″ West a distance of 4.00 feet;*

*(10) South 18°13′24″ East a distance of 132.00 feet;*

*(11) North 71°23′35″ East a distance of 4.67 feet;*

*(12) South 18°30′00″ East a distance of 38.00 feet;*

*(13) South 71°23′35″ West a distance of 4.86 feet;*

*(14) South 18°13′24″ East a distance of 160.00 feet;*

*(15) South 71°23′35″ East a distance of 9.80 feet;*

*(16) South 18°36′25″ East a distance of 159.00 feet;*

*(17) South 71°23′35″ West a distance of 3.89 feet;*

*(18) South 18°34′20″ East a distance of 180.00 feet;*

*(19) South 20°56′05″ East a distance of 138.11 feet;*

*(20) South 22°53′55″ East a distance of 272.45 feet to a point on the westerly highway boundary of Hamburg Turnpike.*

*Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36′25″ East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 27 Parcel No. 31 the following 2 courses and distances:*

*(1) South 16°17′25″ East a distance of 74.93 feet;*

*(2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12′16″ East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.*

*Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35′35″ West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1 and Map No. 5 Parcel No. 7 the following 18 courses and distances:*

*(1) North 85°24′25″ West a distance of 1.00 feet;*

*(2) South 7°01′17″ West a distance of 170.15 feet;*

*(3) South 5°02′54″ West a distance of 180.00 feet;*

*(4) North 85°24′25″ West a distance of 3.00 feet;*

*(5) South 5°02′54″ West a distance of 260.00 feet;*

*(6) South 5°09′11″ West a distance of 110.00 feet;*

*(7) South 0°34′35″ West a distance of 110.27 feet;*

*(8) South 4°50′37″ West a distance of 220.00 feet;*

*(9) South 4°50′37″ West a distance of 365.00 feet;*

*(10) South 85°24′25″ East a distance of 5.00 feet;*

*(11) South 4°06′20″ West a distance of 67.00 feet;*

*(12) South 6°04′35″ West a distance of 248.08 feet;*

*(13) South 3°18′27″ West a distance of 52.01 feet;*

*(14) South 4°55′58″ West a distance of 133.00 feet;*

*(15) North 85°24′25″ West a distance of 1.00 feet;*

*(16) South 4°55′58″ West a distance of 45.00 feet;*

*(17) North 85°24′25″ West a distance of 7.00 feet;*

*(18) South 4°56′12″ West a distance of 90.00 feet.*

*Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:*

*(1) South 4°55′58″ West a distance of 127.00 feet;*

*(2) South 2°29′25″ East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.*

*Thence southerly along the westerly formerly highway boundary of Lake Shore Road, South 4°35′35″ West a distance of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:*

*(1) South 55°34′35″ West a distance of 12.55 feet;*

*(2) South 4°35′35″ West a distance of 118.50 feet;*

*(3) South 3°04′00″ West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.*

*Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:*

*(1) North 89°25′14″ West a distance of 697.64 feet;*

*(2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16′48″ West, a distance of 215.38 feet;*

*(3) South 30°42′49″ West a distance of 76.96 feet;*

*(4) South 22°06′03″ West a distance of 689.43 feet;*

*(5) South 36°09′23″ West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.*

*Thence North 87°13′38″ West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:*

*(1) North 16°29′53″ West a distance of 267.84 feet;*

*(2) North 24°25′00″ West a distance of 195.01 feet;*

*(3) North 26°45′00″ West a distance of 250.00 feet;*

*(4) North 31°15′00″ West a distance of 205.00 feet;*

*(5) North 21°35′00″ West a distance of 110.00 feet;*

*(6) North 44°00′53″ West a distance of 26.38 feet;*

*(7) North 33°49′18″ West a distance of 74.86 feet;*

*(8) North 34°26′26″ West a distance of 12.00 feet;*

*(9) North 31°06′16″ West a distance of 72.06 feet;*

*(10) North 22°35′00″ West a distance of 150.00 feet;*

*(11) North 16°35′00″ West a distance of 420.00 feet;*

*(12) North 21°10′00″ West a distance of 440.00 feet;*

*(13) North 17°55′00″ West a distance of 340.00 feet;*

*(14) North 28°05′00″ West a distance of 375.00 feet;*

*(15) North 16°25′00″ West a distance of 585.00 feet;*

*(16) North 22°10′00″ West a distance of 160.00 feet;*

*(17) North 2°46′36″ West a distance of 65.54 feet;*

*(18) North 16°01′08″ West a distance of 70.04 feet;*

*(19) North 49°07′00″ West a distance of 79.00 feet;*

*(20) North 19°16′00″ West a distance of 425.00 feet;*

*(21) North 16°37′00″ West a distance of 285.00 feet;*

*(22) North 25°20′00″ West a distance of 360.00 feet;*

*(23) North 33°00′00″ West a distance of 230.00 feet;*

*(24) North 32°40′00″ West a distance of 310.00 feet;*

*(25) North 27°10′00″ West a distance of 130.00 feet;*

*(26) North 23°20′00″ West a distance of 315.00 feet;*

*(27) North 18°20′04″ West a distance of 302.92 feet;*

*(28) North 20°15′48″ West a distance of 387.18 feet;*

*(29) North 14°20′00″ West a distance of 530.00 feet;*

*(30) North 16°40′00″ West a distance of 260.00 feet;*

*(31) North 28°35′00″ West a distance of 195.00 feet;*

*(32) North 18°30′00″ West a distance of 170.00 feet;*

*(33) North 26°30′00″ West a distance of 340.00 feet;*

*(34) North 32°07′52″ West a distance of 232.38 feet;*

*(35) North 30°04′26″ West a distance of 17.96 feet;*

*(36) North 23°19′13″ West a distance of 111.23 feet;*

*(37) North 7°07′58″ West a distance of 63.90 feet;*

*(38) North 8°11′02″ West a distance of 378.90 feet;*

*(39) North 15°01′02″ West a distance of 190.64 feet;*

*(40) North 2°55′00″ West a distance of 170.00 feet;*

*(41) North 6°45′00″ West a distance of 240.00 feet;*

*(42) North 0°10′00″ East a distance of 465.00 feet;*

*(43) North 2°00′38″ West a distance of 378.58 feet to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.*

*Thence North 71°23′35″ East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:*

*(1) South 80°14′01″ East a distance of 119.30 feet;*

*(2) North 46°15′13″ East a distance of 47.83 feet;*

*(3) North 59°53′02″ East a distance of 53.32 feet;*

*(4) North 38°20′43″ East a distance of 27.31 feet;*

*(5) North 68°12′46″ East a distance of 48.67 feet;*

*(6) North 26°11′47″ East a distance of 11.48 feet to the northerly line of the aforementioned Letters Patent.*

*Thence along the northerly line of said Letters Patent, North 71°23′35″ East a distance of 1755.19 feet; thence South 35°27′25″ East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02′35″ East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01′45″ East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:*

*(1) South 18°44′53″ East a distance of 623.56 feet;*

*(2) South 34°33′00″ East a distance of 200.00 feet;*

*(3) South 26°18′55″ East a distance of 500.00 feet;*

*(4) South 19°06′40″ East a distance of 1074.29 feet;*

*(5) South 28°03′18″ East a distance of 242.44 feet;*

*(6) South 18°38′50″ East a distance of 1010.95 feet;*

*(7) North 71°20′51″ East a distance of 90.42 feet;*

*(8) South 18°49′20″ East a distance of 158.61 feet;*

*(9) South 80°55′10″ East a distance of 45.14 feet;*

*(10) South 18°04′45″ East a distance of 52.13 feet;*

*(11) North 71°07′23″ East a distance of 102.59 feet;*

*(12) South 18°41′40″ East a distance of 63.00 feet;*

*(13) South 71°07′23″ West a distance of 240.62 feet;*

*(14) South 18°38′50″ East a distance of 668.13 feet;*

*(15) North 71°28′46″ East a distance of 958.68 feet;*

*(16) North 18°42′31″ West a distance of 1001.28 feet;*

*(17) South 71°17′29″ West a distance of 168.48 feet;*

*(18) North 18°42′31″ West a distance of 642.00 feet;*

*(19) North 71°17′37″ East a distance of 17.30 feet;*

*(20) North 18°42′31″ West a distance of 574.67 feet;*

*(21) North 71°17′29″ East a distance of 151.18 feet;*

*(22) North 18°42′31″West a distance of 1156.43 feet;*

*(23) North 71°29′21″ East a distance of 569.24 feet;*

*(24) North 18°30′39″ West a distance of 314.71 feet;*

*(25) North 70°59′36″ East a distance of 386.47 feet;*

*(26) North 18°30′39″ West a distance of 70.00 feet;*

*(27) North 70°59′36″ East a distance of 400.00 feet to the place or point of beginning.*

*Containing 1,142.958 acres.*

*(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) which are filled portions of Lake Erie. Any work on these filled portions is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969.*

*(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) of this section is not occupied by permanent structures in accordance with the requirements set out in subsection (c) of this section, or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.*

***SEC. 352. PROJECT DEAUTHORIZATIONS.***

*(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:*

*(1) BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199).*

*(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), commonly known as the Rivers and Harbors Appropriation Act of 1899.*

*(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).*

*(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the Warsaw Boat Harbor, Illinois.*

*(5) ROCKPORT HARBOR, ROCKPORT, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):*

*(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes 04.1 seconds east 25.000 feet to the point of origin.*

*(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12 minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.*

*(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.*

*(6) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475,70, thence running southwesterly about 447.21 feet to the point of origin.*

*(7) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-Superior Harbor, Minnesota*

*and Wisconsin, 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 June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence south-southeast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.*

*(8) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, 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. 1028), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwesterly about 56.89 feet to a point N642864.09, E2129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.*

*(9) ANGOLA, NEW YORK.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).*

*(10) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—The portion of the project for navigation, Wallabout Channel, Brooklyn, New York, 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, 1899 (30 Stat. 1124), that is located at the northeast corner of the project and is described as follows:*

*Beginning at a point forming the northeast corner of the project and designated with the coordinate of North N 682,307.40; East 638,918.10; thence along the following 6 courses and distances:*

*(A) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N 682,300.86 E 639,005.80).*

*(B) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N 682,372.55 E 639,267.71).*

*(C) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N 682,202.20 E 639,253.50).*

*(D) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N 681,963.06 E 639,233.56).*

*(E) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N 682,156.10 E 638,996.80).*

*(F) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N 682,300.86 E 639,005.80).*

*(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—*

*(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and*

*(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.*

***SEC. 353. WYOMING VALLEY, PENNSYLVANIA.***

*(a) IN GENERAL.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124) is modified as provided in this section.*

*(b) ADDITIONAL PROJECT ELEMENTS.—The Secretary shall construct each of the following additional elements of the project to the extent that the Secretary determines that the element is technically feasible, environmentally acceptable, and economically justified:*

*(1) The River Commons plan developed by the non-Federal sponsor for both sides of the Susquehanna River beside historic downtown Wilkes-Barre.*

*(2) Necessary portal modifications to the project to allow at grade access from Wilkes-Barre to the Susquehanna River to facilitate operation, maintenance, replacement, repair, and rehabilitation of the project and to restore access to the Susquehanna River for the public.*

*(3) A concrete capped sheet pile wall in lieu of raising an earthen embankment to reduce the disturbance to the Historic River Commons area.*

*(4) All necessary modifications to the Stormwater Pump Stations in Wyoming Valley.*

*(5) All necessary evaluations and modifications to all elements of the existing flood control projects to include Coal Creek, Toby Creek, Abrahams Creek, and various relief culverts and penetrations through the levee.*

*(c) CREDIT.—The Secretary shall credit the Luzerne County Flood Protection Authority toward the non-Federal share of the cost of the project for the value of the Forty-Fort ponding basin area purchased after June 1, 1972, by Luzerne County, Pennsylvania, for an estimated cost of $500,000 under section 102(w) of the Water Resources Development Act of 1992 (102 Stat. 508) to the extent that the Secretary determines that the area purchased is integral to the project.*

*(d) MODIFICATION OF MITIGATION PLAN AND PROJECT COOPERATION AGREEMENT.—*

*(1) MODIFICATION OF MITIGATION PLAN.—The Secretary shall provide for the deletion, from the Mitigation Plan for the Wyoming Valley Levees, approved by the Secretary on February 15, 1996, the proposal to remove the abandoned Bloomsburg Railroad Bridge.*

*(2) MODIFICATION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall modify the project cooperation agreement, executed in October 1996, to reflect removal of the railroad bridge and its $1,800,000 total cost from the mitigation plan under paragraph (1).*

*(e) MAXIMUM PROJECT COST.—The total cost of the project, as modified by this section, shall not exceed the amount authorized in section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), with increases authorized by section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183).*

***SEC. 354. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.***

*The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, authorized by section 101(b)(6) of the Water Resources development Act of 1996, is modified to authorize the project at a total cost of $13,997,000, with an estimated Federal cost of $9,098,000 and an estimated non-Federal cost of $4,899,000, and an estimated average annual cost of $1,320,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $858,000 and an estimated annual non-Federal cost of $462,000.*

## *TITLE IV—STUDIES*

***SEC. 401. STUDIES OF COMPLETED PROJECTS.***

*The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:*

*(1) ESCAMBIA BAY AND RIVER, FLORIDA.—Project for navigation, Escambia Bay and River, Florida.*

*(2) ILLINOIS RIVER, HAVANA, ILLINOIS.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).*

*(3) SPRING LAKE, ILLINOIS.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).*

*(4) PORT ORFORD, OREGON.—Project for flood control, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).*

***SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.***

*Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:*

***''SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.***

*''(a) IN GENERAL.—The Secretary may assess the water resources needs of interstate river basins and watersheds of the United States. The assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture, and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watershed protection, water supply, and drought preparedness.*

*''(b) CONSULTATION.—The Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting the assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.*

*''(c) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to the following interstate river basins and watersheds:*

*''(1) Delaware River.*

*''(2) Potomac River.*

*''(3) Susquehanna River.*

*''(4) Kentucky River.*

*''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.*

***SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.***

*(a) ASSESSMENTS.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake, at Federal expense, for the Lower Mississippi River system—*

*(1) an assessment of information needed for river-related management;*

*(2) an assessment of natural resource habitat needs; and*

*(3) an assessment of the need for river-related recreation and access.*

*(b) PERIOD.—Each assessment referred to in subsection (a) shall be carried out for 2 years.*

*(c) REPORTS.—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—*

*(1) the collection, availability, and use of information needed for river-related management;*

*(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and*

*(3) potential projects to meet identified river access and recreation needs.*

*(d) LOWER MISSISSIPPI RIVER SYSTEM DEFINED.—In this section, the term ''Lower Mississippi River system'' means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,750,000 to carry out this section.*

***SEC. 404. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.***

*(a) IN GENERAL.—The Secretary shall conduct, at Federal expense, a study—*

*(1) to identify significant sources of sediment and nutrients in the Upper Mississippi River basin; and*

*(2) to describe and evaluate the processes by which the sediments and nutrients move, on land and in water, from their sources to the Upper Mississippi River and its tributaries.*

*(b) CONSULTATION.—In conducting the study, the Secretary shall consult the Departments of Agriculture and the Interior.*

*(c) COMPONENTS OF THE STUDY.—*

*(1) COMPUTER MODELING.—As part of the study, the Secretary shall develop computer models at the subwatershed and basin level to identify and quantify the sources of sediment and nutrients and to examine the effectiveness of alternative management measures.*

*(2) RESEARCH.—As part of the study, the Secretary shall conduct research to improve understanding of—*

*(A) the processes affecting sediment and nutrient (with emphasis on nitrogen and phosphorus) movement;*

*(B) the influences of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network on sediment and nutrient losses; and*

*(C) river hydrodynamics in relation to sediment and nutrient transformations, retention, and movement.*

*(d) USE OF INFORMATION.—Upon request of a Federal agency, the Secretary may provide information to the agency for use in sediment and nutrient reduction programs associated with land use and land management practices.*

*(e) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit λto Congress a report on the results of the study, including findings and recommendations.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.*

***SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.***

*Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking ''date of enactment of this Act'' and inserting ''first date on which funds are appropriated to carry out this section.''.*

***SEC. 406. OHIO RIVER SYSTEM.***

*The Secretary may conduct a study of commodity flows on the Ohio River system at Federal expense. The study shall include an analysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.*

***SEC. 407. EASTERN ARKANSAS.***

*(a) IN GENERAL.—The Secretary shall reevaluate the recommendations in the Eastern Arkansas Region Comprehensive Study of the Memphis District Engineer, dated August 1990, to determine whether the plans outlined in the study for agricultural water supply from the Little Red River, Arkansas, are feasible and in the Federal interest.*

*(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the reevaluation.*

***SEC. 408. RUSSELL, ARKANSAS.***

*(a) IN GENERAL.—The Secretary shall evaluate the preliminary investigation report for agricultural water supply, Russell, Arkansas, entitled ''Preliminary Investigation: Lone Star Management Project'', prepared for the Lone Star Water Irrigation District, to determine whether the plans contained in the report are feasible and in the Federal interest.*

*(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.*

***SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.***

*The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.*

***SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.***

*The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.*

***SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.***

*The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.*

***SEC. 412. LANCASTER, CALIFORNIA.***

*(a) IN GENERAL.—The Secretary shall evaluate the report of the city of Lancaster, California, entitled ''Master Plan of Drainage'', to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.*

*(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.*

***SEC. 413. NAPA COUNTY, CALIFORNIA.***

*(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of carrying out a project to address water supply, water quality, and groundwater problems at Miliken, Sarco, and Tulocay Creeks in Napa County, California.*

*(b) USE OF EXISTING DATA.—In conducting the study, the Secretary shall use data and information developed by the United States Geological Survey in the report entitled ''Geohydrologic Framework and Hydrologic Budget of the Lower Miliken-Sarco-Tulocay Creeks Area of Napa, California''.*

***SEC. 414. OCEANSIDE, CALIFORNIA.***

*The Secretary shall conduct a study, at Federal expense, to determine the feasibility of carrying out a project for shoreline protection at Oceanside, California. In conducting the study, the Secretary shall determine the portion of beach erosion that is the result of a Navy navigation project at Camp Pendleton Harbor, California.*

***SEC. 415. SUISUN MARSH, CALIFORNIA.***

*The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106–60), shall be limited to evaluating the feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.*

***SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.***

*Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:*

***''SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.***

*''(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the feasibility of undertaking ecosystem restoration and resource protection measures.*

*''(b) MATTERS TO BE ADDRESSED.—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.''.*

***SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.***

*(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.*

*(b) CONSULTATION.—In conducting the study, the Secretary shall consult, and incorporate information available from, appropriate Federal, State, and local government agencies.*

***SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.***

*The Secretary shall conduct a study to determine the advisability of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.*

***SEC. 419. LONG LAKE, INDIANA.***

*The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration and protection, Long Lake, Indiana.*

***SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.***

*(a) IN GENERAL.—The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled ''Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road'', to determine whether the plans contained in the report are feasible and in the Federal interest.*

*(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.*

***SEC. 421. COASTAL AREAS OF LOUISIANA.***

*The Secretary shall conduct a study to determine the feasibility of developing measures to floodproof major hurricane evacuation routes in the coastal areas of Louisiana.*

***SEC. 422. IBERIA PORT, LOUISIANA.***

*The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.*

***SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.***

*Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to incorporate and accomplish structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.*

***SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.***

*As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephensville, Louisiana.*

***SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.***

*The Secretary shall conduct a study to determine the feasibility of carrying out a project for*

*flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.*

***SEC. 426. LAS VEGAS VALLEY, NEVADA.***

*Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting ''recreation,'' after ''runoff),''.*

***SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.***

*Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—*

*(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and*

*(2) by adding at the end the following:*

*''(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.''.*

***SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.***

*(a) IN GENERAL.—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.*

*(b) CONTENTS.—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.*

***SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.***

*(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of establishing a Hudson River Park in Manhattan, New York City, New York. The study shall address the issues of shoreline protection, environmental protection and restoration, recreation, waterfront access, and open space for the area between Battery Place and West 59th Street.*

*(b) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult the Hudson River Park Trust.*

*(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report on the result of the study, including a master plan for the park.*

***SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.***

*The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.*

***SEC. 431. STEUBENVIILLE, OHIO.***

*The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.*

***SEC. 432. GRAND LAKE, OKLAHOMA.***

*Section 560(a) of the Water Resources Development Act of 1996 (110 Stat. 3783) is amended—*

*(1) by striking ''date of enactment of this Act'' and inserting ''date of enactment of the Water Resources Development Act of 2000''; and*

*(2) by inserting ''and Miami'' after ''Pensacola Dam''.*

***SEC. 433. COLUMBIA SLOUGH, OREGON.***

*Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resource Development Act of 1986 (33 U.S.C. 2309a) a feasiblility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is feasible, the Secretary may carry out the project on an expedited basis under such section.*

***SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.***

*The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.*

***SEC. 435. GERMANTOWN, TENNESSEE.***

*(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.*

*(b) COST SHARING.—The Secretary—*

*(1) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement if the Secretary determines the work is necessary for completion of the study; and*

*(2) for the purposes of paragraph (1), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.*

*(c) LIMITATION.—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.*

***SEC. 436. PARK CITY, UTAH.***

*The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Park City, Utah.*

***SEC. 437. MILWAUKEE, WISCONSIN.***

*(a) IN GENERAL.—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled ''Interim Executive Summary: Menominee River Flood Management Plan'', dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.*

*(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.*

***SEC. 438. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.***

*Section 419 of the Water Resources Development Act of 1999 (113 Stat. 324–325) is amended by adding at the end the following:*

*''(d) CREDIT.—The Secretary shall provide the non-Federal interest credit toward the non-Federal share of the cost of the study for work performed by the non-Federal interest before the date of the study's feasibility cost-share agreement if the Secretary determines that the work is integral to the study.''.*

***SEC. 439. DELAWARE RIVER WATERSHED.***

*(a) STUDY.—The Secretary shall conduct studies and assessments to analyze the sources and impacts of sediment contamination in the Delaware River watershed.*

*(b) ACTIVITIES.—Activities authorized under this section shall be conducted by a university with expertise in research in contaminated sediment sciences.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000. Such sums shall remain available until expended.*

*(2) CORPS OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer and implement studies and assessments under this section.*

## *TITLE V—MISCELLANEOUS PROVISIONS*

***SEC. 501. BRIDGEPORT, ALABAMA.***

*(a) DETERMINATION.—The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.*

*(b) REIMBURSEMENT.—If the Secretary determines under subsection (a) that the work performed by the non-Federal interest is consistent with the Federal navigation interest, the Secretary shall reimburse the non-Federal interest an amount equal to the Federal share of the cost of construction of the channel.*

***SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.***

*The Secretary shall provide technical assistance to the city of Cullman, Alabama, in the management of construction contracts for the reservoir project on the Duck River.*

***SEC. 503. SEWARD, ALASKA.***

*The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of $3,000,000.*

***SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.***

*(a) IN GENERAL.—The Secretary may operate, maintain, and rehabilitate 37 miles of levees in and around Augusta and Devalls Bluff, Arkansas.*

*(b) REIMBURSEMENT.—After incurring any cost for operation, maintenance, or rehabilitation under subsection (a), the Secretary may seek reimbursement from the Secretary of the Interior of an amount equal to the portion of such cost that the Secretary determines is a benefit to a Federal wildlife refuge.*

***SEC. 505. BEAVER LAKE, ARKANSAS.***

*The contract price for additional storage for the Carroll-Boone Water District beyond that which is provided for in section 521 of the Water Resources Development Act of 1999 (113 Stat. 345) shall be based on the original construction cost of Beaver Lake and adjusted to the 2000 price level net of inflation between the date of initiation of construction and the date of enactment of this Act.*

***SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.***

*Taking into account the need to realize the total economic potential of the McClellan-Kerr Arkansas River navigation system, the Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet and, if justified, proceed directly to project preconstruction engineering and design.±*

***SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALIFORNIA.***

*(a) IN GENERAL.—The Secretary may participate with appropriate Federal and State agencies in planning and management activities associated with the CALFED Bay Delta Program (in this section referred to as the ''Program'') and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the Program.*

*(b) COOPERATIVE ACTIVITIES.—In carrying out this section, the Secretary—*

*(1) may accept and expend funds from other Federal agencies and from public, private, and non-profit entities to carry out ecosystem restoration projects and activities associated with the Program; and*

*(2) may enter into contracts, cooperative research and development agreements, and cooperative agreements, with Federal and public, private, and non-profit entities to carry out such projects and activities.*

*(c) GEOGRAPHIC SCOPE.—For the purposes of the participation of the Secretary under this section, the geographic scope of the Program shall be the San Francisco Bay and the Sacramento-San Joaquin Delta Estuary and their watershed (also known as the ''Bay-Delta Estuary''), as identified in the agreement entitled the ''Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate''.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2002 through 2005.*

***SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.***

*Amounts made available to the Secretary by the Energy and Water Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may only be used for the wetlands restoration and creation elements of the project.*

***SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.***

*The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.*

***SEC. 510. HUNTINGTON BEACH, CALIFORNIA.***

*The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.*

***SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.***

*The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.*

***SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.***

*(a) IN GENERAL.—The Secretary shall reimburse the non-Federal interest for the project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), $4,100,000 for the Federal share of costs incurred by the non-Federal interest for work carried out by the non-Federal interest for the project.*

*(b) SOURCE OF FUNDING.—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).*

***SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.***

*(a) EMERGENCY MEASURES.—The Secretary shall carry out, on an emergency basis, measures to address health, safety, and environmental risks posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, by removing such floatables and debris.*

*(b) STUDY.—The Secretary shall conduct a study to determine the risk to navigation posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, and the cost of removing such floatables and debris.*

*(c) FUNDING.—There is authorized to be appropriated $3,000,000 to carry out this section.*

***SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.***

*(a) SAN GABRIEL BASIN RESTORATION.—*

*(1) ESTABLISHMENT OF FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the ''Restoration Fund'').*

*(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.*

*(3) PURPOSES OF FUND.—*

*(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—*

*(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and*

*(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.*

*(B) COST-SHARING LIMITATION.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests. The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by the preceding sentence. The State of California, local government agencies, and private entities may provide all or any portion of such amount.*

*(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.*

*(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.*

*(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.*

*(e) ADJUSTMENT.—Of the $25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading ''Construction, General'' in title I of the Energy and Water Development Appropriations Act, 2001—*

*(1) $2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and*

*(2) $23,000,000 shall be deposited in the Restoration Fund, of which $4,000,000 shall be used for remediation in the Central Basin, California.*

***SEC. 515. STOCKTON, CALIFORNIA.***

*The Secretary shall evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13). If the Secretary determines that such elements are technically sound, environmentally acceptable, and economically justified, the Secretary shall reimburse under section 211 of such Act the non-Federal interest for the Federal share of the cost of such elements.*

***SEC. 516. PORT EVERGLADES, FLORIDA.***

*Notwithstanding the absence of a project cooperation agreement, the Secretary shall reimburse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, $15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.*

***SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.***

*(a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.*

*(b) CRITERIA FOR PROJECTS.—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—*

*(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;*

*(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;*

*(3) the project complies with—*

*(A) applicable growth management ordinances of Monroe County, Florida;*

*(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and*

*(C) applicable water quality standards; and*

*(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.*

*(c) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.*

*(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with—*

*(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);*

*(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);*

*(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and*

*(4) other appropriate State and local government officials.*

*(e) NON-FEDERAL SHARE.—*

*(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.*

*(2) CREDIT.—*

*(A) IN GENERAL.—The Secretary may provide the non-Federal interest credit toward cash contributions required—*

*(i) before and during the construction of the project, for the costs of planning, engineering, and design, and for the construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and*

*(ii) during the construction of the project, for the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.*

*(B) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.*

**SEC. 518. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.**

*The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, LaSalle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.*

**SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.**

*Section 1142(b) of the Water Resources Development Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended by inserting after ''2003'' the following: ''and $800,000 for each fiscal year beginning after September 30, 2003,''.*

**SEC. 520. KOONTZ LAKE, INDIANA.**

*The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (22 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.*

**SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.**

*The Secretary shall repair the retaining wall and dam at Campbellsville Lake, Kentucky, to protect the public road on top of the dam at Federal expense and a total cost of $200,000.*

**SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.**

*Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells, at Federal expense.*

**SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESAPEAKE BAY, MARYLAND AND VIRGINIA.**

*Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by adding at the end the following: ''In addition, there is authorized to be appropriated $20,000,000 to carry out paragraph (4).''.*

**SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.**

*The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled ''Phase I Muddy River Master Plan'', dated June 2000.*

**SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.**

*The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.*

**SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.**

*(a) PROJECT AUTHORIZATION.—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—*

*(1) by striking ''implement'' and inserting ''conduct full scale demonstrations of''; and*

*(2) by inserting before the period the following: '', including technologies evaluated for the New York/New Jersey Harbor under section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)''.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—Section 541(b) of such Act is amended by striking ''$1,000,000'' and inserting ''$3,000,000''.*

**SEC. 527. MINNEAPOLIS, MINNESOTA.**

*(a) IN GENERAL.—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled ''Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota'', prepared for the Minnesota department of natural resources, dated June 30, 1999.*

*(b) COST SHARING.—*

*(1) IN GENERAL.—The non-Federal share of the cost of the project shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).*

*(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.*

*(3) OPERATION, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.*

*(4) CREDIT FOR NON-FEDERAL WORK.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.*

**SEC. 528. ST. LOUIS COUNTY, MINNESOTA.**

*The Secretary shall carry out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) a project in St. Louis County, Minnesota, by making beneficial use of dredged material from a Federal navigation project.*

**SEC. 529. WILD RICE RIVER, MINNESOTA.**

*The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, shall carry out the project. In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.*

**SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.**

*(a) IN GENERAL.—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.*

*(b) PROJECT SELECTION.—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.*

*(c) COST SHARING.—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide that the non-Federal responsibility for the project shall be as follows:*

*(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.*

*(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.*

*(3) To pay 35 percent of project costs.*

*(d) NONPROFIT ENTITY.—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.*

**SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.**

*(a) MISSOURI RIVER MITIGATION PROJECT.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) and modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is further modified to authorize $200,000,000 for fiscal years 2001 through 2010 to be appropriated to the Secretary for acquisition of 118,650 acres of land and interests in land for the project.*

*(b) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—*

*(1) IN GENERAL.—*

*(A) STUDY.—The Secretary shall complete a study that analyzes the need for additional measures for mitigation of losses of aquatic and terrestrial habitat from Fort Peck Dam to Sioux City, Iowa, resulting from the operation of the Missouri River Mainstem Reservoir project in the States of Nebraska, South Dakota, North Dakota, and Montana.*

*(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.*

*(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—*

*(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;*

*(B) involves the monitoring of the response of fish to, and the effectiveness toward the preservation of native fish and wildlife habitat as a result of, such releases; and*

*(C) requires the Secretary to provide compensation for any loss of hydropower at Fort Peck Dam resulting from implementation of the pilot program; and*

*(D) does not effect a change in the Missouri River Master Water Control Manual.*

*(3) RESERVOIR FISH LOSS STUDY.—*

*(A) IN GENERAL.—The Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.*

*(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.*

*(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—*

*(A) to complete the study under paragraph (3) $200,000; and*

*(B) to carry out the other provisions of this subsection $1,000,000 for each of fiscal years 2001 through 2010.*

*(c) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:*

*''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2010.''.*

***SEC. 532. NEW MADRID COUNTY, MISSOURI.***

*For purposes of determining the non-Federal share for the project for navigation, New Madrid County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall consider Phases 1 and 2 as described in the report of the District Engineer, dated February 2000, as one project and provide credit to the non-Federal interest toward the non-Federal share of the combined project for work performed by the non-Federal interest on Phase 1 of the project.*

***SEC. 533. PEMISCOT COUNTY, MISSOURI.***

*The Secretary shall provide the non-Federal interest for the project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), credit toward the non-Federal share of the cost of the project for in-kind work performed by the non-Federal interest after December 1, 1997, if the Secretary determines that the work is integral to the project.*

***SEC. 534. LAS VEGAS, NEVADA.***

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

*(1) COMMITTEE.—The term ''Committee'' means the Las Vegas Wash Coordinating Committee.*

*(2) PLAN.—The term ''Plan'' means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.*

*(3) PROJECT.—The term ''Project'' means the Las Vegas Wash wetlands restoration and Lake Mead water quality improvement project and includes the programs, features, components, projects, and activities identified in the Plan.*

*(b) PARTICIPATION IN PROJECT.—*

*(1) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project to restore wetlands at Las Vegas Wash and to improve water quality in Lake Mead in accordance with the Plan.*

*(2) COST SHARING REQUIREMENTS.—*

*(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.*

*(B) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.*

*(C) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.*

*(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.*

***SEC. 535. NEWARK, NEW JERSEY.***

*(a) IN GENERAL.—Using authorities under law in effect on the date of enactment of this Act, the Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall assist the State of New Jersey in developing and implementing a comprehensive basinwide strategy in the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas for coordinated and integrated management of land and water resources to improve water quality, reduce flood hazards, and ensure sustainable economic activity.*

*(b) TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL SUPPORT.—The heads of the Federal agencies referred to in subsection (a) may provide technical assistance, staff, and financial support for the development of the floodplain management strategy.*

*(c) FLEXIBILITY.—The heads of the Federal agencies referred to in subsection (a) shall exercise flexibility to reduce barriers to efficient and effective implementation of the floodplain management strategy.*

*(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.*

***SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.***

*(a) IN GENERAL.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.*

*(b) SCOPE OF RESEARCH.—The research program authorized by subsection (a) shall be accomplished through the New York District of Corps of Engineers. The research shall include the following:*

*(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.*

*(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.*

*(c) LOCATION.—The activities authorized by this section shall be carried out at the facility authorized by section 103(d) of the Water Resources Development Act of 1992 106 Stat. 4812–4813, which may be located on the campus of the New Jersey Institute of Technology.*

*(d) REPORT TO CONGRESS.—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000 for fiscal years beginning after September 30, 2000.*

***SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.***

*The Secretary shall provide technical assistance in support of activities of non-Federal interests related to the dredging of Black Rock Canal in the area between the Ferry Street Overpass and the Peace Bridge Overpass in Buffalo, New York.*

***SEC. 538. HAMBURG, NEW YORK.***

*The Secretary shall complete the study of a project for shoreline erosion, Old Lake Shore Road, Hamburg, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.*

***SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.***

*The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.*

***SEC. 540. ROCHESTER, NEW YORK.***

*The Secretary shall complete the study of a project for navigation, Rochester Harbor, Rochester, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.*

***SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.***

*(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to reduce flood damages, improve water quality, and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of $10,000,000.*

*(b) IMPLEMENTATION OF STRATEGY.—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.*

*(c) COOPERATION AGREEMENTS.—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.*

*(d) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.*

*(e) UPPER MOHAWK RIVER BASIN DEFINED.—In this section, the term ''Upper Mohawk River basin'' means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.*

***SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.***

*(a) IN GENERAL.—In order to assist the State of North Carolina and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects in eastern North Carolina by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris) in the following rivers and tributaries:*

*(1) New River and tributaries.*

*(2) White Oak River and tributaries.*

*(3) Neuse River and tributaries.*

*(4) Pamlico River and tributaries.*

*(b) COST SHARE.—The non-Federal interest for a project under this section shall—*

*(1) pay 35 percent of the cost of the project; and*

*(2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.*

*(c) CONDITIONS.—The Secretary may not reject a project based solely on a minimum amount of stream runoff.*

*(d) MAJOR DISASTER DEFINED.—In this section, the term ''major disaster'' means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) and includes any major disaster declared before the date of enactment of this Act.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal years 2001 through 2003.*

***SEC. 543. CUYAHOGA RIVER, OHIO.***

*(a) IN GENERAL.—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of $500,000.*

*(b) EVALUATION.—The evaluation described in subsection (a) shall include design analysis,*

*plans and specifications, and cost estimates for repair or replacement of the bulkhead system.*

***SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.***

*At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United States and project purposes and shall be made without consideration to the United States.*

***SEC. 545. OKLAHOMA-TRIBAL COMMISSION.***

*(a) FINDINGS.—The House of Representatives makes the following findings:*

*(1) The unemployment rate in southeastern Oklahoma is 23 percent greater than the national average.*

*(2) The per capita income in southeastern Oklahoma is 62 percent of the national average.*

*(3) Reflecting the inadequate job opportunities and dwindling resources in poor rural communities, southeastern Oklahoma is experiencing an out-migration of people.*

*(4) Water represents a vitally important resource in southeastern Oklahoma. Its abundance offers an opportunity for the residents to benefit from their natural resources.*

*(5) Trends as described in paragraphs (1), (2), and (3) are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive outside influence on the local economy, help reverse these trends, and improve the lives of local residents.*

*(b) SENSE OF HOUSE OF REPRESENTATIVES.—In view of the findings described in subsection (a), and in order to assist communities in southeastern Oklahoma in benefiting from their local resources, it is the sense of the House of Representatives that—*

*(1) the State of Oklahoma and the Choctaw Nation of Oklahoma and the Chickasaw Nation, Oklahoma, should establish a State-tribal commission composed equally of representatives of such Nations and residents of the water basins within the boundaries of such Nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins;*

*(2) any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and*

*(3) if requested, the Secretary should provide technical assistance, as appropriate, to facilitate the efforts of the commission.*

***SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.***

*(a) MODELING AND FORECASTING SYSTEM.—The Secretary shall develop and implement a modeling and forecasting system for the Columbia River estuary, Oregon and Washington, to provide real-time information on existing and future wave, current, tide, and wind conditions.*

*(b) USE OF CONTRACTS AND GRANTS.—In carrying out this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.*

***SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.***

*(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the lands described in each deed listed in subsection (b)—*

*(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;*

*(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and*

*(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.*

*(b) AFFECTED DEEDS.—The following deeds are referred to in subsection (a):*

*(1) The deeds executed by the United States and bearing Morrow County, Oregon, Auditor's Microfilm Numbers 229 and 16226.*

*(2) The deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, but only as that deed applies to the following portion of lands conveyed by that deed:*

*A tract of land lying in Section 7, Township 5 north, Range 28 east of the Willamette meridian, Benton County, Washington, said tract being more particularly described as follows:*

*Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded Plat thereof);*

*thence westerly along the said centerline of Third Avenue, a distance of 565 feet;*

*thence south 54° 10′ west, to a point on the west line of Tract 18 of said Addition and the true point of beginning;*

*thence north, parallel with the west line of said Section 7, to a point on the north line of said Section 7;*

*thence west along the north line thereof to the northwest corner of said Section 7;*

*thence south along the west line of said Section 7 to a point on the ordinary high water line of the Columbia River;*

*thence northeasterly along said high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, said coordinate line being east 2,291,000 feet;*

*thence north along said line to a point on the south line of First Avenue of said Addition;*

*thence westerly along First Avenue to a point on southerly extension of the west line of Tract 18;*

*thence northerly along said west line of Tract 18 to the point of beginning.*

*(3) The deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.*

*(c) NO EFFECT ON OTHER NEEDS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.*

***SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ESTUARY PROGRAM, OREGON AND WASHINGTON.***

*(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.*

*(b) USE OF MANAGEMENT PLANS.—*

*(1) LOWER COLUMBIA RIVER ESTUARY.—*

*(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).*

*(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the States of Oregon and Washington, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.*

*(2) TILLAMOOK BAY ESTUARY.—*

*(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).*

*(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the State of Oregon, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.*

*(c) AUTHORIZED ACTIVITIES.—*

*(1) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.*

*(2) LIMITATIONS.—The Secretary may not carry out any activity under this section that adversely affects—*

*(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or*

*(B) private property rights.*

*(d) PRIORITY.—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.*

*(e) COST-SHARING REQUIREMENTS.—*

*(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).*

*(2) ECOSYSTEM RESTORATION PROJECTS.—*

*(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.*

*(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.*

*(C) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the non-Federal share required under this subsection may be satisfied by the provision of in-kind services.*

*(3) OPERATION AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.*

*(4) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.*

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

*(1) LOWER COLUMBIA RIVER ESTUARY.—The term ''lower Columbia River estuary'' means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.*

*(2) TILLAMOOK BAY ESTUARY.—The term ''Tillamook Bay estuary'' means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.*

*(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.*

***SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.***

*Section 546(b) of the Water Resources Development Act of 1999 (113 Stat. 351) is amended by adding at the end the following: ''If the Secretary participates in the project, the Secretary*

*shall carry out a monitoring program for 3 years after construction to evaluate the ecological and engineering effectiveness of the project and its applicability to other sites in the Willamette Valley.''.*

***SEC. 550. WILLAMETTE RIVER BASIN, OREGON.***

*Section 547 of the Water Resources Development Act of 1999 (113 Stat. 351–352) is amended by adding at the end the following:*

*''(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.''.*

***SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.***

*(a) IN GENERAL.—Section 539(a) of the Water Resources Development Act of 1996 (110 Stat. 3776) is amended—*

*(1) by striking ''and'' at the end of paragraph (1)(A);*

*(2) by striking the period at the end of paragraph (1)(B) and inserting ''; and''; and*

*(3) by adding at the end the following:*

*''(C) the Lackawanna River, Pennsylvania.''.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—Section 539(d) of such Act (110 Stat. 3776–3777) is amended—*

*(1) by striking ''(a)(1)(A) and'' and inserting ''(a)(1)(A),''; and*

*(2) by inserting '', and $5,000,000 for projects undertaken under subsection (a)(1)(C)'' before the period at the end.*

***SEC. 552. PHILADELPHIA, PENNSYLVANIA.***

*(a) IN GENERAL.—The Secretary shall provide assistance to the Delaware River Port Authority to deepen the Delaware River at Pier 122 in Philadelphia, Pennsylvania.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section.*

***SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.***

*The Commonwealth of Pennsylvania may transfer any unobligated funds made available to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105–178, to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.*

***SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.***

*Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788) is amended—*

*(1) by striking subsection (a)(2) and inserting the following:*

*''(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000.''; and*

*(2) by striking subsections (c) and (d) and inserting the following:*

*''(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.*

*''(d) IMPLEMENTATION OF STRATEGY.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.''.*

***SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TENNESSEE.***

*(a) TRANSFER FROM TVA.—The Tennessee Valley Authority shall transfer $200,000 to the Secretary for the preparation of a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Chattanooga, Tennessee.*

*(b) REPORT.—The Secretary shall accept and use the funds transferred under subsection (a) to prepare the report referred to in subsection (a).*

***SEC. 556. JOE POOL LAKE, TEXAS.***

*If the city of Grand Prairie, Texas, enters into a binding agreement with the Secretary under which—*

*(1) the city agrees to assume all of the responsibilities (other than financial responsibilities) of the Trinity River Authority of Texas under Corps of Engineers contract #DACW63–76–C–0166, including operation and maintenance of the recreation facilities included in the contract; and*

*(2) to pay the Federal Government a total of $4,290,000 in 2 installments, 1 in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and 1 in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003,*

*the Trinity River Authority shall be relieved of all of its financial responsibilities under the contract as of the date the Secretary enters into the agreement with the city.*

***SEC. 557. BENSON BEACH, FORT CANBY STATE PARK, WASHINGTON.***

*The Secretary shall place dredged material at Benson Beach, Fort Canby State Park, Washington, in accordance with section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).*

***SEC. 558. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.***

*(a) IN GENERAL.—The Secretary may participate in critical restoration projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.*

*(b) PROJECT SELECTION.—The Secretary, in consultation with appropriate Federal, tribal, State, and local agencies, (including the Salmon Recovery Funding Board, Northwest Straits Commission, Hood Canal Coordinating Council, county watershed planning councils, and salmon enhancement groups) may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.*

*(c) PROJECT COST LIMITATION.—Of amounts appropriated to carry out this section, not more than $2,500,000 may be allocated to carry out any project.*

*(d) COST SHARING.—*

*(1) IN GENERAL.—The non-Federal interest for a critical restoration project under this section shall—*

*(A) pay 35 percent of the cost of the project;*

*(B) provide any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project;*

*(C) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and*

*(D) hold the United States harmless from liability due to implementation of the project, except for the negligence of the Federal Government or its contractors.*

*(2) CREDIT.—The Secretary shall provide credit to the non-Federal interest for a critical restoration project under this section for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest for the project.*

*(3) MEETING NON-FEDERAL COST SHARE.—The non-Federal interest may provide up to 50 percent of the non-Federal share of the cost of a project under this section through the provision of services, materials, supplies, or other in-kind services.*

*(e) CRITICAL RESTORATION PROJECT DEFINED.—In this section, the term ''critical restoration project'' means a water resource project that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial environmental protection and restoration benefits.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.*

***SEC. 559. SHOALWATER BAY INDIAN TRIBE, WILLAPA BAY, WASHINGTON.***

*(a) PLACEMENT OF DREDGED MATERIAL ON SHORE.—For the purpose of addressing coastal erosion, the Secretary shall place, on an emergency one-time basis, dredged material from a Federal navigation project on the shore of the tribal reservation of the Shoalwater Bay Indian Tribe, Willapa Bay, Washington, at Federal expense.*

*(b) PLACEMENT OF DREDGED MATERIAL ON PROTECTIVE DUNES.—The Secretary shall place dredged material from Willapa Bay on the remaining protective dunes on the tribal reservation of the Shoalwater Bay Indian Tribe, at Federal expense.*

*(c) STUDY OF COASTAL EROSION.—The Secretary shall conduct a study to develop long-term solutions to coastal erosion problems at the tribal reservation of the Shoalwater Bay Indian Tribe at Federal expense.*

***SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.***

*(a) IN GENERAL.—The city of Aberdeen, Washington, may transfer its rights, interests, and title in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.*

*(b) CONDITIONS.—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.*

*(c) LIMITATION.—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.*

*(d) WATER SUPPLY CONTRACT.—The water supply contract designated as DACWD 67–68–C–0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).*

***SEC. 561. SNOHOMISH RIVER, WASHINGTON.***

*In coordination with appropriate Federal, tribal, and State agencies, the Secretary may carry out a project to address data needs regarding the outmigration of juvenile chinook salmon in the Snohomish River, Washington.*

***SEC. 562. BLUESTONE, WEST VIRGINIA.***

*(a) IN GENERAL.—Notwithstanding any other provision of law, the Tri-Cities Power Authority of West Virginia is authorized to design and construct hydroelectric generating facilities at the Bluestone Lake facility, West Virginia,*

*under the terms and conditions of the agreement referred to in subsection (b).*

*(b) AGREEMENT.—*

*(1) AGREEMENT TERMS.—Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, may enter into a binding agreement with the Tri-Cities Power Authority under which the Tri-Cities Power Authority agrees to each of the following:*

*(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.*

*(B) To reimburse the Secretary for—*

*(i) the cost of approving such design and inspecting such construction;*

*(ii) the cost of providing any assistance authorized under subsection (c)(2); and*

*(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.*

*(C) To release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design and construction of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.*

*(2) ADDITIONAL TERMS.—The agreement shall also specify each of the following:*

*(A) The procedures and requirements for approval and acceptance of design, construction, and operation and maintenance of the facilities referred in subsection (a).*

*(B) The rights, responsibilities, and liabilities of each party to the agreement.*

*(C) The amount of the payments under subsection (f) of this section and the procedures under which such payments are to be made.*

*(c) OTHER REQUIREMENTS.—*

*(1) PROHIBITION.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).*

*(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).*

*(d) COMPLETION OF CONSTRUCTION.—*

*(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facility by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—*

*(A) accept the transfer of title to such facilities on behalf of the United States; and*

*(B) operate and maintain the facilities referred to in subsection (a).*

*(2) CERTIFICATION.—The Secretary is authorized to accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.*

*(3) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.*

*(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890).*

*(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized to pay in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—*

*(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and*

*(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).*

*(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—*

*(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and*

*(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.*

*(h) SAVINGS CLAUSE.—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of such facilities.*

***SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.***

*Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:*

*''(d) HISTORIC STRUCTURE.—The Secretary shall ensure the preservation and restoration of the structure known as the Jenkins House located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.''.*

***SEC. 564. TUG FORK RIVER, WEST VIRGINIA.***

*(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).*

*(b) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.*

***SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIRGINIA.***

*(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for the project at Virginia Point, located at the confluence of the Ohio and Big Sandy Rivers in West Virginia, identified by the preferred plan set forth in the feasibility study dated September 1999, and carried out under the West Virginia-Ohio River Comprehensive Study authorized by a resolution dated September 8, 1988, by the Committee on Public Works and Transportation of the House of Representatives.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000.*

***SEC. 566. SOUTHERN WEST VIRGINIA.***

*Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by inserting ''environmental restoration,'' after ''distribution facilities,''.*

***SEC. 567. FOX RIVER SYSTEM, WISCONSIN.***

*Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended by adding at the end the following: ''Such terms and conditions may include a payment or payments to the State of Wisconsin to be used toward the repair and rehabilitation of the locks and appurtenant features to be transferred.''.*

***SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.***

*The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.*

***SEC. 569. ILLINOIS RIVER BASIN RESTORATION.***

*(a) ILLINOIS RIVER BASIN DEFINED.—In this section, the term ''Illinois River basin'' means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.*

*(b) COMPREHENSIVE PLAN.—*

*(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.*

*(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—*

*(A) to enhance the Illinois River as a vital transportation corridor;*

*(B) to improve water quality within the entire Illinois River basin;*

*(C) to restore, enhance, and preserve habitat for plants and wildlife; and*

*(D) to increase economic opportunity for agriculture and business communities.*

*(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—*

*(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;*

*(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;*

*(C) the development and implementation of a long-term resource monitoring program; and*

*(D) the development and implementation of a computerized inventory and analysis system.*

*(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Illinois River Coordinating Council.*

*(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.*

*(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.*

*(c) CRITICAL RESTORATION PROJECTS.—*

*(1) IN GENERAL.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.*

*(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry*

*out projects under this subsection $100,000,000 for fiscal years 2001 through 2004.*

*(3) FEDERAL SHARE.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.*

*(d) GENERAL PROVISIONS.—*

*(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.*

*(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.*

*(e) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:*

*(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).*

*(2) Upper Mississippi River Illinois Waterway System Study.*

*(3) Kankakee River Basin General Investigation.*

*(4) Peoria Riverfront Development General Investigation.*

*(5) Illinois River Ecosystem Restoration General Investigation.*

*(6) Conservation Reserve Program and other farm programs of the Department of Agriculture.*

*(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.*

*(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.*

*(9) National Buffer Initiative of the Natural Resources Conservation Service.*

*(10) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.*

*(f) JUSTIFICATION.—*

*(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—*

*(A) are justified by the environmental benefits derived by the Illinois River basin; and*

*(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.*

*(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.*

*(g) COST SHARING.—*

*(1) IN GENERAL.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.*

*(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.*

*(3) IN-KIND SERVICES.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects which accomplish the goals of this section, as determined by the Secretary. Such programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.*

*(4) CREDIT.—*

*(A) VALUE OF LANDS.—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.*

*(B) WORK.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.*

***SEC. 570. GREAT LAKES.***

*(a) GREAT LAKES TRIBUTARY MODEL.—Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—*

*(1) by adding at the end of subsection (e) the following:*

*''(3) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection.''; and*

*(2) in subsection (g)—*

*(A) by striking ''There is authorized'' and inserting the following:*

*''(1) IN GENERAL.—There is authorized'';*

*(B) by adding at the end the following:*

*''(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2002 through 2006.''; and*

*(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).*

*(b) ALTERNATIVE ENGINEERING TECHNOLOGIES.—*

*(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan to enhance the application of ecological principles and practices to traditional engineering problems at Great Lakes shores.*

*(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000. Activities under this subsection shall be carried out at Federal expense.*

*(c) FISHERIES AND ECOSYSTEM RESTORATION.—*

*(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan for implementing Corps of Engineers activities, including ecosystem restoration, to enhance the management of Great Lakes fisheries.*

*(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $300,000. Activities under this subsection shall be carried out at Federal expense.*

***SEC. 571. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.***

*Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 110 Stat. 3763; 113 Stat. 338) is amended—*

*(1) in subsection (a)(2)(A) by striking ''50 percent'' and inserting ''35 percent'';*

*(2) in subsection (b)—*

*(A) by striking paragraph (3);*

*(B) in the first sentence of paragraph (4) by striking ''50 percent'' and inserting ''35 percent''; and*

*(C) by redesignating paragraph (4) as paragraph (3); and*

*(3) in subsection (c) by striking ''$5,000,000 for each of fiscal years 1998 through 2000.'' and inserting ''$10,000,000 for each of fiscal years 2001 through 2005.''.*

***SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.***

*(a) DEFINITION OF GREAT LAKE.—In this section, the term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).*

*(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.*

***SEC. 573. DREDGED MATERIAL RECYCLING.***

*(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from a confined disposal facility associated with a harbor on the Great Lakes or the Saint Lawrence River and a harbor on the Delaware River in Pennsylvania for the purpose of recycling the dredged material and extending the life of the confined disposal facility.*

*(b) REPORT.—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.*

***SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.***

*Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amended by adding at the end the following:*

*''(28) Tomales Bay watershed, California.*

*''(29) Kaskaskia River watershed, Illinois.*

*''(30) Sangamon River watershed, Illinois.*

*''(31) Lackawanna River watershed, Pennsylvania.*

*''(32) Upper Charles River watershed, Massachusetts.*

*''(33) Brazos River watershed, Texas.''.*

***SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.***

*Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:*

*''(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.*

*''(17) Morehead City Harbor, North Carolina.''.*

***SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.***

*The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (110 Stat. 3703) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College.*

***SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.***

*Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2861–515), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and fund the Department of the Army's share of the cost of activities required for implementing, operating, and maintaining the Service.*

***SEC. 578. HYDROGRAPHIC SURVEY.***

*The Secretary shall enter into an agreement with the Administrator of the National Oceanographic and Atmospheric Administration to require the Secretary, not later than 60 days after*

*the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers.*

***SEC. 579. PERCHLORATE.***

*(a) IN GENERAL.—The Secretary, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.*

*(b) INVESTIGATIONS AND PROJECTS.—*

*(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval ''Weapons Industrial Reserve Plant'' at McGregor, Texas.*

*(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.*

*(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $8,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).*

***SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.***

*Section 560 of the Water Resources Development Act of 1999 (33 USC 2336; 113 Stat. 354–355) is amended—*

*(1) in subsection (a) by striking ''and design'' and inserting ''design, and construction'';*

*(2) in subsection (c) by striking ''50'' and inserting ''35'';*

*(3) in subsection (e) by inserting ''and colleges and universities, including the members of the Western Universities Mine-Land Reclamation and Restoration Consortium, for the purposes of assisting in the reclamation of abandoned noncoal mines and'' after ''entities''; and*

*(4) by striking subsection (f) and inserting the following:*

*''(f) NON-FEDERAL INTERESTS.—In this section, the term 'non-Federal interests' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).*

*''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.*

*''(h) CREDIT.—A non-Federal interest shall receive credit toward the non-Federal share of the cost of a project under this section for design and construction services and other in-kind consideration provided by the non-Federal interest if the Secretary determines that such design and construction services and other in-kind consideration are integral to the project.*

*''(i) COST LIMITATION.—Not more than $10,000,000 of the amounts appropriated to carry out this section may be allotted for projects in a single locality, but the Secretary may accept funds voluntarily contributed by a non-Federal or Federal entity for the purpose of expanding the scope of the services requested by the non-Federal or Federal entity.*

*''(j) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.*

*''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $45,000,000. Such sums shall remain available until expended.''.*

***SEC. 581. LAKES PROGRAM.***

*Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is further amended—*

*(1) in subsection (b) by inserting ''and activity'' after ''project'';*

*(2) in subsection (c) by inserting ''and activities under subsection (f)'' before the comma; and*

*(3) by adding at the end the following:*

*''(f) CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.—*

*''(1) IN GENERAL.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—*

*''(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;*

*''(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and*

*''(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.*

*''(2) USE OF RESEARCH.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.*

*''(3) BIOLOGICAL MONITORING STATION.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.*

*''(4) CREDIT.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.*

*''(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection $6,000,000. Such sums shall remain available until expended.''.*

***SEC. 582. RELEASE OF USE RESTRICTION.***

*(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restriction covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.*

*(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and running along the easterly boundary of a tract of land described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the Alabama Farmers Cooperative, Inc.*

***SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES PROTECTION.***

*(a) IN GENERAL.—Under section 219(a) of the Water Resources Development Act of 1992 (106 Stat. 4835), the Secretary may provide technical, planning, and design assistance to non-Federal interests to carry out water-related projects described in this section.*

*(b) NON-FEDERAL SHARE.—Notwithstanding section 219(b) of the Water Resources Development Act of 1992 (106 Stat. 4835), the non-Federal share of the cost of each project assisted in accordance with this section shall be 25 percent.*

*(c) PROJECT DESCRIPTIONS.—The Secretary may provide assistance in accordance with subsection (a) to each of the following projects:*

*(1) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.*

*(2) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.*

*(3) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.*

*(4) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.*

*(5) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.*

*(6) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.*

*(7) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.*

*(8) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.*

*(9) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.*

*(10) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.*

*(11) KEY BISCAYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.*

*(12) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.*

*(13) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.*

*(14) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.*

*(15) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.*

*(16) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.*

*(17) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.*

*(18) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.*

*(19) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.*

*(20) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.*

*(21) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.*

*(22) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—There is authorized to be appropriated $25,000,000 for providing assistance in accordance with subsection (a) to the projects described in subsection (c).*

*(2) AVAILABILITY.—Sums authorized to be appropriated under this subsection shall remain available until expended.*

*(e) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—The Secretary may provide assistance in accordance with subsection (a) and assistance for construction for each the following projects:*

*(1) DUCK RIVER, CULLMAN, ALABAMA.—$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.*

*(2) UNION COUNTY, ARKANSAS.—$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.*

*(3) CAMBRIA, CALIFORNIA.—$10,300,000 for desalination infrastructure, Cambria, California.*

*(4) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.*

*(5) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.*

*(6) SAN DIEGO COUNTY, CALIFORNIA.—$10,000,000 for water-related infrastructure, San Diego County, California.*

*(7) SOUTH PERRIS, CALIFORNIA.—$25,000,000 for water supply desalination infrastructure, South Perris, California.*

*(8) AURORA, ILLINOIS.—$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.*

*(9) COOK COUNTY, ILLINOIS.—$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.*

*(10) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.*

*(11) IBERIA PARISH, LOUISIANA.—$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.*

*(12) KENNER, LOUISIANA.—$5,000,000 for wastewater infrastructure, Kenner, Louisiana.*

*(13) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.*

*(14) NEWTON, NEW JERSEY.—$7,000,000 for water filtration infrastructure, Newton, New Jersey.*

*(15) LIVERPOOL, NEW YORK.—$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.*

*(16) STANLY COUNTY, NORTH CAROLINA.—$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.*

*(17) YUKON, OKLAHOMA.—$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.*

*(18) ALLEGHENY COUNTY, PENNSYLVANIA.—$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.*

*(19) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.*

*(20) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.*

*(21) TITUSVILLE, PENNSYLVANIA.—$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.*

*(22) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.*

***SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.***

*Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835, 4836) is amended—*

*(1) in subsection (e)(6) by striking ''$20,000,000'' and inserting ''$30,000,000'';*

*(2) in subsection (f)(4) by striking ''$15,000,000'' and inserting ''$35,000,000'';*

*(3) in subsection (f)(21) by striking ''$10,000,000'' and inserting ''$20,000,000'';*

*(4) in subsection (f)(25) by striking ''$5,000,000'' and inserting ''$15,000,000'';*

*(5) in subsection (f)(30) by striking ''$10,000,000'' and inserting ''$20,000,000'';*

*(6) in subsection (f)(43) by striking ''$15,000,000'' and inserting ''$35,000,000''; and*

*(7) in subsection (f) by adding at the end the following new paragraph:*

*''(44) WASHINGTON, D.C., AND MARYLAND.—$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.''.*

***SEC. 585. LAND CONVEYANCES.***

*(a) THOMPSON, CONNECTICUT.—*

*(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described in paragraph (2) for public ownership and use by the town for fire fighting and related emergency services purposes.*

*(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled ''Property Survey Prepared for West Thompson Independent Firemen Association #1'' dated August 24, 1998, bounded and described as follows:*

*Beginning at a bound labeled WT–276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;*

*Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;*

*Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;*

*Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT–123, at land now or formerly of the United States of America;*

*Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;*

*Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;*

*Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;*

*Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT–277;*

*Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.*

*(3) REVERSION.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for fire fighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States.*

*(b) SIBLEY MEMORIAL HOSPITAL, WASHINGTON, DISTRICT OF COLUMBIA.—*

*(1) IN GENERAL.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the ''Hospital'') by quitclaim deed under the terms of a negotiated sale, all right, title, and interest of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.*

*(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:*

*(A) North 35° 05′ 40″ West—436.31 feet to a point, thence*

*(B) South 89° 59′ 30″ West—550 feet to a point, thence*

*(C) South 53° 48′ 00″ West—361.08 feet to a point, thence*

*(D) South 89° 59′ 30″ West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described.*

*(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17′ 20″ West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described*

*(F) North 87° 18′ 21″ East—258.85 feet to a point, thence*

*(G) North 02° 49′ 16″ West—214.18 feet to a point, thence*

*(H) South 87° 09′ 00″ West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described*

*(I) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described*

*(J) North 87° 09′ 00″ East—373.96 feet to a point, thence*

*(K) North 88° 42′ 48″ East—374.92 feet to a point, thence*

*(L) North 56° 53′ 40″ East—53.16 feet to a point, thence*

*(M) North 86° 00′ 15″ East—26.17 feet to a point, thence*

*(N) South 87° 24′ 50″ East—464.01 feet to a point, thence*

*(O) North 83° 34′ 31″ East—212.62 feet to a point, thence*

*(P) South 30° 16′ 12″ East—108.97 feet to a point, thence*

*(Q) South 38° 30′ 23″ East—287.46 feet to a point, thence*

*(R) South 09° 03′ 38″ West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described*

*(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54′ 43″ West—197.35 feet to the place of beginning.*

*(3) TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to the following terms and conditions:*

*(A) LIMITATION ON THE USE OF CERTAIN PORTIONS OF THE PARCEL.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.*

*(B) LIMITATION ON CERTAIN LEGAL CHALLENGES.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from any impact such operations may have on the activities conducted by the Hospital on the parcel.*

*(C) EASEMENT.—The Secretary shall require that the conveyance be subject to the retention*

*of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05′ 40″ East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforsaid Dalecarlia Reservoir Grounds as now described:*

*(i) North 35° 05′ 40″ West—495.13 feet to a point, thence*

*(ii) North 87° 24′ 50″ West—414.43 feet to a point, thence*

*(iii) South 81° 08′ 00″ West—69.56 feet to a point, thence*

*(iv) South 88° 42′ 48″ West—367.50 feet to a point, thence*

*(v) South 87° 09′ 00″ West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described*

*(vi) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described*

*(vii) North 87° 09′ 00″ East—373.96 feet to a point, thence*

*(viii) North 88° 42′ 48″ East—374.92 feet to a point, thence*

*(ix) North 56° 53′ 40″ East—53.16 feet to a point, thence*

*(x) North 86° 00′ 15″ East—26.17 feet to a point, thence*

*(xi) South 87° 24′ 50″ East—464.01 feet to a point, thence*

*(xii) North 83° 34′ 31″ East—50.62 feet to a point, thence*

*(xiii) South 02° 35′ 10″ West—46.46 feet to a point, thence*

*(xiv) South 13° 38′ 12″ East—107.83 feet to a point, thence*

*(xv) South 35° 05′ 40″ East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described*

*(xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59′ 22″ West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.*

*(4) APPRAISAL.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.*

*(c) ONTONAGON, MICHIGAN.—*

*(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Ontonagon County Historical Society all right, title, and interest of the United States in and to the parcel of land underlying and immediately surrounding the lighthouse at Ontonagon, Michigan, consisting of approximately 1.8 acres, together with any improvements thereon, for public ownership and for public purposes.*

*(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.*

*(3) REVERSION.—If the Secretary determines that the real property described in paragraph (1) ceases to be held in public ownership or used for public purposes, all right, title, and interest in and to the property shall revert to the United States.*

*(d) PIKE COUNTY, MISSOURI.—*

*(1) LAND EXCHANGE.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey by quitclaim deed all right, title, and interest in the parcel of land described in paragraph (2)(B) to S.S.S., Inc.*

*(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:*

*(A) NON-FEDERAL LAND.—8.99 acres with existing flowage easements situated in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.*

*(B) FEDERAL LAND.—8.99 acres situated in Pike County, Missouri, known as Government Tract Numbers FM–46 and FM–47, administered by the Corps of Engineers.*

*(3) CONDITIONS.—The exchange of land under paragraph (1) shall be subject to the following conditions:*

*(A) DEEDS.—*

*(i) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a quitclaim deed acceptable to the Secretary.*

*(ii) FEDERAL LAND.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.*

*(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require S.S.S., Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, S.S.S., Inc. shall hold the United States harmless from liability, and the United States shall not incur costs associated with the removal or relocation of any of the improvements.*

*(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.*

*(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the lands described in paragraph (2). The legal description shall be used in the instruments of conveyance of the lands.*

*(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.*

*(e) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking ''a deceased individual'' and inserting ''an individual''.*

*(f) MANOR TOWNSHIP, PENNSYLVANIA.—*

*(1) IN GENERAL.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.*

*(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.*

*(3) CONSIDERATION.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.*

*(4) REVERSION.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the Secretary.*

*(5) PAYMENT OF COSTS.—The township of Manor, Pennsylvania shall be responsible for all costs associated with a conveyance under this subsection, including the cost of conducting the survey referred to in paragraph (2).*

*(g) NEW SAVANNAH BLUFF LOCK AND DAM, SAVANNAH RIVER, SOUTH CAROLINA, BELOW AUGUSTA.—*

*(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the city of North Augusta and Aiken County, South Carolina, the lock, dam, and appurtenant features at New Savannah Bluff, including the adjacent approximately 50-acre park and recreation area with improvements of the navigation project, Savannah River Below Augusta, Georgia, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 924), subject to the execution of an agreement by the Secretary and the city of North Augusta and Aiken County, South Carolina, that specifies the terms and conditions for such conveyance.*

*(2) TREATMENT OF LOCK, DAM, APPURTENANT FEATURES, AND PARK AND RECREATION AREA.—The lock, dam, appurtenant features, adjacent park and recreation area, and other project lands, to be conveyed under paragraph (1) shall not be treated as part of any Federal water resources project after the effective date of the transfer.*

*(3) OPERATION AND MAINTENANCE.—Operation and maintenance of all features of the navigation project, other than the lock, dam, appurtenant features, adjacent park and recreation area, and other project lands to be conveyed under paragraph (1), shall continue to be a Federal responsibility after the effective date of the transfer under paragraph (1).*

*(h) TRI-CITIES AREA, WASHINGTON.—Section 501(i) of the Water Resources Development Act of 1996 (110 Stat. 3752–3753) is amended—*

*(1) by inserting before the period at the end of paragraph (1) the following: ''; except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the lands to be conveyed to the local government''; and*

*(2) by inserting before the period at the end of paragraph (2)(C) the following: ''; except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the Kennewick Man Site and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership''.*

*(i) BAYOU TECHE, LOUISIANA.—*

*(1) IN GENERAL.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, interests, and title of the United States in the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.*

*(2) CONDITIONS.—The following conditions apply to the transfer under paragraph (1):*

*(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes.*

*(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.*

*(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary*

*may effect the repairs and require payment from the Parish for the repairs made by the Secretary.*

*(j) JOLIET, ILLINOIS.—*

*(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.*

*(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.*

*(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for other purposes, all right, title, and interest in and to such property shall revert to the United States.*

*(k) OTTAWA, ILLINOIS.—*

*(1) CONVEYANCE OF PROPERTY.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the ''YMCA''), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the ''Ottawa, Illinois YMCA Site'', and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE ¼, S11, T33N, R3E 3PM), except that portion lying below the elevation of 461 feet National Geodetic Vertical Datum.*

*(2) CONDITIONS.—The following conditions apply to the conveyance under paragraph (1):*

*(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.*

*(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property desscribed in paragraph (1).*

*(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used as the YMCA, all right, title, and interest in and to such easement shall revert to the Secretary.*

*(l) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—*

*(1) IN GENERAL.—The Secretary shall convey to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).*

*(2) LAND DESCRIPTION.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast ¼ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18–1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1–C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.*

*(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to such property shall revert to the United States.*

*(m) GENERALLY APPLICABLE PROVISIONS.—*

*(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.*

*(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.*

*(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.*

*(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.*

***SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.***

*(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, situated north and cast of the Gunflint Corridor and that is bounded by the United States border with Canada to the north shall be known and designated as the ''Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness''.*

*(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the ''Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness''.*

***SEC. 587. WAURIKA LAKE, OKLAHOMA.***

*The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.*

***SEC. 588. COLUMBIA RIVER TREATY FISHING ACCESS.***

*Section 401(d) of the Act entitled ''An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)'', approved November 1, 1988 (102 Stat. 2944), is amended by striking ''$2,000,000'' and inserting ''$4,000,000''.*

***SEC. 589. DEVILS LAKE, NORTH DAKOTA.***

*No appropriation shall be made to construct an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River if the final plans for the emergency outlet have not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.*

## *TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION*

***SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.***

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

*(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—*

*(A) IN GENERAL.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).*

*(B) INCLUSION.—The term ''Central and Southern Florida Project'' includes any modification to the project authorized by this section or any other provision of law.*

*(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of Florida.*

*(3) NATURAL SYSTEM.—*

*(A) IN GENERAL.—The term ''natural system'' means all land and water managed by the Federal Government or the State within the South Florida ecosystem.*

*(B) INCLUSIONS.—The term ''natural system'' includes—*

*(i) water conservation areas;*

*(ii) sovereign submerged land;*

*(iii) Everglades National Park;*

*(iv) Biscayne National Park;*

*(v) Big Cypress National Preserve;*

*(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and*

*(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.*

*(4) PLAN.—The term ''Plan'' means the Comprehensive Everglades Restoration Plan contained in the ''Final Integrated Feasibility Report and Programmatic Environmental Impact Statement'', dated April 1, 1999, as modified by this section.*

*(5) SOUTH FLORIDA ECOSYSTEM.—*

*(A) IN GENERAL.—The term ''South Florida ecosystem'' means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.*

*(B) INCLUSIONS.—The term ''South Florida ecosystem'' includes—*

*(i) the Everglades;*

*(ii) the Florida Keys; and*

*(iii) the contiguous near-shore coastal water of South Florida.*

*(6) STATE.—The term ''State'' means the State of Florida.*

*(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—*

*(1) APPROVAL.—*

*(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.*

*(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).*

*(2) SPECIFIC AUTHORIZATIONS.—*

*(A) IN GENERAL.—*

*(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).*

*(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—*

*(I) take into account the protection of water quality by considering applicable State water quality standards; and*

*(II) include such features as the Secretary determines are necessary to ensure that all ground*

*water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.*

*(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.*

*(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:*

*(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.*

*(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.*

*(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.*

*(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.*

*(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:*

*(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.*

*(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.*

*(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.*

*(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.*

*(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.*

*(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.*

*(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.*

*(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.*

*(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.*

*(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.*

*(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.*

*(D) CONDITIONS.—*

*(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).*

*(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).*

*(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.*

*(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).*

*(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.*

*(c) ADDITIONAL PROGRAM AUTHORITY.—*

*(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—*

*(A) are described in the Plan; and*

*(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.*

*(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).*

*(3) FUNDING.—*

*(A) INDIVIDUAL PROJECT FUNDING.—*

*(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.*

*(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.*

*(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.*

*(d) AUTHORIZATION OF FUTURE PROJECTS.—*

*(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.*

*(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—*

*(A) a description of the project; and*

*(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).*

*(e) COST SHARING.—*

*(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.*

*(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—*

*(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and*

*(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).*

*(3) FEDERAL ASSISTANCE.—*

*(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.*

*(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).*

*(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.*

*(5) CREDIT.—*

*(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—*

*(i) included in the total cost of the project; and*

*(ii) credited toward the non-Federal share of the cost of the project.*

*(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—*

*(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or*

*(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;*

*(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and*

*(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.*

*(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).*

*(D) PERIODIC MONITORING.—*

*(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the*

*Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—*

*(I) monitor the non-Federal provision of cash, in-kind services, and land; and*

*(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.*

*(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.*

*(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.*

*(f) EVALUATION OF PROJECTS.—*

*(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.*

*(2) PROJECT JUSTIFICATION.—*

*(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—*

*(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and*

*(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.*

*(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.*

*(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:*

*(1) WATER INCLUDED IN THE PLAN.—*

*(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—*

*(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;*

*(ii) the project is favorably recommended in a final report of the Chief of Engineers; and*

*(iii) the project is authorized by Act of Congress.*

*(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—*

*(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;*

*(ii) an assessment of the requirements to divert and treat the water;*

*(iii) an assessment of delivery alternatives;*

*(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and*

*(v) any other assessments that are determined by the Secretary to be necessary to complete the study.*

*(2) WASTEWATER REUSE.—*

*(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.*

*(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.*

*(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:*

*(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.*

*(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.*

*(h) ASSURANCE OF PROJECT BENEFITS.—*

*(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.*

*(2) AGREEMENT.—*

*(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.*

*(B) ENFORCEMENT.—*

*(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.*

*(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—*

*(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or*

*(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.*

*(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.*

*(3) PROGRAMMATIC REGULATIONS.—*

*(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.*

*(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.*

*(C) CONTENT OF REGULATIONS.—*

*(i) IN GENERAL.—Programmatic regulations promulgated under this paragraph shall establish a process—*

*(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;*

*(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and*

*(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.*

*(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.*

*(D) SCHEDULE AND TRANSITION RULE.—*

*(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.*

*(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.*

*(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.*

*(4) PROJECT-SPECIFIC ASSURANCES.—*

*(A) PROJECT IMPLEMENTATION REPORTS.—*

*(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.*

*(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.*

*(iii) REQUIREMENTS.—A project implementation report shall—*

*(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);*

*(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;*

*(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);*

*(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;*

*(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);*

*(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);*

*(VII) be based on the best available science; and*

*(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.*

*(B) PROJECT COOPERATION AGREEMENTS.—*

*(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.*

*(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.*

*(C) OPERATING MANUALS.—*

*(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.*

*(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.*

*(5) SAVINGS CLAUSE.—*

*(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—*

*(i) an agricultural or urban water supply;*

*(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);*

*(iii) the Miccosukee Tribe of Indians of Florida;*

*(iv) water supply for Everglades National Park; or*

*(v) water supply for fish and wildlife.*

*(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—*

*(i) in existence on the date of enactment of this Act; and*

*(ii) in accordance with applicable law.*

*(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).*

*(i) DISPUTE RESOLUTION.—*

*(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—*

*(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;*

*(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;*

*(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and*

*(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).*

*(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.*

*(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.*

*(j) INDEPENDENT SCIENTIFIC REVIEW.—*

*(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.*

*(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.*

*(k) OUTREACH AND ASSISTANCE.—*

*(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).*

*(2) COMMUNITY OUTREACH AND EDUCATION.—*

*(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.*

*(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.*

*(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—*

*(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);*

*(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and*

*(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.*

*(m) REPORT ON AQUIFER STORAGE AND RECOVERY PROJECT.—Not later than 180 after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.*

*(n) FULL DISCLOSURE OF PROPOSED FUNDING.—*

*(1) FUNDING FROM ALL SOURCES.—The President, as part of the annual budget of the United States Government, shall display under the heading ''Everglades Restoration'' all proposed funding for the Plan for all agency programs.*

*(2) FUNDING FROM CORPS OF ENGINEERS CIVIL WORKS PROGRAM.—The President, as part of the annual budget of the United States Government, shall display under the accounts ''Construction, General'' and ''Operation and Maintenance, General'' of the title ''Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil'', the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.*

*(o) SURPLUS FEDERAL LANDS.—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after ''on or after the date of enactment of this Act'' the following: ''and before the date of enactment of the Water Resource Development Act of 2000''.*

*(p) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.*

***SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.***

*(a) FINDINGS.—Congress finds that—*

*(1) the Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;*

*(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;*

*(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;*

*(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and*

*(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.*

*(b) SENSE OF CONGRESS.—It is the sense of Congress that—*

*(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;*

*(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;*

*(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;*

*(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;*

*(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and*

*(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.*

## *TITLE VII—MISSOURI RIVER RESTORATION*

***SEC. 701. DEFINITIONS.***

*In this title, the following definitions apply:*

*(1) PICK-SLOAN PROGRAM.—The term ''Pick-Sloan program'' means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891).*

*(2) PLAN.—The term ''plan'' means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).*

*(3) STATE.—The term ''State'' means the State of South Dakota.*

*(4) TASK FORCE.—The term ''Task Force'' means the Missouri River Task Force established by section 705(a).*

*(6) TRUST.—The term ''Trust'' means the Missouri River Trust established by section 704(a).*

***SEC. 702. MISSOURI RIVER TRUST.***

*(a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.*

*(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—*

*(1) 15 members recommended by the Governor of South Dakota that—*

*(A) represent equally the various interests of the public; and*

*(B) include representatives of—*

*(i) the South Dakota Department of Environment and Natural Resources;*

*(ii) the South Dakota Department of Game, Fish, and Parks;*

*(iii) environmental groups;*

*(iv) the hydroelectric power industry;*

*(v) local governments;*

*(vi) recreation user groups;*

*(vii) agricultural groups; and*

*(viii) other appropriate interests;*

*(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and*

*(3) 1 member recommended by the organization known as the ''Three Affiliated Tribes of North Dakota'' (composed of the Mandan, Hidatsa, and Arikara tribes).*

***SEC. 703. MISSOURI RIVER TASK FORCE.***

*(a) ESTABLISHMENT.—There is established the Missouri River Task Force.*

*(b) MEMBERSHIP.—The Task Force shall be composed of—*

*(1) the Secretary (or a designee), who shall serve as Chairperson;*

*(2) the Secretary of Agriculture (or a designee);*

*(3) the Secretary of Energy (or a designee);*

*(4) the Secretary of the Interior (or a designee); and*

*(5) the Trust.*

*(c) DUTIES.—The Task Force shall—*

*(1) meet at least twice each year;*

*(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;*

*(3) review projects to meet the goals of the plan; and*

*(4) recommend to the Secretary critical projects for implementation.*

*(d) ASSESSMENT.—*

*(1) IN GENERAL.—Not later than 1 year after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—*

*(A) the impact of the siltation of the Missouri River in the State, including the impact on the Federal, State, and regional economies, recreation, hydropower generation, fish and wildlife, and flood control;*

*(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;*

*(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and*

*(D) other issues, as requested by the Task Force.*

*(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with the Secretary of Energy, the Secretary of the Interior, the Secretary of Agriculture, the State, and Indian tribes in the State.*

*(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—*

*(1) IN GENERAL.—Not later than 2 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.*

*(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—*

*(A) conservation practices in the Missouri River watershed;*

*(B) the general control and removal of sediment from the Missouri River;*

*(C) the protection of recreation on the Missouri River from sedimentation;*

*(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;*

*(E) erosion control along the Missouri River; or*

*(F) any combination of the activities described in subparagraphs (A) through (E).*

*(3) PLAN REVIEW AND REVISION.—*

*(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.*

*(B) REVISION OF PLAN.—*

*(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.*

*(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.*

*(f) CRITICAL RESTORATION PROJECTS.—*

*(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.*

*(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).*

*(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—*

*(A) within the boundary of an Indian reservation; or*

*(B) administered by an Indian tribe.*

*(g) COST SHARING.—*

*(1) ASSESSMENT.—*

*(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 50 percent.*

*(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.*

*(2) PLAN.—*

*(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 50 percent.*

*(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.*

*(3) CRITICAL RESTORATION PROJECTS.—*

*(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.*

*(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.*

*(C) NON-FEDERAL SHARE.—*

*(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.*

*(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—*

*(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;*

*(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and*

*(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.*

*(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).*

***SEC. 704. ADMINISTRATION.***

*(a) IN GENERAL.—Nothing in this title diminishes or affects—*

*(1) any water right of an Indian tribe;*

*(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;*

*(3) any treaty right that is in effect on the date of enactment of this Act;*

*(4) any external boundary of an Indian reservation of an Indian tribe;*

*(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or*

*(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—*

*(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);*

*(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);*

*(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);*

*(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);*

*(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);*

*(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);*

*(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);*

*(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);*

*(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and*

*(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.*

*(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, 33 U.S.C. 701–1 et seq.).*

***SEC. 705. AUTHORIZATION OF APPROPRIATIONS.***

*There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2005, $5,000,000 for each of fiscal years 2006 through 2009, and $10,000,000 in fiscal year 2010. Such funds shall remain available until expended.*

Mr. LOTT. I ask unanimous consent that the Senate disagree with the amendments of the House, agree to the request for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair appointed Mr. SMITH of New Hampshire, Mr. WARNER, Mr. VOINOVICH, Mr. BAUCUS, and Mr. GRAHAM of Florida as conferees on the part of the Senate.

## ESTUARIES AND CLEAN WATERS ACT OF 2000

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate now proceed to the conference report to accompany S. 835, the estuary bill; further, that the conference report be adopted, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The conference report will be printed in a future edition of the RECORD in the House proceedings.)

Mr. L. CHAFEE. Mr. President, I rise today in support of the conference report to S. 835, the Estuaries and Clean Waters Act of 2000.

During my year in the Senate, one of my top legislative priorities has been the enactment of my father's estuary habitat restoration partnership legislation, S. 835. This bill will promote the restoration of one million acres of estuary habitat by directing $275 million in funding and other incentives to local estuarine restoration projects.

I congratulate the Members of the Senate Environment and Public Works Committees, and in particular Chairman BOB SMITH, for their expertise, persistence and enthusiastic support for this important environmental bill. And, I am delighted that the Senate is approving this compromise version, and moving the Estuaries and Clean Waters Act one step closer to enactment this session.

Mr. President, my father was a champion of efforts to protect wetlands and estuarine areas, and he felt strongly that the federal government should do more to restore and safeguard these valuable habitats. He had a special devotion and appreciation for the salt marshes, coves and coastline of Narragansett Bay. Thus, in the fall of 1997, at Edgewood Yacht Club in Cranston, surrounded by supporters from Rhode Island's Save The Bay, Senator John H. Chafee announced introduction of his comprehensive legislation to protect and restore our nation's estuaries. That bill evolved into S. 835, the Estuary Habitat Restoration Partnership Act that he introduced in the Spring of last year. And, when we approve this legislation, we are carrying out the work that my father considered to be of utmost importance to the health of our fisheries, the quality of our waters, and the beauty of our great land.

Estuaries are where the river's current meets the sea's tide. These waterbodies are unique areas where life thrives. They are where the food chain begins, and many estuaries produce more harvestable human food per acre than the best mid-western farmland. An astonishing variety of life, including animals as diverse as lobsters, Whooping Cranes, manatees, salmon, otters, Bald Eagles, and sea turtles, all depend on estuaries for their survival. Estuaries provide the nursing grounds for our fisheries, support many of our endangered and threatened species and host nearly half of the neotropical migratory birds in the United States.

However, these productive areas are fragile, and vulnerable to human and environmental pressures. Today, burgeoning human populations in coastal areas are disrupting the balance and threatening the health of fragile estuary habitats. Activities such as dredging, draining, the construction of dams, uncontrolled sewage discharges, and other forms of pollution have all led to the degradation and destruction of estuary habitat. The bottom line is that we are not doing enough for these valuable resources. Estuaries are national treasures, and they deserve a national effort to protect and restore them.

Like the many supporters of S. 835, I believe estuary legislation is needed to turn the tide and start restoring the valuable estuarine habitats that are literally disappearing along our nation's coasts. Senator John H. Chafee used to say: ''Given half a chance, nature will rebound and overcome tremendous setbacks, but we must—at the very least—give it that half a chance.'' The good news is that in many degraded coastal areas, nature will rebound if we simply reduce pollution, or return salt water, or replant eelgrass in the proper conditions.

This legislation will fuel efforts to restore one million acres of estuary habitat by emphasizing several aspects of successful habitat restoration projects: effective coordination among different levels of government; continued investment by public and private sector partners; and, most importantly, active participation by local communities.

S. 835 encourages voluntary activities nationwide by authorizing $275 million over five years for estuary habitat restoration projects. Other provisions include the creation of a council to help develop a national strategy for habitat restoration; and a cost-sharing requirement to help leverage federal dollars. S. 835 also promotes ongoing restoration efforts by reauthorizing the Chesapeake Bay and the Long Island Sound Estuary Programs and authorizing a program in the Lake Pontchartrain Basin to restore estuaries at the base of the Mississippi River.

And, the bill makes a significant and necessary change in the EPA's National Estuary Program. Up until now, the 28 nationally-designated estuaries—including Narragansett Bay—could only use federal funds to develop conservation and management plans. This bill amends the program to allow NEP grants to be used to implement the conservation measures included in those plans, and it nearly triples the authorization for the National Estuary Program from $12 million to $35 million per year for the next five years. Indeed, a central theme of this legislation is the need to carry out projects within existing plans and get moving with on-the-ground restoration activities.

Responding effectively to the growing threats to our bays, sounds and other coastal waters presents a tremendous challenge: federal resources are scarce, the need is great, and the pressure on these areas is intensifying. Yet, I am encouraged by the enormous support—at the local, state and federal levels—for taking action to arrest the deterioration of our estuaries, and to reverse the trend through restoration projects. And, I have seen first-hand that restoration projects really work. In recent years, the Rhode Island Department of Environmental Management's Narragansett Bay Estuary Program; federal partners such as the Army Corps of Engineers, U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration; Save the Bay and other conservation organizations; and local communities have joined forces to restore estuaries in and around Narragansett Bay.

By leveraging funding, equipment, volunteers and other resources, federal and non-federal partners have forged cooperative relationships to restore some of the Bay's most important estuarine environments. The Galilee Salt

Marsh and Bird Sanctuary Restoration Project is one such success. This 128-acre marsh was largely cut off from tidal flows as a result of road construction beginning in the 1950's. When fully completed, the restoration project will return 84 acres of salt marsh habitat and 14 acres of open water in new tidal channels to the Galilee Bird Sanctuary. With the reopening of the marsh to tides, salt marsh grasses native to Rhode Island are returning to the area, along with many small fish and crabs and wetland birds such as geese, ducks, egrets, herons and shorebirds. The area is also expected to, once again, serve as an important nursery area for commercially-important fish species.

Other successful Rhode Island projects include the anadromous fish and salt marsh restoration in the Massachuck Creek Fishway in Barrington; restoration of Boyd's Marsh in Portsmouth; and a NOAA Community-Based Restoration Program that partnered Save The Bay with local students and teachers to train them in seagrass and eelgrass restoration techniques. These activities demonstrate that by integrating state and federal resources with local, hands-on community involvement, we can give estuary habitats that half a chance they need to revive and flourish.

A lot of progress has been made toward restoring the health of the Rhode Island's estuaries, but considerable work remains to be done. In my view, Narragansett Bay is not only Rhode Island's greatest natural asset, but is also the most beautiful of our nation's estuaries. Designated by Congress as an ''estuary of national significance,'' Narragansett Bay covers 147 square miles and is home to 60 species of fish and shellfish and more than 200 species of birds. Tourism, fishing and other Bay-related businesses fuel the regional economy. As a Rhode Islander, it seems clear that our welfare depends on our ability to sustain a clean, healthy, and productive Bay. The challenge of estuary restoration is even greater at the national level. With the aid of the Estuaries and Clean Water Act of 2000, the federal government will help meet that challenge, working with state and local partners to revive our most precious and productive estuary resources.

I thank my Senate colleagues for approving this important legislation. And, again I offer appreciation for the efforts of the Chairman and the Ranking Member of the Environment and Public Works Committee, the other Senate conferees and the Committee staff for their perseverance and dedication to passing estuary legislation this Congress. I also thank Rhode Island's Save The Bay, under the leadership of Curt Spalding, and the other conservation organizations who have worked hard to garner support for this legislation across the country.

Mr. SMITH of New Hampshire. Mr. President, I rise today in support of the Estuaries and Clean Waters Act of 2000, S. 835. This is an important piece of legislation that will enhance our ability to protect the nation's valuable shoreline habitats, extend the cooperative partnership to preserve the Chesapeake Bay and Long Island Sound, and expand the effort to improve water quality in our nation's lakes.

I am proud to have been a cosponsor of this legislation and to have had the opportunity to work with our colleagues in the House of Representatives to ensure its passage this year. This legislation was of particular importance to our former colleague, and my friend, Senator John Chafee. He was the principal sponsor of this bill and a long time champion of estuaries. A year ago, under his chairmanship, the Committee on Environment and Public Works reported out S. 835 by voice vote. Since then, his son, Senator LINCOLN CHAFEE has continued the effort to get an estuaries bill signed into law. I am grateful for his leadership and am pleased to join him in that effort. With the Senate's passage of the Conference Report on S. 835 today, and similar action in the House, we will achieve that goal. I believe that is a fitting tribute to Senator John Chafee.

S. 835 exemplifies environmental policy based on partnership and cooperation, and not on top-down mandates and over-burdensome Federal regulations. The bill encourages States, local governments and nongovernmental organizations to work together to identify estuary habitat restoration projects. With the federal government, acting through the Army Corps of Engineers, as a partner, communities across the country will be able to restore and enhance one million acres of estuaries. Because these projects will be implemented in partnership with local sponsors, there will be little cost to the taxpayer. This is exactly the kind of environmental success that we should all be proud of supporting.

To understand how important this Act is for protecting the environment, one has to understand what estuaries are and how valuable they are to our society. Estuaries are the bays, gulfs, sounds, and inlets where fresh water from rivers and streams meets and mixes with salt water from the ocean. More simply, estuaries are where the rivers meet the sea. You can find examples of estuaries in costal marshes, coastal wetlands, maritime forests, sea grass meadows and river deltas. Estuaries represent some of the most environmentally and economically productive habitats in the world.

Estuaries are critical for wildlife. Approximately 50 percent of the nation's migratory songbirds are linked to coastal estuary habitats, while nearly 30 percent of North American waterfowl rely upon coastal estuary habitat for wintering grounds. Many threatened and endangered species depend upon estuaries for their survival.

Estuaries also play a major role in commercial and recreational fishing. Approximately seventy-five percent of the commercial fish catch, and eighty to ninety percent of the recreational fish catch, depend in some way on estuaries.

Estuaries also contribute significantly to the quality of life for many Americans. Over half of the population of the United States lives near a coastal area; a great majority of Americans visit estuaries every year to swim, fish, hunt, dive, bike, view wildlife, and learn. For many states, tourism associated with estuaries provides enormous economic benefit. In fact, the coastal recreation and tourism industry is the second largest employer in the nation, serving 180 million Americans each year.

These many attributes of estuaries are especially important to me because of the rich coast line of New Hampshire. New Hampshire estuaries contribute to the dynamic habitat and beauty of the State, as well as the economy. Recreational shell fishing alone contributes an estimated $3 million annually to the State and local economies.

New Hampshire has been in the forefront of the national effort to identify and protect sensitive estuary habitats. The New Hampshire Great Bay/Little Bay and Hampton Harbor, and their tributary rivers joined the National Estuary Program in July of 1995 as part of the New Hampshire Estuaries Project. I am particularly pleased that the Conference Report on S. 835 specifically mentions the Great Bay Estuary and directs the Secretary of the Army to give priority consideration to the Great Bay Estuary in selecting estuary habitat restoration projects.

The Great Bay Estuary has a rich cultural history. It's beauty and resources attracted the Paleo-Indians to the area nearly 6,000 years ago. It was also the site of a popular summer resort during the 1800s, as well as a shipyard. As a Senator from New Hampshire, I am proud to help preserve this historical and ecological resource for future generations.

Unfortunately, many of the estuaries around the United States including those in New Hampshire, have been harmed by urbanization of the surrounding areas. According to the EPA's National Water Quality Inventory, 38 percent of the surveyed estuary habitat is impaired.

The Estuaries and Clean Waters Act is a tremendous step forward in establishing a much-needed restoration program that does not duplicate existing efforts, but instead builds upon them.

The legislation establishes a new, collaborative, interagency, inter-governmental process for the selection and implementation of estuary habitat restoration projects. It is based on the premise that we should provide incentives to States, local communities, and the private sector to play a role in the restoration of estuary habitat. It also reflects the fundamental belief that the decisions of how to restore these estuaries should be made by those who know best—the local communities.

The Secretary of the Army is authorized to use $275 million over the next five years to implement, with local partners, estuary habitat restoration projects that are selected from a list put together by a multi-agency Estuary Habitat Restoration Council. The Council gets the ideas for specific projects from the local communities and nongovernmental organizations that want to want to serve as partners in the projects. This is truly a collaborative process, from start to finish.

In selecting specific projects, the Secretary is directed to take into consideration a number of factors. These factors include: technical feasibility and scientific merit; cost-effectiveness; whether the project will encourage increased coordination and cooperation among federal, State, and local governments; whether the project fosters public-private partnerships; and whether the project is part of an approved estuary management or habitat restoration plan.

I am particularly pleased that special priority will be given to projects that test innovative technologies that have the potential for improving cost-effectiveness in estuary habitat restoration. These technologies are eligible to receive an increased federal cost share. Some of these technologies are now being identified and tested in the National Estuarine Research Reserve System. The University of New Hampshire plays an important role in the NERRS program.

This bill also ensures accountability through ongoing monitoring and evaluation. The National Oceanic and Atmospheric Administration (NOAA) will maintain a data base of restoration projects so that information and lessons learned from one project can be incorporated into other restoration projects. In addition, the Secretary is directed to submit to Congress two reports, after the third and fifth years of the program, a detailing the progress made under the Act. This report will allow us in the Congress, as well as the public, to assess the successes and failures of the projects and strategies developed under this Act.

S. 835 also includes important provisions dealing with the National Estuaries Program, the Chesapeake Bay Program and the Long Island Sound. I know that the Chesapeake Bay Program has been of particular importance to Senator WARNER. I am pleased that the final bill extended the authorizations for these three programs.

I do want to acknowledge the important role that the National Estuaries Program (NEP) has played in raising national awareness of the value of estuary habitats. The NEP was established in 1988 and demonstrates what we can accomplish when Federal, State and local governments work in partnership. Participation in the program is voluntary and emphasizes watershed planning and community involvement. To date, 28 conservation plans under this program have been prepared for designated estuaries. I am pleased that New Hampshire is in the process of developing its own conservation plan.

Unfortunately, the National Estuaries Program has not had sufficient resources to adequately address habitat restoration. Until now, in fact, only the development of the plans could be funded, not their implementation. S. 835 will change that. This bill will increase the authorization for the NEP from $12 million to $35 million annually through 2005.

I believe that this overwhelmingly bipartisan bill represents an approach to environmental policy that should be the basis for solving all environmental problems. I strongly believe that we should seek to solve environmental problems together, on a bipartisan basis, through cooperation and partnership, and not through confrontation. We should trust the States and local governments as our partners, and allow decisions that affect local communities to made by at the local level. We must use our taxpayer dollars wisely and effectively; and we should insist on results and accountability. If we do these things, I believe we will do a better job of preserving our natural resources, cleaning up our waters, and improving our air quality.

Mr. President, the Estuaries and Clean Waters Act of 2000 takes an important step in the right direction. It's a bill that we should all be proud of. I thank my colleagues for supporting its passage.

## ACKNOWLEDGING AND SALUTING THE CONTRIBUTIONS OF COIN COLLECTORS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 154 submitted by myself and Senator DASCHLE.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A legislation (S. Con. Res. 154) to acknowledge and salute the contributions of coin collectors.

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

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 154) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 154

Whereas in 1982, after a period of 28 years, the Congress of the United States resumed the United States commemorative coin programs;

Whereas since 1982, 37 of the Nation's worthy institutions, organizations, foundations, and programs have been commemorated under the coin programs;

Whereas since 1982, the Nation's coin collectors have purchased nearly 49,000,000 commemorative coins that have yielded nearly $1,800,000,000 in revenue and more than $407,000,000 in surcharges benefitting a variety of deserving causes;

Whereas the United States Capitol has benefitted from the commemorative coin surcharges that have supported such commendable projects as the restoration of the Statue of Freedom atop the Capitol dome, the furtherance of the development of the United States Capitol Visitor Center, and the planned National Garden at the United States Botanic Gardens on the Capitol grounds;

Whereas surcharges from the year 2000 coin program commemorating the Library of Congress bicentennial benefit the Library of Congress bicentennial programs, educational outreach activities (including schools and libraries), and other activities of the Library of Congress; and

Whereas the United States Capitol Visitor Center commemorative coin program will commence in January 2001, with the surcharges designated to further benefit the Capitol Visitor Center: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress of the United States acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's meritorious charitable organizations, foundations, institutions, and programs, including the United States Capitol, the Library of Congress, and the United States Botanic Gardens.

## 2002 WINTER OLYMPIC COMMEMORATIVE COIN ACT

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 816, H.R. 3679.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3679) to provide for the minting of commemorative coins to support the 2002 Salt Lake Winter Games and the programs of the United States Olympic Committee.

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

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 3679) was read the third time and passed.

## ORDERS FOR TUESDAY, OCTOBER 24, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 3 p.m. on Tuesday, October 24. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning

business until 5 p.m, with Senators speaking for up to 5 minutes each, with the following exceptions: Senator THOMAS, or his designee, 15 minutes; Senator DURBIN, or his designee, 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## PROGRAM

Mr. LOTT. Therefore, the Senate will be in a period of morning business on Tuesday.

Following the morning business, the Senate will begin consideration of any available conference reports, if available from the House. It is more likely the Senate will not receive these Senate appropriations reports until either late on Tuesday or Wednesday morning. Votes are not anticipated during Tuesday's session. Senators will be notified when votes are scheduled.

## ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask that the Senate stand in recess under the previous order, following the remarks of Senators HARKIN, LANDRIEU, REID, DORGAN, DURBIN, and LOTT.

Mr. DORGAN. Will the Senator yield?

Mr. LOTT. I am happy to withhold the final request.

Mr. DORGAN. Mr. President, I merely want to ask the majority leader a bit more about the schedule. I understand there are no votes tomorrow, on Tuesday, and the potential of votes on Wednesday. I missed part of the presentation of the majority leader for which I apologize.

Is it the intention of the majority leader to try to complete business this week?

Mr. LOTT. Mr. President, I am happy to repeat it because I know we want to make sure all Senators have heard this. We have four appropriations bills that are in some degree of completion. I think two of them have been wrapped up and two are still being discussed between the House, the Senate, and the White House. It is possible the House will act on one of those appropriations bills on Tuesday, but it appears it wouldn't be until late in the afternoon or even early evening, so we wouldn't get it until late Tuesday or perhaps Wednesday morning.

We also have a discussion underway involving a tax bill which would provide for FSC and the pension and IRAs that have been approved by the Senate Finance Committee, so that could be completed and be available late tomorrow afternoon. But both of those would also probably be done on Wednesday.

Hopefully, with three or four votes, we would be able to complete the session for the year. That could be done Wednesday; hopefully it will be done not later than Thursday. Of course, that all is dependent upon final agreement between the two bodies and final comments we might get from the White House.

Mr. DORGAN. I thank the majority leader for his response.

Might I inquire on one further issue, the issue of the tax matters that the Senator described? Can the Senator tell me how those tax issues will come to the floor of the Senate and the House? In what form? Attached to what legislation?

Mr. LOTT. I don't mean for that to be all inclusive. I assume we will be clearing bills right along as we did last week and this week. We also have a number of Executive Calendar nominations that we anticipate clearing. I started the process last week to get to a vote on bankruptcy. We hope that will also come up, probably Thursday, before we go out.

With regard to the tax provisions, there is a bill to which they would be attached. I don't recall the number right offhand. It does relate to small businesses, small business tax relief, but I can't give an exact name.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I wonder if I might ask our distinguished leader, he mentioned the Executive Calendar. The Finance Committee has held hearings on six nominees, two tax court judges of some considerable salience, two public trustees of the Social Security trust funds. We have not been able to find a committee presence, a majority in which to report out the measure.

We had hoped that possibly the committee might be discharged. These are persons of distinction who we all want to be in place. Will that be possible?

Mr. LOTT. If I could respond, I understand there are two tax court judges, two trustees with the Social Security and Medicare trust funds, two Social Security advisory board nominees, and Assistant Secretary of Commerce. It is our intent to get clearance to discharge committee and confirm those before we go out—hopefully, maybe even tomorrow; certainly, Wednesday or Thursday. But we have the list and we are going to be working on that.

Mr. MOYNIHAN. That is most reassuring. I thank the leader.

Mr. LOTT. I yield the floor.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

## THE SENATE AGENDA

Mr. HARKIN. Mr. President, we are now 23 days from the end of the last fiscal year, and 15 days before the election. So far, this Congress can be defined more by what it has failed to do than what it has done. The majority has so far succeeded in killing a number of critical initiatives needed by working families and senior citizens. The list of legislative corpses could fill several obituary pages.

Here is the report card on this Congress: Patients' Bill of Rights, not done; prescription drug benefit for Medicare, not done; school modernization and renovation, not done; class-size reduction, not done; minimum wage increase, not done; pay equity, not done; farm bill reforms, not done; gun safety measures, not done; campaign finance reform, not done; hate crimes legislation, not done; Latino and Immigrant Fairness Act, not done; college tuition tax deductibility, not done; long-term care tax credit, not done; child care tax credit, not done.

That list could go on and on but I think that summarizes it pretty well.

One might ask, what have we been doing around here this year? Quite frankly, not a heck of a lot when it comes to the people's business. And not only regarding the agenda, there are important authorizations and reauthorizations that have not been authorized.

Elementary and Secondary Education Act, the first time since 1965 that Congress fails to reauthorize. The Violent Crime Control and Law Enforcement Act, Older Americans Act, the Superfund, Clean Water Act, Energy Policy Act and Veterans Health Care Eligibility Reform Act—none of these reauthorizations have taken place this year.

On top of that, we failed to pass our critical appropriations bills.

Right now, we are meeting—I'm the Senate leading Democrat on the Labor-HHS and education bill—on our education appropriations bill. We are in negotiations now. We have been in negotiations since last July and we can't seem to get it done. We are talking about class-size reduction. We have had it for 2 years. It is working well. Go around to your States and talk to the schools. Teachers love it. They are getting more teachers in the classroom. They are getting aides, assistant to come in, especially for kids with disabilities. And right now the Republicans want to turn the clocks back. They don't want to do that anymore. They want to turn the clock back.

On school modernization and construction, they don't want to do that one, either. Mr. President, 14 million American children attend classes in buildings that are unsafe or inadequate. How do we expect our kid to learn for the 21st century when they are in schools not equipped for the 20th century? Yet this Congress says no; no to the educational things that will make our kids better students, make our schools better schools, make the future a better one for all of our people. They say no.

We have had for 3 years, a demonstration projects in Iowa on school

repair, $17.6 million in Federal funds to make needed repairs. It is leveraged an additional $141 million, a ratio of $8 to every $1.

It has been a great success. This is what we could expect around the nation if the Republicans would just get serious and fund this modernization and classroom construction program. We need to continue the class size reduction.

I read this morning in the Congress Daily that the majority leader may make public a tax plan that he intends to pass before we leave: $260 billion over 10 years, more than the prescription drug plan that we do not even have time to consider. I am very disappointed that we have not considered a prescription drug plan. Now, we may have a $260 billion tax plan dropped in front of us with a request to pass it before we have an opportunity to find out what is in it. I have not seen it. No one seems to have seen this tax bill. Unfortunately, I hear is it is full of tax breaks for the wealthy and breaks for the middle class and those with modest incomes are being taken out. If we do get a tax bill, we are going to have to look through this with a fine tooth comb before we vote on it. The American people deserve to know who benefits from this bill. I will be having more to say about that later, if and when we do see this so-called tax bill.

UNANIMOUS CONSENT REQUEST

Mr. HARKIN. As I have almost every day we have been in session, now, for the last few weeks—I brought up the issue of Bonnie Campbell, who has bipartisan support, who has had her hearing in the Judiciary Committee, yet has not been reported out for a vote. This is it. We had 7 nominations for circuit court judges, 2 had their hearings, one was referred, and one was confirmed—one out of 7 this year. Yet in 1992, when there was a Republican President and a Democratic Senate, we had 14 nominations for circuit court judges in the election year, 9 had a hearing, 9 were referred, and 9 were confirmed. Everyone who had a hearing got confirmed, and that was during the election year. Yet this year we only got 1 out of 7.

One of those stuck in there who has had the hearing is Bonnie Campbell, who headed the Office of Violence Against Women ever since it started. She has done an outstanding job at that. We passed the Violence Against Women Act. We reauthorized it by an overwhelming vote in the House and Senate. I think that is a testimony to the fact that Bonnie Campbell has done such an outstanding job of running that Office of Violence Against Women.

She was nominated in March, had her hearing in May, yet she has been sitting there ever since. It is unfair to her. It is unfair to make her sit bottled up in that committee. So, as I do when I get on the floor:

I ask unanimous consent to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter and that debate on the nomination be limited to 2 hours, equally divided, and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER (Mr. STEVENS). Is there objection?

Mr. LOTT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. We always hear that objection, but we don't know why. She has had her hearing. Let's bring her out for a vote; do the decent thing. Bring her out and vote it up or down. That's the decent thing.

Until we finish here, I will ask that unanimous consent to point out we are not the ones holding it up. All we want is a vote for Bonnie Campbell for the eighth circuit. I believe she deserves no less.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## THE UNFINISHED AGENDA

Mr. DORGAN. Mr. President, I listened to the Senator from Iowa, Mr. HARKIN, a few moments ago, as he spoke about the unfinished agenda. I suppose every Congress finishes with a speech by 1 or 2 or 10 or 20 Members of Congress talking about the unfinished agenda. But that unfinished agenda in this Congress is mighty long and also mighty important.

The Senator from Iowa talks about the Patients' Bill of Rights, education issues such as the crumbling schools, smaller class sizes—a whole series of initiatives that we really should get to. The Senator just asked unanimous consent—I guess it was a nomination he was attempting to get to the floor of the Senate.

I made this point last week to the consternation of a couple of my friends here in the Senate, but I think it is important to make it again. On September 22, a motion was brought to the floor of the Senate, a motion to proceed to the consideration of S. 2557. That is an energy bill. That motion to proceed has now been pending here in the Senate for a month and a day. On September 22 it was put on the floor, and it has been here for 1 month and 1 day. My feeling is that the motion to proceed is here—and we are not voting on it and we are not proceeding—it is here because it is a motion to block any other effort to bring up any other issues. We have a wide range of issues; I suppose some of them are being negotiated these days, but most of them will remain unfinished at the end of this session.

The Senator from Iowa, who has a real passion to want to get certain things done, is unable on a Monday or Tuesday to come to the floor to say I want to offer a motion to proceed on his issue. Let's assume it is the minimum wage. He wants to test whether time has changed some minds on the minimum wage. He is unable to offer that. The Patients' Bill of Rights? He has been unable to offer that. Campaign finance reform? Unable to offer that. Why? Because there is a motion pending, and the motion pending is the motion to proceed to the consideration of S. 2557, a bill that I do not believe was ever intended to come to the floor. But the motion pending is a motion to block the efforts of others who might want to offer a motion here on the floor of the Senate. That is what I think is thwarting the interests of the Senator from Iowa.

When he described the unfinished business, one might say: If it is unfinished, why don't you come down here and make a motion? The Senator cannot make a motion because that particular motion to proceed has been blocking anyone else from offering anything for a month and a day.

The Senator did ask unanimous consent. Of course, unanimous consent never clears here. There is always an objection to unanimous consent to move to something. Then the question would be, Why couldn't he just make a motion? The answer is: You can not move to it because we have a blocking motion that has been here for a month and a day.

Mr. HARKIN. If the Senator will yield, I thank the Senator for pointing that out. I am as guilty as anyone—we get wrapped up in the language of the Senate, the language of legislation. I did not realize until now the Senator is making the point that the average person out there, maybe listening to what I said about the fact that we have not brought up or voted on a Patients' Bill of Rights or prescription drugs or Medicare or an increase in the minimum wage—we haven't brought any of those up—might say: Why don't you bring them up? The Senator has pointed it out—we cannot because we are blocked.

Again I ask the Senator, to again clarify this one more time. This motion to proceed that has been here for a month and a day—is it the observation of the Senator that nothing has been done to move to that? We have not gone to that bill. It has just been sitting there. Does the Senator see any move on that side to go to S. 2557, whatever it is?

Mr. DORGAN. I would say after a month now it is quite clear this motion to proceed is simply an effort to block the opportunity of others to offer amendments. People have a right to do

that in the Senate. But they should understand, as I said last week to some colleagues who were on the floor, one can chaff quite a bit at that kind of treatment because it means the passions that brought a number of them to the Senate to do certain things, come here and use all the energy you have to advance good public policy—those passions cannot exist in a circumstance where you are not able to offer motions even to pursue the kinds of things you think this country needs to be doing.

We just saw the chart of the Senator. Some of them said we should probably increase the minimum wage a bit at the bottom. We have 3 million workers working a full 40-hour week trying to raise the family on the minimum wage. They are at the bottom of the economic ladder. This Congress was real quick to say the folks at the top of the ladder, we need to give them a huge tax cut but not quite so quick to say let's help those at the bottom of the ladder.

Some might say we had a vote on that. Yes, we had a vote on that a long time ago. Maybe we ought to have another vote and see whether there is now the will to proceed for some modest increase in the minimum wage. Can we have that vote? No, you cannot offer that nor can I. I offer that as an example.

Mr. HARKIN. If the Senator will yield, I was at a town meeting last week and had an interesting question posed to me by a man in the audience. He said, why don't you people there work more closely together? Why don't you get along a little bit better? Why is there all this bickering? Why can't you just work these things out?

I thought about that. I responded to him and said, we would love to do that but in the legislative process, the way you work things out is, I have my position; you have your position. What we do is we send the bills to the committee; we bring them on the floor; we debate them—full, open, public debate. We may offer amendments. Maybe I want to change it a little bit, maybe you want to change it a little bit. Then when that is all done, you vote and you let the chips fall where they will.

That is the legislative process. That is what the people of this country deserve. I said to him: The way the rules are set up now in the Senate, I do not get to debate or vote or offer amendments that I think might improve a bill as I might want to improve it. I might lose, but that is all right. At least I have made my case. At least we have had a vote. At least my constituents will know where I stand and what I want to do. I may not succeed, but at least I made my case.

The way the situation is on the Senate floor today, I cannot make that case. I cannot tell my constituents I have fought the fight for them because I have been blocked by the rules of the Senate. I say to my friend from North Dakota, it is grossly unfair. It is unfair to the people of this country to have this kind of blockage where we cannot offer amendments, debate, vote up or down, and move on with the business of this country.

Mr. DORGAN. Mr. President, I will make one additional comment. A Patients' Bill of Rights is an awfully good example of where we are at the moment. A bipartisan Patients' Bill of Rights passed the House of Representatives which does what ought to be done: It gives patients protections against some of the practices of HMOs that allow accountants to practice medicine rather than have the doctor and patient decide what is best. The fact is, there has been a change in the Senate. The House passed a bipartisan bill, a good bill, and the Senate passed a watered down bill.

Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. The Senator seeks 3 additional minutes. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. A bipartisan bill passed the House. The Senate did not pass a bipartisan bill. It was a shell of a bill. Things have changed in the Senate, so if we had another vote on it, we would prevail. One Senator is gone; a new one is here. We would have a 50–50 tie. The Vice President would break the tie, and the Senate would pass the Patients' Bill of Rights. We are unable to get to the vote despite the fact, in my judgment, a majority of the Senate would now support a real Patients' Bill of Rights. We would then be in conference with the House having passed one. We would pass one, and the American people would have a real Patients' Bill of Rights.

Mr. HARKIN. That is right.

Mr. DORGAN. One other issue. I asked the majority leader a question about how the tax issues will come to the floor. It looks to me as if a menu of tax issues will come to this floor in the last hours put in a small business authorization bill. I believe the House has actually added other conferees to that conference who are not part of the Small Business Committee.

A small business authorization bill will now be the carrier for all kinds of tax provisions in a conference report, and no Member of the Senate who cares about taxes and wants to have a role in that, perhaps offer an amendment, or have some discussion about what ought to be in or out, no Member of the Senate is going to have that opportunity. It is done in a conference by a few people in a bill that is totally unrelated.

It will come in a conference report, and the result is none of us will have the opportunity to do much about it. The majority leader is a friend. I talked with him one day and said running this place is similar to that commercial on television where those leather-faced cowboys wearing chaps and buckskin vests, riding those big old horses, are herding cats, trying to run cats through the sagebrush, talking about what a tough job that is. I understand that. Running the House and the Senate probably is not much different.

I do believe at some point we have to be in a situation in the Senate where we use the rules to allow everyone to have their day and everyone to have their say, and at the end of the day we vote. If you lose, you lose, but you need the opportunity to have the votes so the Senate can express its will on a series of important issues.

Frankly, this blocking motion that has existed now for a month and a day that prevents the Senator from Iowa, me, or anyone else from offering, for example, the Patients' Bill of Rights on which we would now prevail, is what stands between the American people and a good Patients' Bill of Rights. The result is that men, women, and children will discover when they go to a doctor's office they will be told: Yes, you now have to fight your cancer, but you also have to fight your HMO to get payment for the treatment that you need from your oncologist.

That is happening all too often. The legislation we aspire to pass evens up the score a bit. It says patients have rights and those rights cannot be abridged or abused. We can pass that in the Senate if someone will take that blocking motion off, and we will get one more vote on a Patients' Bill of Rights. This vote will be 51 for, with the Vice President voting for, and 50 against.

I say to those who have this blocking motion, give us the opportunity this afternoon or tomorrow or Wednesday, and we will pass it and go to conference. It will take an hour in conference to resolve the House and Senate bills, and the American people will have a Patients' Bill of Rights.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

## WORK OF THE 106TH CONGRESS

Mr. LOTT. Mr. President, time has been reserved for two or three other Senators. We are checking to see if they are going to make it this afternoon.

While we are waiting on that, I do want to put in the RECORD a report of some of the things that have happened in the Senate.

There are those who are complaining that the Senate has not been doing its business. In fact, I have about four pages of legislation that has been passed over the past 2 years, but I want to read the list of things that have passed since Labor Day alone. I am not going to read them all. When the assertion is made the Senate has not been doing serious work, this belies that and

makes it clear we have been doing very important and serious work.

For instance, we have already repealed the telephone excise tax, a tax that was put on temporarily to help pay for the Spanish-American War. That was a part of one of the bills we passed a week or so ago. That has been repealed.

We passed the Safe Drug Reimportation Act as part of one of the bills that passed last week.

We passed permanent normal trade relations with China, legislation I am sure most people would describe as important trade legislation, whether they disagreed or agreed with it.

We passed the H–1B visa bill which certainly has a very important effect on small businesses and high-tech industries in the United States, as well as other bills related to children's health, breast and cervical cancer prevention, rural schools and community self-determination, and Aimee's law wherein a State can require or use law enforcement funds in relation to the release of a convict who commits a crime in another State. That information can be provided to the other State.

The Violence Against Women Act was passed; victims of terrorism legislation; the Water Resources Development Act, including the very important Everglades provisions. We passed portions of the conservation bill called CARA, and perhaps even more of it will pass before we leave. We passed the intelligence authorization bill; the NASA authorization bill; and the Department of Defense authorization bill just last week, very important legislation for the future of our military men and women, not only in terms of their readiness and modernization of their equipment, but also a pay raise of 4.8 percent for our military men and women, and the strongest health care package for our military men and women, their families, and our retirees in the history of the country.

In addition, we have passed seven appropriations conference bills. There have been questions about the tax bill. I do not think there is any big secret about it. All you have to do is look at bills that have passed the House or the Senate or the Finance Committee, and you will see that there is the community renewal legislation, which has the support of the President, the Speaker of the House, and a number of Senators. There has been an expectation that it would be done in some form before we leave; the very important improvements in pensions and IRAs, as well as 401(k)s, so that a greater amount can be put into these IRAs and 401(k)s.

Then, since we have not been able to overcome objections from some of the Senators—I think Senator WELLSTONE, Senator KENNEDY, and maybe others—the small business tax relief package, which is attached to the minimum wage, would be something that we want to get done before we leave here.

Finally—certainly not least—I have tried to move, several times, the Foreign Sales Corporation legislation reported overwhelmingly by the Finance Committee—very important for our ability to do business in the trade area with Europe. We have not been able to clear it from an objection.

So the expectation is that several of these bills that have broad bipartisan support would be joined together and passed before we leave at the end of the session. So I want the RECORD to reflect a portion of what has been done since Labor Day—not exactly an inactive period of time.

Mr. President, so that this will be made a part of the RECORD, I ask unanimous consent that my entire list be printed in the RECORD.

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

LEGISLATION CLEARED BY CONGRESS, SIGNED INTO LAW OR ENROUTE TO PRESIDENT'S SIGNATURE JUST SINCE LABOR DAY

Telephone Excise Tax Repeal (to fund Spanish-American War).

Safe Drug Re-Importation Act.

Permanent Normal Trade Relations with China.

H1–B Visas.

Children's Health Act.

Breast & Cervical Cancer Prevention and Treatment Act.

Internet Alcohol.

TREAD bill.

Rural Schools and Community Self-Determination Act.

Strengthening Abuse and Neglect Courts Act.

Intercountry Adoption Act.

Aimee's Law (state can lose law enforcement funds if release convict early who commits crime in another state).

Violence Against Women Act.

Sex Trafficking.

Victims of Terrorism.

Water Resources Development Act (including the Everglades).

CARA provisions of Interior.

Wildland Fire Management (part of Interior).

Intelligence Authorization.

NASA Authorization.

DOD Authorization (including help for workers at nuclear plants like Paducah, KY).

Appropriations: Interior Conference Report; Transportation Conference Report; Energy & Water Conference Report Post-Veto Bill; Treasury/Postal Conference Report; Legislative Branch Conference Report; VA/HUD Senate Bill (may face conference with House).

3 Continuing resolutions.

FINAL WEEK EXPECTATIONS

Restoration of payments to medicare providers so seniors—especially in rural areas—will continue to have a choice of medicare plans.

Appropriations remaining: Agriculture Conference Report; DC Conference Report; Labor/HHS; Foreign Operations; Commerce/State/Justice.

## ADDITIONAL STATEMENT

### THE 25TH ANNIVERSARY OF THE WRECK OF THE EDMUND FITZGERALD

• Mr. ABRAHAM. Mr. President, on the morning of November 11, 1975, the Mariners' Church of Detroit sat empty save for its Reverend, Richard Ingalls, who prayed alone in the sanctuary, ringing the church bell 29 times as he did so. Rev. Ingalls rang the bell in tribute to the crew of the *Edmund Fitzgerald*, who had lost their lives the previous evening when the legendary ship sank during one of the fiercest storms Lake Superior has ever produced. November 10, 2000, marks the 25th Anniversary of this tragic event, and I rise today not only in recognition of this anniversary, but also in memory and in honor of those 29 brave men, as well as the thousands of other mariners who have lost their lives on the Great Lakes.

Mr. President, few states have as rich or as successful a maritime tradition as does the State of Michigan. Michiganians initiated the iron ore trade 150 years ago, and men and women of the State continue to be leaders in Great Lakes trade. Virtually every region in the Nation benefits from this shipping. More than 70 percent of the Nation's steelmaking capacity is located in the Great Lakes basin. Coal from as far away as Montana and Wyoming moves across the Lakes on a daily basis. This year alone, ships bearing the United States flag will haul more than 125 million tons of cargo across the Great Lakes.

Amidst this success, it is unfortunately all too easy to overlook the tragic losses that have occurred throughout the maritime history of the Great Lakes. Over 6,000 shipwrecks have occurred on the Great Lakes, and over 30,000 lives have been lost. Many of these shipwrecks have occurred in November, the Month of Storms on the Great Lakes. In November of 1913, 12 ships were lost and 254 people killed during the Great Storm. In November of 1958, 33 men died when the *Carl D. Bradley* sank on Lake Michigan. And in November of 1966, the *Daniel J. Morrell* sank in Lake Huron, killing 28 members of her crew.

The wreck of the *Edmund Fitzgerald*, though, remains the most remembered tragedy in Great Lakes maritime lore. Built in River Rouge, Michigan in 1957 and 1958, the *Edmund Fitzgerald*, at 729 feet long, was the largest ship on the Great Lakes until 1971. She was nicknamed ''The Pride of the American Side,'' and was the first ship to carry one million tons of ore through the Soo Locks in one year. The *Edmund Fitzgerald* also set the record for a single trip tonnage, carrying over 27 tons of ore on one excursion. Unfortunately, the ship is best remembered for what happened to her on the night of November 10, 1975.

This is in part because it remains unclear precisely what forces caused the *Edmund Fitzgerald* to sink that evening. The boat departed from Superior, Wisconsin, headed for Detroit, on the afternoon of November 9th, and was joined shortly thereafter by the *Arthur M. Anderson*. The two boats quickly ran into wicked seas, and Captain McSorley of the *Edmund Fitzgerald* and Captain Cooper of the *Arthur M. Anderson* agreed to take the northerly

course, where they would be protected by the highlands of the Canadian shore, across Lake Superior.

By the morning of November 10th, gale warnings had been increased to storm warnings, and by early evening the two boats were facing 25–30 foot waves, brought about by nearly 100 mile per hour winds. The *Edmund Fitzgerald* experienced difficulties throughout the day, and in a communication with Cpt. Cooper, Cpt. McSorley reported that he had ''a fence rail down, two vents lost or damaged, and a list.'' The two captains agreed to seek protection and safety in Whitefish Bay, located just off the coast of Michigan's Upper Peninsula. At 7:10 p.m., as the ships neared Whitefish Point, Cpt. McSorley, in a conversation with Cpt. Cooper, said this of he and his crew: ''We are holding our own.'' Approximately five minutes later, for reasons still unknown, the *Edmund Fitzgerald*, without so much as a cry for help, sank to the floor of Lake Superior. She remains there today, 535 feet below the surface of the great lake, and only 17 miles from the relative safety of Whitefish Point.

Mr. President, proper closure does not exist in a situation like that of the wreck of the *Edmund Fitzgerald*. The event lingers on not only in the memories of the families of crew members but in the memories of all Michiganians. In recognition of the 25th Anniversary of the sinking, the Great Lakes Shipwreck Museum at Whitefish Point will hold a ceremony during which the ship's original bell, recovered on July 4, 1995, will be rung 29 times for each member of her crew, and a 30th time for the many other men and women who have lost their lives on the Great Lakes. And, on November 12, 2000, for the 25th time, the Rev. Ingalls will ring the bell of the Mariners' Church of Detroit in tribute to the men of the *Edmund Fitzgerald*.

What this clearly illustrates, Mr. President, is that the spirit of these men still lives on in Michiganians, and particularly in those involved in the maritime industry. Perhaps, then, in a situation where closure is so difficult to find, recognition, at least to some degree, can be an adequate substitute. To know that the lives of these men have not been forgotten but are still cherished, lives unfortunately cut short but with spirits that remain, spirits that continue to live on in all of our lives.●

## TRIBUTE TO THE MIDGARDEN FAMILY

● Mr. DORGAN. Mr. President, I pay tribute today to a North Dakota family whose heritage not only spans the history of our state—and then some—but which also exemplifies the spirit of rural life and all that it contributes to our Nation.

Nils and Inger Midgarden started their family as homesteaders in North Dakota in 1874. That was 15 years before North Dakota become a state. They raised seven children, built a successful family farm, and just like thousands of other North Dakotans at that time, did the hard work that carved hardy communities and, eventually, a state from the prairie.

I have a letter I would like to share with my colleagues, written by one of Nils and Inger's great-grandchildren. It tells us a great deal about the founders of this family. It says:

> Nils was a successful farmer and his sons greatly expanded the farming operation. When his children married, they built farms within sight of the homestead. Each one of those farms are today owned and occupied by the grandchildren and great-grandchildren of Nils and Inger Midgarden.

Let me tell you, that's quite an accomplishment. As anyone who knows much about it will tell you, farming is hard work. When you consider that this family managed to survive everything from the Great Depression to droughts, floods and grasshoppers over the span of more than a hundred years—while raising a family that has remained across the generations a close knit one—you understand why their's is such a remarkable accomplishment.

The letter goes on:

> The farm, while a potent symbol of the pioneer spirit my great-grandparents embodied, is not the greatest legacy they left behind, ''Nils' and Inger's great grandchild writes. ''Nearly everyone who know me and my family remarks on our closeness and old-fashioned values, characteristics fewer and fewer families seem to share these days. What Nils and Inger gave to their children—to us—was the gift of family. Through bountiful harvests and times of drought, through births, deaths, and marriages, joy and sorrow, the Midgardens have always stood together. Older cousins taught younger ones to swim, uncles pulled wayward nieces and nephews out of snowy ditches, and Sundays brought the family together in worship, meal, and play. Once during a tornado sighting, all the Midgardens in Walsh County drove out to the homestead to stand on the road, as if sheer will power and their bodies alone would protect the place Nils and Inger made home.

Today, Midgardens still live on those family farms, and while not all family members remain on the farm, those who moved away to pursue other livelihoods continue to draw on the basic strength that came from the farm: they remain a close knit family, wherever they are, wherever they go.

Those who moved away contribute to our state, regional and national life in a variety of ways. They became veterinarians, lawyers, advertising executives, architects, doctors, teachers, nurses, and even congressional staffers.

Families like the Midgardens demonstrate the importance of preserving family farmers and the rural communities they make strong. through the generations, the Midgarden family makes clear what those of us who grew up and live in rural areas know so well: family farms produce much more than the food that feeds this nation and much of the world. They also produce strong, solid families.

In closing, I ask that a tribute to the Midgarden family, written by another descendent of Nils and Inger for a family reunion earlier this year, be printed in the RECORD.

The material follows:

### OUR LEGACY

The Laurel Wreath of Wheat is the symbol of two souls entwined a symbol of victory and triumph; a symbol of Inger & Nels. The Seedling in the center has seven leaves for seven living children—now gone, but very much alive in us all.

Amund, with his quiet contemplation, peace and vision; Alfred, with his forbearance and stoicism; Dewey, for his sparkle skillfully hidden behind the stolid Midgarden work ethic; Marion, for her elegance and grace; Gunder, for his mercurial spirit and sense of humor; Joann, for her boundless energy and endless creativity; and Chris—coming around the corners of life on two wheels; radiating a zest for living, affecting us all.

Inger & Nels and their seven children, eventually fourteen, as each found his or her irreplaceable mate: Bessie, Beulah, Clara, Olaf, Florence, Oscar and Evelyn, whose love and courage and enduring presence we are still blessed with on this day.

Fourteen children, seven couples, seven families forming the foundation of this Midgarden Millennium Celebration, counting over 200 family members gathered here today.

We remember the love, the closeness, the pioneer spirit, the dedication of these parents, and their embracing of not only their own—but us all.

Our memories are many and golden . . . oceans of flax fields in spring; the scent of alfalfa in early summer the heading of wheat in July; the way the grain felt on our skin when we rode in the hopper at harvest; haying time and the Tarzan ropes in Gunder's barn; burning fields in August; oiled wood floors of the Fedje store tracing aisles of supplies and stacks of wonder; the excitement of the first day of school in a one room country school house or a little brick school in Hoople.

Rows of potato sacks stretching endlessly on the autumn horizon; anticipation and humor in the air; Lena Olinger holding court in the cookcar; harvest tables and blue tin mugs; excitement when it was our Mom's turn to take lunch to the fields and we could tag along.

Then mercury dipping to unbelievable lows—but our spirits high as the massive snowdrifts; Julebukken and Grandma's Christmas Eve; Uncle Oscar dancing in with potato sacks full of dime store treasures; then months of winter white only to turn once again to Spring.

Seasons of our family—seasons of our lives. Those who stayed here close to this earth, preserving the legacy of this land; and those of us who spread our wings to the four corners now span this wonderful family from coast to coast. Seeking and finding our way; sharing memories with our children and grandchildren; always knowing our roots are here in this blessed place where it all began.

Inger and Nels, their incredible children and the indelible people they found to marry . . . our parents, your grandparents and great grandparents . . . and each and every one of you share in this legacy of love and excellence.

And that is why there is a Laurel Wreath of Wheat with a Seedling in the center. It is our beginnings, our present, our future.

It is the gift that keeps on giving.●

## HONORING KATIE KOCH-LAVEEN, MINNESOTA TEACHER OF THE YEAR

● Mr. GRAMS. Mr. President, the following speech was given recently to honor the Minnesota Teacher of the Year. I believe it is important that my colleagues become aware of Ms. Koch-Laveen's accomplishment, and ask to print in the RECORD my comments to her as she was honored for the information of my fellow Senators.

The speech follows:

OCTOBER 18, 2000 STATEMENT OF SENATOR ROD GRAMS HONORING MINNESOTA TEACHER OF THE YEAR, KATIE KOCH-LAVEEN, AT APPLE VALLEY HIGH SCHOOL, APPLE VALLEY, MINNESOTA

I appreciate the opportunity to be here today to honor Ms. Katherine Koch-Laveen as Minnesota's Teacher of the Year for the year 2000. This is certainly a high honor, as I note that 98 Minnesota educators were nominated for this award, and their accomplishments were reviewed by 18 judges. It is all the more impressive considering Minnesota's public schools reputation for academic excellence. I also commend the 98 nominees for this honor, 28 of whom were chosen as ''teachers of excellence,'' and 10 of whom were further chosen for an ''honor roll'' of teachers. School teachers that excel at their craft are critically important to the intellectual development of their students, and help shape the student's vision for what they can accomplish in their lives.

I still can vividly remember the excellent educators that taught me at Zion Lutheran Christian Day School in Crown. Excellent teachers motivate, show enthusiasm for inquiry, and instill in their students a passion for learning that often continues for a lifetime. A great educator gives the student a core foundation of knowledge about a subject, and a curiosity about the topic that drives a student to study and research more extensively long after they have left that particular class.

Great teachers also make sacrifices for their students. It's no secret that in today's high-tech, knowledge-based economy, Ms. Koch-Laveen could probably find a more financially rewarding profession, especially with her science background. And our great teachers need to be rewarded financially, so that we do not lose too many to industry. But ultimately, I have to believe that what keeps them in the classroom is the intangible reward of seeing their students excel, and having a group of students come in to a class with little knowledge about a topic and have them leave with a firm grasp of core concepts, a desire to learn much more, and an excitement to apply what they have learned in ''real world'' situations. And I hesitate to use the term ''real world,'' because these days there is probably nothing more real world than a high school classroom.

So congratulations and thank you, Ms. Koch-Laveen, for your commitment to excellence and dedicated service to your students, your community, and to Minnesota. Thanks also to the other hardworking Apple Valley teachers here today that strive for excellence in the classroom and shoulder so much responsibility for Minnesota's future. It has been a pleasure to be here.●

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 18, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the upper Colorado and San Juan River Basins.

H.R. 3244. An act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.

H.R. 4461. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4635. An act 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, 2001, and for other purposes.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

H.R. 5212. An act to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND) on October 19, 2000.

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At 11 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the house passed the following bill:

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

The message also announced that the House disagree to the amendment of the Senate to the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. CALLAHAN, Mr. PORTER, Mr. WOLF, Mr. PACKARD, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. LEWIS of California, Mr. WICKER, Mr. YOUNG of Florida, Ms. PELOSI, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. SABO, and Mr. OBEY, be the managers of the conference on the part of the House.

### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 19, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers system.

S. 1402. An act to amend title 38, United States Code, to increases the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. 3201. An act to rename the National Museum of American Art.

H.R. 1695. An act to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 4132. An act to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4850. An act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THUMOND) on October 20, 2000.

At 4:34 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills:

H.R. 2592. An act to amend the Consumer Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

H.R. 2780. An act to authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 5157. An act to amend title 44, United States Code, to ensure preservation of the records of the Freedman's Bureau.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 271. Concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 20, 2000, he had presented to the President of the United States the following enrolled bills:

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

S. 1402. An act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. 3201. An act to rename the National Museum of American Art.

## 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–11225. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Nuclear Safety Management'' (RIN1901–AA34) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11226. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tennessee: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6889–7) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11227. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Arizona: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL #6888–7) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11228. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL #6890–4) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11229. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL #6890–3) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11230. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL #6889–8) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11231. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NAC–UMS Addition'' (RIN3150–AG29) received on October 19, 2000; to the Committee on Environment and Public Works.

EC–11232. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule entitled ''November 2000 Applicable Federal Rates'' (Revenue Ruling 2000–50) received on October 18, 2000; to the Committee on Finance.

EC–11233. A communication from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–11234. A communication from the Multimedia Systems Manager, Communications and Information, Headquarters Air Force, transmitting, pursuant to law, the report of a rule entitled ''Title 32-National Defense, Chapter VII—Department of the Air Force Part 811—Release, Dissemination, and Sale of Visual Information Materials'' (RIN0701–AA–62) received on October 18, 2000; to the Committee on Armed Services.

EC–11235. A communication from the Multimedia Systems Manager, Communications and Information, Headquarters Air Force, transmitting, pursuant to law, the report of a rule entitled ''Title 32-National Defense, Chapter VII—Department of the Air Force Part 813—Purpose of the Visual Information Documentation (VIDOC) Program'' (RIN0701–AA–63) received on October 18, 2000; to the Committee on Armed Services.

EC–11236. A communication from the Director of the Selective Service, transmitting, pursuant to law, a report relative to the strategic plan for fiscal year 2001 through 2006; to the Committee on Armed Services.

EC–11237. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Russian American Observation Satellites (RAMOS) program; to the Committee on Armed Services.

EC–11238. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''National Environmental Policy Act; Food Contact Substance Notification System; Confirmation of Effective Date'' (Docket No. 00N–0085) received on October 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11239. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Regulations Requiring Manufacturers to Assess the Safety and Effectiveness of New Drug and Biological Products in Pediatric Patients; Technical Amendment'' (Docket No. 97N–0165) received on October 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11240. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Dental Products Devices; Reclassification of Endosseous Dental Implant Accessories'' (Docket No. 98N–0753) received on October 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11241. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grants and Cooperative Agreements'' received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11242. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the updated and revised strategic plan; to the Committee on Commerce, Science, and Transportation.

EC–11243. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Surf Clams and Ocean Quahogs Fishery; Suspension of Minimum Surf Clam Size for 2001'' (I.D. 100400C) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11244. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota

Harvested for Winter II Period'' received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11245. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Zone Off Alaska—Final Rule to Require Vessels in the Directed Atka Mackerel Fishery in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Area to Carry and Use a Vessel Monitoring System Transmitter'' (RIN0648–AM34) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11246. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Zone Off Alaska—Final Rule to Implement Amendment 58 to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area'' (RIN0648–AM63) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11247. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Dealer and Vessel Reporting Requirements'' (RIN0648–AM74) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11248. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Special Management Zones in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region'' (RIN0648–AN35) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11249. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9–80 and MD–90–30 Series Airplanes and Model MD–88 Airplanes; docket no. 99–NM–161 [5–26/10–19]'' (RIN2120–AA64) (2000–0484) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11250. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–10–10F, DC–10–15, DC–10–30, DC–13–30F, and DC–10–4– Series Airplanes and Model MD–11, 11F Series Airplanes; docket no. 99–NM–162 [5–26/10–19]'' (RIN2120–AA64) (2000–0485) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11251. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 Series Airplanes Equipped with Rolls Royce RB211–524G/H and RB211–524G–T/H/T Engines; docket no. 99–NM–76 [2–3/10–19]'' (RIN2120–AA64) (2000–0486) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11252. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–600–1A11 and CL–600–2A12 Series Airplanes; docket no. 99–NM–26 [9–20/10–19]'' (RIN2120–AA64) (2000–0487) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11253. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900C and 1900D Airplanes; docket no. 2000–CE–02 [9–18/10–19]'' (RIN2120–AA64) (2000–0488) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11254. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aviointeriors SpA Seat Model 312; docket no. 2000–NE–09 [9–27/10–19]'' (RIN2120–AA64) (2000–0489) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11255. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model C1–600–2B19 Series Airplanes; docket no. 2000–NM–312 [9–27/10–19]'' (RIN2120–AA64) (2000–0490) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11256. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model 120 Series Airplanes; docket no. 2000–NM–305 [9–28/10–19]'' (RIN2120–AA64) (2000–0491) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11257. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: GE Company CF6–50 Series Turbofan Engines; docket no. 2000–NE–38 [10–2/10–19]'' (RIN2120–AA64) (2000–0492) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–90–30 Series Airplanes; docket no. 99–NM–319 [10–6/10–19]'' (RIN2120–AA64) (2000–0493) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11259. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Agusta SpA Model A109K2 and A109E Helicopters; docket no. 2000–SW–21 [10–2/10–19]'' (RIN2120–AA64) (2000–0494) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11260. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca Arriel 1 Series Turboshaft Engines; docket no. 2000–NE–11 [10–2/10–19]'' (RIN2120–AA64) (2000–0495) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11261. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes Powered by Rolls Royce RB211 Series Engines; docket no. 2000–NM0140 [10–2/10–19]'' (RIN2120–AA64) (2000–0496) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11262. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace, Lamoni, IA; Docket no. 00–ACE–10 [7–24/10–19]'' (RIN2120–AA66) (2000–0232) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11263. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace, Columbia, KY; Docket no. 00–ASO–21 [7–24/10–19]'' (RIN2120–AA66) (2000–0233) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace, Albany, KY; Docket no. 00–ASO–20 [7–24/10–19]'' (RIN2120–AA66) (2000–0234) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace, Bemidji, MN; correction; docket no. 99–AGL–53 [3–27/10–19]'' (RIN2120–AA66) (2000–0236) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Sacramento McClellan AFB Class C; Establishment of Sacramento McClellan AFB Class E Surface Area; and Modification of Sacramento International Airport Class C Airspace area; CA; docket 99–AWA–3 [3/27–10/19]'' (RIN2120–AA66) (2000–0237) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the East Coast Low Airspace Area; docket no. 99–ANE–91 [6–22/10–19]'' (RIN2120–AA66) (2000–0238) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11268. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amends Class D Airspace; Melbourne, FL; docket no. 00–ASO–26 [9–20/10–19]'' (RIN2120–AA66) (2000–0239) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11269. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class D and E airspace; Great Falls International Airport, MT; Removal of Class D and Class E Airspace; Great Falls Malmstrom AFB, MT; docket no. 00–ANM–03 [7–24/10–19]'' (RIN2120–AA66) (2000–0240) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11270. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Coffeyville, KS; docket no. 00–ACE–15 [6/22–10/19]'' (RIN2120–AA66) (2000–0241) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11271. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Coffeyville, KS; confirmation of effective date; docket no. 00–ACE–15 [8–29/10–29]'' (RIN2120–AA66) (2000–0242) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Oelwein, IA; correction; docket no. 00–ACE–12 [9–18/10–19]'' (RIN2120–AA66) (2000–0243) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Pella, IA; docket no. 00–ACE–26 [9–18/10–19]'' (RIN2120–AA66) (2000–0244) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11274. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Maintenance Plan Revisions; Wisconsin'' (FRL #6891–3) received on October 20, 2000; to the Committee on Environment and Public Works.

EC–11275. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Vermont: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL #6892–8) received on October 23, 2000; to the Committee on Environment and Public Works.

EC–11276. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; (SIP) for the State of Alabama—Call for 1-hour Attainment Demonstration for the Birmingham, Alabama Marginal Ozone Nonattainment Area'' (FRL #6892–2) received on October 23, 2000; to the Committee on Environment and Public Works.

EC–11277. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of eight items; to the Committee on Environment and Public Works.

EC–11278. A communication from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Small Pension Plan Security Amendments'' (RIN1210–AA73) received on October 23, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11279. A communication from the Deputy Secretary of the Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Rule 9b–1 under the Securities and Exchange Act of 1934 Relating to the Options Disclosure Document'' (RIN3235–AH30) received on October 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11280. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Time-Limited Tolerances for Pesticide Emergency Exemptions'' (FRL #6749–7) received on October 20, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11281. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Modification to Handler Membership on the California Olive Committee'' (Docket Number: FV00–932–2 FR) received on October 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 3227. A bill to authorize the Bureau of Reclamation to provide for the installation of pumps and removal of the Savage Rapids Dam on the Rogue River in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. THURMOND, Mr. STEVENS, Mr. MCCONNELL, Mr. DODD, Mr. BENNETT, Mr. GORTON, and Mrs. FEINSTEIN):

S. Con. Res. 154. A concurrent resolution to acknowledge and salute the contributions of coin collectors; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 3227. A bill to authorize the Bureau of Reclamation to provide for the installation of pumps and removal of the Savage Rapids Dam on the Rogue River in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

### THE SAVAGE RAPIDS DAM ACT OF 2000

Mr. SMITH of Oregon. Mr. President, today I am introducing the Savage Rapids Dam Act of 2000, which is cosponsored by my colleague Mr. WYDEN. This bill would authorize the Bureau of Reclamation to provide for the installation of pumps and removal of the Savage Rapids Dam on the Rogue River in the State of Oregon, and for other purposes.

Introduction of this bill follows months of negotiations between the Grants Pass Irrigation District, which owns the dam and has received water from it since 1921, federal and state agencies, and other stakeholders in the Basin. Removal of the dam, following the installation of modern electric irrigation pumps, will resolve the ongoing issues related to fish passage at the facility.

Early on, I made a commitment to help the District resolve the controversies surrounding the dam in a manner acceptable to the District and its patrons, and in a way that left the District economically viable. This bill achieves both those goals.

In December 1999, the board of directors of the Grants Pass Irrigation District adopted a resolution outlining the proposed settlement of disputes relating to the dam. The patrons of the district subsequently voted to adopt the settlement at the beginning of the year. The settlement supports dam removal, but only following the installation of irrigation pumps. The proposed settlement had several other components that have been addressed in the crafting of this legislation.

I realize that it is late in the 106th Congress to be introducing legislation. However, I felt that this was the most effective way to focus attention on this proposal. Despite our best efforts to communicate with all interested and affected parties, I believe introduction of the bill at this time will enable us to gain valuable feedback before the start of the next Congress. This will enable us to reintroduce the bill early next year.

I recognize that dam removal proposals can be controversial. This facility, however, is not a large multi-purpose dam. It does not generate electricity, and provides no flood control. It does not affect commercial navigation. There will be an impact on flatwater recreational opportunities, so the bill directs the Secretary of the Interior to work with the State of Oregon and the counties of Josephine and Jackson to identify and implement recreation opportunities. The bill includes an authorization of 2.5 million dollars for the federal share of these recreation facilities.

I look forward to working with the Grants Pass Irrigation District and the other stakeholders to bring resolution to the disputes that have gone on for several years now. This is an opportunity to restore salmon and maintain an agricultural way of life for the patrons of the District.

## ADDITIONAL COSPONSORS

S. 1044

At the request of Mr. HELMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 2009

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2009, a bill to provide for a rural education development initiative, and for other purposes.

S. 3085

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3085, a bill to provide assistance to mobilize and support United States communities in carrying out youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3181

At the request of Mr. HAGEL, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

AMENDMENT NO. 4301

At the request of Mr. JEFFORDS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4301 intended to be proposed to H.R. 1102, a bill to provide for pension reform, and for other purposes.

## SENATE CONCURRENT RESOLUTION 154—TO ACKNOWLEDGE AND SALUTE THE CONTRIBUTIONS OF COIN COLLECTORS

Mr. LOTT (for himself, Mr. DASCHLE, Mr. THURMOND, Mr. STEVENS, Mr. MCCONNELL, Mr. DODD, Mr. BENNETT, Mr. GORTON, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 154

Whereas since 1982, 37 of the Nation's worthy institutions, organizations, foundations, and programs have been commemorated under the coin programs;

Whereas since 1982, the Nation's coin collectors have purchased nearly 49,000,000 commemorative coins that have yielded nearly $1,800,000,000 in revenue and more than $407,000,000 in surcharges benefitting a variety of deserving causes;

Whereas the United States Capitol has benefitted from the commemorative coin surcharges that have supported such commendable projects as the restoration of the Statue of Freedom atop the Capitol dome, the furtherance of the development of the United States Capitol Visitor Center, and the planned National Garden at the United States Botanic Gardens on the Capitol grounds;

Whereas surcharges from the year 2000 coin program commemorating the Library of Congress bicentennial benefit the Library of Congress bicentennial programs, educational outreach activities (including schools and libraries), and other activities of the Library of Congress; and

Whereas the United States Capitol Visitor Center commemorative coin program will commence in January 2001, with the surcharges designated to further benefit the Capitol Visitor Center: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress of the United States acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's meritorious charitable organizations, foundations, institutions, and programs, including the United States Capitol, the Library of Congress, and the United States Botanic Gardens.

## CBO COST ESTIMATE—S. 1495

Mr. JEFFORDS. Mr. President, on October 11, 2000, I filed Report No. 106–496 to accompany S. 1495, a bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness. At the time the report was filed, the estimate by the Congressional Budget Office was not available. I ask unanimous consent that a copy of the CBO estimate be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, October 19, 2000.*

Hon. JAMES M. JEFFORDS,
*Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1495, the ICCVAM Authorization Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christopher J. Topoleski.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

*S. 1495—ICCVAM Authorization Act of 2000*

Summary: S. 1495 would designate the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) as a permanent standing committee administered by the National Institute of Environmental Health Sciences (NIEHS). The legislation would establish objectives for ICCVAM, including increasing the efficiency of reviewing methods of animal testing across federal agencies, and reducing reliance on animal testing. In addition, the bill would direct the NIEHS to establish a Scientific Advisory Committee to assist the ICCVAM in making recommendations.

The bill also would require federal agencies to identify and forward to ICCVAM their guidelines or regulations requiring or recommending animal testing. The ICCVAM would examine alternatives to traditional animal testing and promote the use of those alternatives whenever possible. Agencies would be required to adopt ICCVAM recommendations unless such recommendations are inadequate or unsatisfactory.

Assuming the appropriation of the necessary amounts, CBO estimates that implementing S. 1495 would cost $1 million in 2001 and $9 million over the 2001–2005 period, assuming annual adjustments for inflation for those activities without specified authorization levels. The five-year total would be $8 million if such inflation adjustments are not made. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 1495 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1495 is shown in the following table. The costs of this legislation fall within budget function 550 (health).

| | By fiscal year, in millions of dollars— | | | | | |
|---|---|---|---|---|---|---|
| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
| SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Spending Under Current Law: | | | | | | |
| Estimated Authorization Level [1] | 445 | 445 | 464 | 473 | 483 | 493 |
| Estimated Outlays | 384 | 426 | 443 | 456 | 466 | 475 |
| Proposed Changes [2]: | | | | | | |
| Estimated Authorization Level | 0 | 2 | 2 | 2 | 2 | 2 |
| Estimated Outlays | 0 | 1 | 2 | 2 | 2 | 2 |
| Spending Under S. 1495: | | | | | | |
| Estimated Authorization Level | 445 | 457 | 466 | 475 | 485 | 495 |
| Estimated Outlays | 384 | 427 | 445 | 458 | 468 | 477 |

[1] The 2000 level is the amount appropriated for that year for the agencies that would be affected by S. 1495. The 2001–2005 levels are CBO baseline projections, including adjustments for anticipated inflation.

[2] The amounts shown reflect adjustments for anticipated inflation. Without such inflation adjustments, the five-year changes in authorization levels would total $10 million (instead of $11 million) and the changes in outlays would total $8 million (Instead of $9 million).

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted early in fiscal year 2001 and that the estimated amounts will be appropriated for each year. We also assume that outlays will follow historical spending rates for the NIEHS for the authorized activities. CBO based its estimates on amounts spent in the past for similar types of activities.

In addition to making the ICCVAM a standing committee, the bill would require federal agencies to identify and forward to ICCVAM their guidelines or regulations requiring or recommending animal testing. Agencies would be required to adopt ICCVAM recommendations unless such recommendations are inadequate or unsatisfactory. The agencies that would most likely be affected by this provision include the Agency for Toxic Substances and Disease Registry, the Department of Agriculture, the Department of Defense, the Department of Energy, the Environmental Protection Agency, the Food and Drug Administration, various institutes within the National Institutes of Health, and any other agency that develops or employs tests or test data using animals or regulates the use of animals in toxicity testing. Based on information from the NIH, it appears that most agencies currently comply with the findings of the ICCVAM on evaluations of research methods. Thus, CBO estimates that the provision would not have a significant impact on federal spending.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1495 contains no intergovernmental or private-sector mandates as defined in

UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On October 13, 2000, CBO transmitted a cost estimate for H.R. 4281, an identical bill that was ordered reported by the House Committee on Commerce on October 5, 2000. The two estimates are identical.

Estimate prepared by: Federal Costs: Christopher J. Topoleski. Impact on State, Local, and Tribal Governments: Leo Lex. Impact on the Private Sector: Jennifer Bullard Bowman.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## PIPELINE SAFETY

Mr. LOTT. Mr. President, one of the more glaring disappointments of the 106th Congress has been the recent rejection by the House of Representatives of comprehensive pipeline safety legislation. This legislation, S. 2438, the Pipeline Safety Improvement Act of 2000, passed the Senate unanimously on September 7, 2000. It is the result of months of an extraordinary bipartisan effort by Senators JOHN MCCAIN, PATTY MURRAY, SLADE GORTON, JEFF BINGAMAN and PETE DOMENICI. Significant contributions to the legislation were also made by Senators JOHN BREAUX, FRITZ HOLLINGS, SAM BROWNBACK, RON WYDEN, JOHN KERRY, KAY BAILEY HUTCHISON and BYRON DORGAN.

I also feel some ownership of this effort. I serve on the Senate Committee on Commerce, Science and Transportation, which prepared the bill for the Senate's consideration, and my home state of Mississippi hosts many, many miles of pipelines. These issues are important to me.

Mr. President, S. 2438 is an excellent bill. It is probably the most significant rewrite of our pipeline safety laws in more than a decade. It is a tough bill. It comes on the heels of horrific accidents in Bellingham, Washington, Carlsbad, New Mexico, and in locations in Texas, that resulted in the deaths of a total of 17 people. The authors of this bill were determined to put the necessary specific requirements into the pipeline safety statutes that would prevent these kinds of accidents from happening in the future. They were successful. The bill represents a watershed change in the types of requirements on pipeline operators for inspection, pipeline facility monitoring and testing, employee training, disclosure of information, enforcement, research and development, management and accountability. It is as comprehensive, tough, and complete as to be expected of a bill that emerged from a thorough process of hearings, both here and in the field, data gathering, and working with the Administration, states and local groups. It is the kind of legislative work product to be expected from the experience, independence and determination of the Senators who worked on S. 2438. The pipeline industry had no choice but to submit to this legislation. Ultimately it received the affirmative vote of more than three-fourths of the Congress—all of the Senate and just under two-thirds of the House. It received the written praise of the Secretary of Transportation and the Vice President of the United States.

However, this comprehensive bill was opposed bitterly by a minority of the House, a minority who was still of sufficient number to prevent the bill's passage by the House under suspension of the rules. The Administration did not lift a finger to help pass the bill in the House. The motivation of this opposition may have been to prevent enactment of good legislation so the 106th can be called a ''do nothing'' Congress. It may have been aimed at keeping an issue unresolved so it can be exploited in the future. There may have been other motivations. Whatever the motivations were, admirable or not so admirable, the result is another form of tragedy—there will be more accidents resulting in more deaths because thus far the 106th Congress has been prevented from implementing this improvement of public safety.

Mr. President, there is no question that this bill would make much needed improvements in pipeline safety. The Administration and the pipeline industry could have begun work on these improvements—and could still if the bill were yet to pass in the waning days of the 106th Congress. But if, on the other hand and as is likely, this minority in the House gets its wish, and the bill does not pass, these safety improvements will not be made. They will not be made until that time in the future when we have returned to this issue and overcome this minority's opposition.

In the meantime there will be pipeline accidents. I would not want to be the one to have to explain to the victims of such an accident that I sacrificed the protections of this good bill so that a future Congress could enact protections too late. I say shame on those in the House and in the Administration who are letting these protections die.

Mr. President, the protections of S. 2438 should be put in place now. If additional protections are shown to be needed, they should be added by the next Congress. Senator MCCAIN and his coalition in the Senate have pledged to continue their good work on pipeline safety in the future. However, Congress should not adjourn empty-handed. To do so with such an excellent bill in our hands now makes no sense.

The most powerful source of cynicism about government is the suspicion by our citizen's that politicians put political advantage above doing the work of the public. In looking at the House minority's actions on pipeline safety, I find much justification for that cynicism.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

## RECESS UNTIL 3 P.M. TOMORROW

The PRESIDING OFFICER. The Senate stands in recess under the previous order until 3 p.m. tomorrow.

Thereupon, the Senate, at 5:15 p.m., recessed until Tuesday, October 24, 2000, at 3 p.m.

# EXTENSIONS OF REMARKS

## IN MEMORY OF CHRISTINE VEST

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Mr. KUCINICH. Mr. Speaker, my colleague, Mr. LATOURETTE, and I are saddened to learn of the passing of Christine Vest, a tireless advocate for railroad safety. Mrs. Vest passed away last Thursday, October 19, 2000, at the age of 42.

Mrs. Vest turned a personal tragedy into a public crusade. About 3 years ago, her 16-year-old son Jeffrey Vest was tragically killed by a train. Christine Vest became relentless in her effort to bring railroad safety to the forefront of public consciousness. She played an important role in ensuring that the acquisition of Conrail by CSX and Norfolk Southern railroads incorporated safety features that were essential to the people of the Greater Cleveland area, the State of Ohio, and the nation.

Along with her daughter Stephanie, Christine Vest could be found wherever there was an opportunity to spread the word about train safety. She and Stephanie volunteered with a national rail safety program called Operation Lifesaver, an organization that provides public education about railroad safety. Mrs. Vest spoke in schools and rode specially chartered trains to inform students, public officials, and community workers about steps they can take to make railroad tracks safer to the general public. She spoke before the Ohio House of Representatives, successfully urging approval of funding for railroad crossing gates.

Mrs. Vest was born in Eastlake, Ohio, and graduated from Eastlake North High School in 1975. She was active in the Harvey High School Booster Club. In addition to her daughter Stephanie, she is survived by her husband Charles, a son Matthew, her mother, Gerrie Smith, two grandchildren, three brothers, and a sister.

Mr. Speaker, I ask our colleagues to join me in remembering Christine Vest. Our thoughts and prayers are with the Vest family at this time.

## COMMODITY FUTURES MODERNIZATION ACT OF 2000

SPEECH OF

### HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 19, 2000*

Mr. LEACH. Mr. Speaker, last year, after nearly two decades of work, the United States Congress passed the Financial Modernization Act to bring our Nation's banking and securities laws in line with the realities of the marketplace. In the few days left for legislation in this Congress, an analogous opportunity presents itself to modernize the Commodity Exchange Act that governs the trading of futures and options.

At issue is the question of whether an appropriate regulatory framework can be established to deal not only with certain problems that confront today's risk management markets, but new dilemmas that appear on the horizon.

Legislation of this nature involves different committees with different concerns and sometimes competitive jurisdictional interests. From the perspective of the Committee on Banking and Financial Services, I would like to express my respect for the initial Committee on Agriculture product. That Committee's product, led by the gentleman from Texas (Chairman COMBEST) and the gentleman from Illinois (Mr. EWING), reflected a credible way of dealing with a number of concerns that have developed during much of the last decade as derivatives-related products have grown. Nonetheless, the Committee on Banking and Financial Services believes that some modifications to H.R. 4541, the Commodity Futures Modernization Act, were in order and in July, a number of clarifying approaches were adopted on a bipartisan manner.

The fact is that the CEA, or Commodity Exchange Act, is an awkward legislative vehicle designed in an era in which financial products of a nature now in place were neither in existence nor much contemplated. Indeed, the Commodities Future Trading Commission was fundamentally designed to supervise agriculture and commodities markets, not financial institutions.

Because of anachronistic constraints established under the Commodity Exchange Act, legal uncertainty exists for trillions of dollars of existing contractual obligations. This bill resolves this uncertainty for the benefit of customers of many of these products, but it does not fully resolve the legal certainty issue for some kinds of future activities.

While I would have wished that more could have been achieved, it should be clear that no additional legal uncertainty is created under this bill and progressive strides have been made on fundamental aspects of the legal certainty issue.

Here, I think it particularly appropriate to thank the staffs of the committees of jurisdiction and express my appreciation for the work of professionals at the Fed, Treasury and SEC who have added so much to the legislative process. But, above all, I believe this body owes a debt of gratitude to Mr. EWING whose dedication and hard work have reflected so well on this Congress.

While not all of the additions offered by the Banking Committee were adopted, the bill includes a number of provisions added by the Committee. These include a new section that excludes from the CEA nonagricultural swaps if the swap is entered into between persons who are eligible participants and the terms of the swap are individually negotiated and a new section to clarify that nothing in the CEA implies or creates any presumption that a transaction is or is not subject to the CEA or CFTC jurisdiction because it is or is not eligible for an exclusion or exemption provided for under the CEA or by the CFTC. In addition, other amendments have been added to conform this proposal to last year's financial modernization law.

With regard to Section 107 of the proposed legislation, this provision excludes transactions done among eligible contract participants, where the material economic terms of the agreement are individually negotiated between the parties thereto.

The market for swap agreements has grown exponentially over the past decade, but this growth has been restrained by legal uncertainty in the U.S. stemming from confusion as to whether the Commodity Exchange Act, which was designed to regulate floor-traded fungible contracts, should also apply to the individually tailored swaps. Section 107 makes it clear that swap agreements are not futures contracts. When parties negotiate and enter into a swap agreement under the provisions of Section 107, such a contract will not be subject to the Commodity Exchange Act. Furthermore, this provision makes it clear that such contracts are excluded without regard to whether the parties use a master agreement, confirmation, credit support annex, or other standardized forms to establish the legal, credit, or other terms between them. As long as the eligible parties have the ability to alter the material economic terms of the agreement, the contract is excluded from the Commodity Exchange Act.

Finally, included in the bill are provisions written by the Banking Committee concerning the clearing of derivatives by banks and other regulated entities. Some of these provisions amend the Bankruptcy Code and I thank Chairman HYDE for allowing these provisions to move forward. Inserted below is an exchange of letters between the two Committees on this matter.

For all the reasons stated above, Mr. Speaker, I urge my colleagues to support the legislation before us. Although not perfect, this proposal is far superior to current law, and I urge its adoption.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY
*Washington, DC, September 6, 2000.*

Hon. James A. Leach,
*Chairman, Committee on Banking and Financial Services, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN LEACH: I am writing in regard to H.R. 4541, the Commodity Futures Modernization and Financial Contract Netting Improvement Act of 2000, which your Committee ordered to be reported on July 27, 2000.

It is my understanding that H.R. 4541, as ordered to be reported, contains language in Section 116(d) and in Title 2 of the bill that comes within the Judiciary Committee's jurisdiction over bankruptcy law pursuant to Rule X of the House Rules. It is also my understanding that Section 116(d) makes technical and conforming changes to the Bankruptcy Code with respect to certain multilateral clearing organizations and that the language in Title 2 of the bill is substantively similar to Title X of H.R. 833, the Bankruptcy Reform Act of 1999, which the House

passed, as amended, on May 5, 1999. Therefore, in view of this language and in the interest of expeditiously moving H.R. 4541 forward, the Judiciary Committee will agree to waive its right to a sequential referral of this legislation. By agreeing not to exercise its jurisdiction, the Judiciary Committee does not waive its jurisdictional interest in this bill or similar legislation. This agreement is based on the understanding that the Judiciary Committee's jurisdiction will be protected through the appointment of conferees should H.R. 4541 or a similar bill go to conference. Further, I request that a copy of this letter be included in the Congressional Record as part of the floor debate on this bill.

I appreciate your consideration of our interest in this bill and look forward to working with you to secure passage.

Sincerely yours,

HENRY J. HYDE,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND FINANCIAL SERVICES,
*Washington, DC, September 6, 2000.*

Hon. HENRY J. HYDE,
*Chairman, Committee on the Judiciary, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR HENRY: This letter responds to your correspondence, dated September 6, 2000, concerning H.R. 4541, the Commodity Futures Modernization and Financial Contract Netting Improvement Act of 2000, which the Committee on Banking and Financial Services ordered to be reported on July 27, 2000.

I agree that the bill, as reported, contains matter within the Judiciary Committee's jurisdiction and I appreciate your Committee's willingness to waive its right to a sequential referral of H.R. 4541 so that we may proceed to the floor.

Pursuant to your request, a copy of your letter will be included in the Congressional Record during consideration of H.R. 4541.

Sincerely,

JAMES A. LEACH,
*Chairman.*

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## COMMODITY FUTURES MODERNIZATION ACT OF 2000

SPEECH OF

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 19, 2000*

Mr. MARKEY. Mr. Speaker, I rise in support of the motion to suspend the rules and pass the bill, H.R. 4541.

I reluctantly intend to vote for this bill today, despite the fact that I have some very serious concerns about both the process that has brought this bill to the floor and some of its provisions.

Let me speak first to the process. In the Commerce Committee, Democratic members worked cooperatively with the Republican majority to craft a bipartisan bill that addressed investor protection, market integrity, and competitive parity issues raised by the original Agriculture Committee version of the bill. As a result, we passed our bill with unanimous bipartisan support. Following that action, we stood ready to work with members of the Banking and Agriculture Committees to reconcile our three different versions of the bll and prepare it for House floor action. But after just a few bipartisan staff meetings, the Democratic staff was told that Democrats would henceforth be excluded from all future meetings, and that the Republican majority leader was going to take the lead in drafting the bill. What's more, we were also told the chairman of the Senate Banking Committee was invited into those negotiations—despite the fact that this bill comes within the Agriculture Committee's jurisdiction over in the Senate and the Senate has not even passed a CEA bill. In fact, the Senate Agriculture Committee decided not to include the swaps provisions sought by the chairman of the Senate Banking Committee when the committee reported S. 2697, because these proposals were viewed as so controversial.

We then went through a period of several weeks in which the Republican majority staff caucused behind closed doors. The product that resulted from those negotiations was so seriously flawed that it was opposed by Treasury, the SEC, the CFTC, the New York Stock Exchange, the NASDAQ, and all of the Nation's stock and options exchanges, the entire mutual fund industry, and even some of the commodities exchanges. Democrats, the administration, the CFTC, and the SEC suggested a number of changes to fix the many flaws in this language, and over the last several days many of them have been accepted. That is a good thing. But I would say to the majority, if you had simply continued to work with us and to allow our staffs to meet with your staffs, we could have resolved our differences over this bill weeks ago. We shouldn't have had to communicate our concerns through e-mails and third parties. We really should be allowing our staffs to meet and talk to each other.

Having said that, let me turn to the substance of this bill. There are two principal areas I want to focus on—legal certainty and single stock futures.

With regard to legal certainly, I frankly think this whole issue is overblown. Congress added provisions to the Futures Trading Practices Act of 1992 that give the CFTC the authority to exempt over-the-counter swaps and other derivatives from the Commodities Exchange Act—without having to even determine whether such products were futures. I served as a conferee when we worked out this language, and it was strongly supported by the financial services industry.

Now we are told we need to fix the ''fix'' we made to the law back then. But, I would note that when former CFTC Chair Brooksley Born opened up the issue of whether these exclusions should be modified, she was quickly crushed. The other financial regulators immediately condemned her for even raising the issue and the Congress quickly attached a rider to an appropriations bill to block her from moving forward. The swaps industry was never in any real danger of having contracts invalidated on the basis of the courts declaring them to be illegal futures. They were only in danger of having the CFTC ''think'' about whether to narrow or change their exemptions. But the CFTC was barred from doing even that!

What we are doing in this bill is saying—O.K.—we are going to take OTC swaps between ''eligible contract participants'' out of the CEA. They are excluded from the act.

Now, I don't have any problem with that. If the swaps dealers feel more comfortable with a statutory exclusion for sophisticated counterparties instead of CFTC exemptive authority, and the Agriculture Committee is willing to agree to an exclusion that makes sense, that's fine with me. However, I am not willing to allow ''legal certainty'' to become a guise for sweeping exemptions from the antifraud or market manipulation provisions of the securities laws. That is simply not acceptable.

While some earlier drafts of this bill would have done precisely that, the bill we are considering today does not. That is a good thing, and that is why I am willing to support the legal certainty language today. However, I do have some concerns about how we have defined ''eligible contract participant''—that is, the sophisticated institutions that will be allowed to play in the swaps market with little or no regulation.

The bill before us today lowers the threshold for who will is an ''eligible contract participant'' far below what the Commerce Committee had allowed. I fear that this could create a potential regulatory gap for retail swap participants that ultimately must be addressed.

The term ''eligible contract participant'' now includes some individuals and entities, who should be treated as retail investors—those who own and invest on a discretionary basis less than $50 million in investments. These are less sophisticated institutions and individuals, and they are more vulnerable to fraud or abusive sales practices in connection with these very complex financial instruments. If Banker's Trust can fool Procter and Gamble and Gibson Greetings about the value of their swaps what chance does a small municipal treasurer or a small business user of one of these products have?

For example, under one part of this definition, an individual with total assets in excess of only $5 million who uses a swap to manage certain risks is an ''eligible contract participant'' for that swap. I think that threshold is simply too low.

I don't believe that removal of these retail swap participants from the protections of the CEA makes sense, unless the bill makes clear that other regulatory protections will apply.

To this end, the Commerce Committee version of H.R. 4541 would have required that certain individuals or entities who own and invest on a discretionary basis less than $50 million in investments, and who otherwise would meet the definition of ''eligible contract participant,'' would not be ''eligible contract participants'' unless the counterparty for their transaction was a regulated entity, such as a broker-dealer or a bank. That helps assure that they are not doing business with some totally fly-by-night entity, but with someone who is subject to some level of federal oversight and supervision. It is not a guarantee that the investor still won't be ripped off. But it helps make it less likely.

The bill we are considering today weakens this requirement. The Commerce provision only applies to governmental entities as opposed to individual investors; the threshold for application of the provision to such entities is lowered to $25 million; and the list of permissible counterparties to the swap is expanded to include some unregulated entities.

I believe the original Commerce Committee investor protection provision should be fully restored. Moreover, the bill should clarify explicitly that counterparties who may enter into transactions with retail ''eligible contract participants'' are subject for such transactions to the antifraud authority of their primary regulators.

I also have some concerns with the breadth of the exemption in section 106 of this bill, and its potential anticompetitive and anticonsumer effects. There may be less anticompetitive ways to address an energy swaps exemption in a way that provides for fair competition and adequate consumer protections in this market. Such a result would be in the public interest. What is currently in the bill is not, and I would hope that it could be fixed as this bill moves forward.

Let met now turn to the provisions of this bill that would allow the trading of stock futures. These new products would trade on exchanges and compete directly with stocks and stock options.

Now, I have serious reservations about the impact of single stock futures on our securities markets. In all likelihood, these products are going to be used principally by day traders and other speculators. Now, there is nothing inherently wrong with speculation. It can be an important source of liquidity in the financial markets. But one of the purposes of the federal securities laws has traditionally been to control excessive speculation and excessive and artificial volatility in the markets, and to limit the potential for markets to be manipulated or used to carry out insider trading or other fraudulent schemes.

I am concerned about the prospect for single stock futures to contribute to speculation, volatility, market manipulation, insider trading, and other frauds. That is why it is so important for the Congress to make sure that if these products are permitted, that they are regulated as securities and are subject to the same types of antifraud and sales practice rules that are otherwise applied to other securities. I think that this bill, if the SEC and the CFTC properly administer it, can do that.

First, with respect to excessive speculation, the current bill provides that the margin treatment of stock futures must be consistent with the margin treatment for comparable exchange-traded options. This ensures that (1) stock futures margin levels will not be set at dangerously low levels and (2) stock futures will not have unfair competitive advantage vis-a-vis stock options.

The bill provides that the margin requirements for security future products shall be consistent with the margin requirements for comparable option contracts traded on a securities exchange registered under section 6(a) of the Exchange Act of 1934.

A provision in the bill directs that initial and maintenance margin levels for a security future product shall not be lower than the lowest level of margin, exclusive of premium, required for any comparable option contract traded on any exchange registered pursuant to section 6(a) of the Exchange Act of 1934. In that provision, the term lowest is used to clarify that in the potential case where margin levels are different across the options exchanges, security future product margin levels can be based off the margin levels of the options exchange that has the lowest margin levels among all the options exchanges. It does not permit security future product margin levels to be based on option maintenance margin levels. If this provision were to be applied today, the required initial margin level for security future products would be 20 percent, which is the uniform initial margin level for short at-the-money equity options traded on U.S. options exchanges.

Second, with respect to market volatility, the bill subjects single stock futures to the same rules that cover other securities, including circuit breakers and market emergency requirements.

Third, with respect to fraud and manipulation, the bill subjects single stock futures to the same type of rules that are in place for all other securities. These include the prohibitions against manipulation, controlling person liability for aiding and abetting, and liability for insider trading.

Fourth, among the bill's most important provisions are those requiring the National Futures Association to adopt sales practice and advertising rules comparable to those of the National Association of Securities Dealers. Under the bill, the NEA will submit rule changes related to sale practices to the SEC for the Commission's review. Because investors can use single stock futures as a substitute for the underlying stock, they will expect and should receive the same types of protections they receive for their stock purchases. It is significant that in its new role, the NFA will be subject to SEC oversight as a limited purpose national securities association. The SEC is very familiar with the sales practice rules necessary to protect investors. I expect the NFA to work closely with the SEC to ensure such protections apply to all investors in security futures products regardless of the type of intermediary—broker-dealer or futures commission merchant—that offers the product.

Fifth, the bill applies important consumer and investor protections found in the Investment Company Act of 1940 to pools of single stock futures. This ensures that investors in pools of single stock futures will enjoy the same protections as other investors in other funds that invest in securities.

In addition to these provisions, the bill also addresses a number of other important matters. It allows for coordinated clearance and settlement of single stock futures. It assures that securities futures are subject to the same transaction fees applicable to other securities. It requires decimal trading. And it provides Treasury with the authority to write rules to assure tax parity, so that single stock futures do not have tax advantages over stock options.

In addition to these provisions, the bill represents a substantial change from the status quo in which the SEC and the CFTC have shared responsibility for ensuring that all futures contracts on securities indexes meet requirements designed to ensure, among other things, that they are not readily susceptible to manipulation.

This bill gives the CFTC the sole responsibility for ensuring that index futures contracts within their exclusive jurisdiction meet the standards set forth in this bill. Most important among these requirements is that a future on a security index not be readily susceptible to manipulation. Because the futures contract potentially could be used to manipulate the market for the securities underlying an index, it is critical that the CFTC be vigilant in this responsibility. Relying solely on the market trading the product to assess whether it meets the statutory requirements is not enough.

In particular, the CFTC should consider the depth and liquidity of the secondary market, as well as the market capitalization, of those securities underlying an index futures contract. Perhaps even more importantly, the CFTC should require that a market that wants to offer futures on securities indexes to U.S. investors—whether it is a U.S. or foreign market—have a surveillance sharing agreement with the market or markets that trade securities underlying the futures contract. The CFTC should require that these surveillance agreements authorize the exchange of information between the markets about trades, the clearing of those trades, and the identification of specific customers. This information should also be available to the regulators of those markets.

Finally, if a foreign market or regulator is unable or unwilling to share information with U.S. law enforcement agencies when needed, they should not be granted the privilege of selling their futures contracts to our citizens.

There is one other important matter that I had hoped would be satisfactorily resolved today, but unfortunately, it has not. Last night, the Republican staff deleted language that appeared in earlier drafts that would have amended section 15(i)(6)(A) of the Securities Exchange Act of 1934 to clarify that single-stock futures, futures based on narrow stock indices, and options on such futures contracts (''security futures products'') are not ''new hybrid products''. I believe that this deleted language should have been reinserted into the legislation.

Let me explain why. Currently, a new hybrid product is defined as a product that was not regulated as a security prior to November 12, 1999, and that is not an identified banking product under section 206 of the Gramm-Leach-Bliley act. Unless an amendment to the definition is made, security futures products potentially would fall within this definition.

Section 15(i) of the 1934 act provides that the Securities and Exchange Commission must consult with the Federal Reserve Board before commencing a rulemaking concerning the imposition of broker-dealer registration requirements with respect to new hybrid products. Section 15(i) also empowers the Federal Reserve Board to challenge such a rulemaking in court.

This provision was never intended to apply to situations where the Congress has decided by law to expand the definition of securities. What we are doing today in this bill is establishing a comprehensive regulatory system for the regulation of security futures products. Under this system, it is clear that intermediaries that trade securities futures products must register with the SEC as broker-dealers, although it allows futures market intermediaries that are regulated by the CFTC to register on a streamlined basis.

H.R. 4541 rests on a system of joint regulation. That means that both the SEC and the CFTC are assigned specific tasks designed to maintain fair and orderly markets for these security futures products.

Amending the language on page 170 to exclude securities regulation of security futures only because they are sold by banks would create an anomalous result. A bank selling securities futures could register with the CFTC as a futures commission merchant but, unlike other entities, it might not have to notice register with the SEC. Effectively, half of the regulatory framework that the SEC and CFTC negotiated over with the Congress for many months would disappear. There is no public interest to be served in eliminating SEC oversight over issues such as insider trading frauds, market manipulation, and customer

sales practice rules just because a bank traded the security.

The role of the Federal Reserve Board with respect to new hybrid products would be at odds with the regulatory structure for security futures products under H.R. 4541. There is no reason to undermine the structure of H.R. 4541 by giving the Federal Reserve Board a role in the regulation of broker-dealers that trade securities futures products.

If this provision remains in the bill, I believe that in order to comply with the intent of Congress, as expressed in title II of this bill, the SEC would have to proceed by rule to require all bank Futures Commission Merchants seeking to sell single stock futures to, at minimum, notice register with the SEC. In addition, the CFTC would have to bar bank futures commission merchants from selling the product unless they have notice registered with the SEC. This is a convoluted way of dealing with a drafting problem that we could and should fix right now, but it is the only way to prevent gaping loopholes from opening up that could harm investors.

Because there has been an effort over the last several days to address some of the concerns that Democrats have had about tax parity, swaps language in section 107 of the bill, mutual fund language, and numerous other important provisions, I am reluctantly going to vote for this bill today. It is not the bill I would have crafted. It still contains some serious flaws. But it is a much better bill than the bill that passed out of the Agriculture Committee.

However, I must also say that if, when this bill goes over to the other body, some of the outrageous and anticonsumer provisions that were deleted from the House bill in recent days are to be restored, or other equally objectionable new provisions are added, I will fight hard to defeat this bill. And so, I would suggest to the financial services industry and to the administration, if you really want to get this bill done this year, you need to forcefully resist anticonsumer or anticompetitive changes to the legal certainty language, the tax parity language, the single stock futures language, and instead strengthen the consumer and market integrity and competitive provisions of the bill in the manner I have just described.

I look forward to working with Members on the other side of the aisle and in the other body to achieve that goal. And I hope that we can have more of a direct dialog on this bill as it moves forward than we have had over the last few weeks.

## CONGRATULATING RICHARD JOHNSON OF WOODSTOCK, CONNECTICUT ON WINNING THE BRONZE MEDAL IN ARCHERY AT THE 2000 SUMMER OLYMPICS

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Mr. GEJDENSON. Mr. Speaker, today I join the residents of Woodstock, Connecticut in congratulating Richard ''Butch'' Johnson for his continued success in the sport of archery. During the 2000 Summer Olympics in Sydney, Australia, Mr. Johnson won the bronze medal in team archery. This follows his gold medal performance in the 1996 Olympic games.

Over the past year, Mr. Johnson has built a tremendous record of achievement. He won the National Target Championship, the National Indoor Championship and the Gold Cup. He was the runner up in the U.S. Open. During the Pan Am Games in 1999, Mr. Johnson won the bronze medal in individual competition and a gold medal as part of the U.S. archery team. His performance in the Olympics is a crowning moment in a year of many victories.

Mr. Johnson is clearly one of the best archers in America and the world. He is an incredible competitor and a great ambassador for his community, the State of Connecticut and our nation. I am proud to join with his neighbors and friends in Woodstock in celebrating his Olympic bronze medal performance. We wish him much success in the years to come.

## TRIBUTE TO ART EDGERTON

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Ms. KAPTUR. Mr. Speaker, I wish to pay tribute to an extraordinary man from my district, Mr. Art Edgerton. Art unexpectedly passed from this life on Tuesday, September 26, 2000 in his home in Perrysburg, Ohio. Art exemplified artistry, humanitarianism, and zest in every aspect of his being.

Well known to Northwest Ohioans, Art was a most talented and accomplished musician who made his mark nationwide. Though he began his professional career as a drummer at the tender age of nine, Art's piano playing was legendary and he played with various bands through the early 1950s. Even after settling in Toledo, Ohio and pursuing other employment, Art continued playing the piano, entertaining audiences in his adopted hometown.

In 1957, Art entered into a new career, that of broadcasting. Beginning as a part time disc jockey with the former WTOL radio station, he soon transitioned to a report for both radio and television covering civic affairs. Art broke into this field at a time when his race and his disability made this pursuit very difficult. Still he persevered, enduring prejudice with grace, covering the 1963 March on Washington and, blind since birth, taking notes in Braille. An early colleague best summed up Art's style: ''. . . a very accomplished reporter. He was extremely sensitive at a time when being a black reporter presented him with a lot of obstacles.'' The colleague noted how it was not easy for many people to accept Arts' use of Braille writing as he reported an event, and highlighted ''Art's ability to maintain his composure and to deal fairly with everyone he dealt with, even if they didn't deal fairly with him.'' Even as he continued in his journalism and music careers, Art took on a new challenge in the late 1960's becoming an administrative assistant in the external affairs office of the University of Toledo and later, the Assistant Director for Affirmative Action.

Active in community affairs as well, Art served as Board President of the Ecumenical Communications Commission of Northwest Ohio, Board Member of the Greater Toledo Chapter of the American Red Cross, member of the President's Committee on Employment of the Handicapped, President of the Northwest Ohio Black Media Association, and the National Association of Black Journalists. In 1995 he was inducted into that organization's Regional Hall of Fame. Among all of his awards and accolades, Art was perhaps most proud of receiving the 1967 Handicapped American of the Year Award which was presented to him personally by Vice President Hubert Humphrey. Coming from an unhappy childhood in which his parents could not accept his blindness, his wife explained why this particular award affected him so deeply, ''With his upbringing, how he had to scuffle, he just figured he would never be recognized. The fact that somebody recognized what he done gave him that much more determination to continue and do better.''

Mr. Speaker, Art Edgerton was a friend and a trusted advisor throughout the years I have served in this House. I shall miss deeply, as will our entire community. He made us better through his caring and talents spirit. He always advocated for the rights of people with disabilities. Exceedingly gracious, completely endearing, unfailingly honest, yet with a core of steel, Art Edgerton was a man among men. We offer our profoundest and heartfelt condolences to his wife of 35 years, Della, his sons Edward and Paul, his grandchildren and great-grandchildren. May their memories of this truly great man carry them forward.

## IN HONOR OF THE GRAND OPENING OF THE POLISH NATIONAL ALLIANCE'S NEW BUILDING

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Mr. KUCINICH. Mr. Speaker, today I recognize the Polish National Alliance of Council 6, in Garfield Heights, Ohio. The Grand Opening of the Alliance's magnificent new building is on Saturday, October 21, 2000.

The Polish National Alliance is the largest ethnic fraternity in the world. Established in 1880, the PNA was formed to unite the members of the Polish immigrant community in America behind the dual causes of Poland's independence and their own advancement into mainstream American society. In 1885, the Alliance established an insurance program for the benefit of its members. Throughout its nearly 120-year-long heritage, the Alliance has grown to include education benefits for its members, newspapers promoting harmony and the Polish National cause, and has worked to promote Poland's independence. Since World War I, the PNA and its members have given generously to help meet the material and medical needs of Poland's people, as well.

Today, the Alliance has grown enormously in both numbers and influence, with a proud record of serving the insurance needs of more than two million men, women and children since 1880. As one of over nine-hundred local lodge groups, the Polish National Alliance Council 6 has carried on the great tradition and character of the PNA.

I ask that my colleagues join with me to commend the Polish National Alliance for years of service to both the local and national Polish communities, and also the diverse

world community at-large. I rise to wish them many more years of accomplishments and achievements in their new building.

## IN RECOGNITION OF THE 75TH ANNIVERSARY OF UNION CITY

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Mr. MENENDEZ. Mr. Speaker, today I recognize the 75th anniversary of Union City, NJ, the city I love, the city that allowed me to enter public service, and the city I proudly serve to this day.

Since it was founded on June 1, 1925, Union City has become home to people of varying ethnicity, many of whom made the difficult journey from their native land to build a new life in America, the land of opportunity. As a result, Union City represents the best of America, reflecting the melting-pot diversity that contributed to our Nation's great success.

Union City's 75th anniversary is a wonderful time to celebrate the history and future of a city whose culture is so rich in diversity. Union City's ethnic makeup includes Germans; Italians; Irish; Armenians; Puerto Ricans; Cubans; South Americans; Central Americans; Haitians; Asian Indians; Koreans; and Arabs; as well as many others.

With a population of approximately 60,000 individuals, living and working in 1.4 square miles, Union City is an amazing example of diversity in harmony. The residents of Union City proudly share their experiences, and I am proud to have had the opportunity to share my life with them.

Today, I ask my colleagues to join me in recognizing the 75th anniversary of Union City.

## IN HONOR OF FRANK KOPLOWITZ ON THE OCCASION OF HIS 80TH BIRTHDAY

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Ms. ESHOO. Mr. Speaker, today I honor an outstanding American, a devoted husband, a loving father, an exceedingly proud grandfather and a superb friend on the occasion of his 80th birthday—Frank Koplowitz.

Born in New Britain, Connecticut on October 17, 1920, Frank has dedicated much of his life serving to our nation in the Air Force. Upon graduating from high school, he began studying airplane engine mechanics. He received his wings and graduated as a Second Lieutenant after his training at the University of Montana in Missoula and subsequent training in Santa Ana, California. During World War II, he was sent to overseas to England where he flew 37 missions as a bombardier with the 486th B.G. of B17s. On his 22nd mission, he was shot down over France and despite head injuries and a hospital stay, he requested that he be returned to his crew to finish his missions. He was awarded the D.F.C. and the Air Medal with six Clusters.

Frank continued his service in the Air Force Reserve for 26 years and retired as a Lieutenant Colonel. In addition to his service to our nation, he is a respected businessman who was in the jewelry manufacturing business for over fifty years. Today he remains active in many charitable organizations such as the Masonic Order and the City of Hope.

Mr. Speaker, Frank Koplowitz is an authentic American hero, a distinguished member of our community and an individual who is genuinely loved and admired by everyone who has met him and knows him. It's a privilege to have the opportunity to pay tribute to him on the occasion of his eightieth birthday and to recognize him for his profound contributions to our nation. We are indeed a better country because of him.

## IN HONOR OF DR. PAUL GREENGARD, 2000 NOBEL PRIZE WINNER IN MEDICINE

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Mrs. MALONEY of New York. Mr. Speaker, I enthusiastically rise today to honor Dr. Paul Greengard, the 2000 Nobel Prize winner in medicine, who resides and teaches in my district. Dr. Greengard received the Nobel Prize for his discovery of how dopamine—a human neurotransmitter that controls one's movements, emotional responses, and ability to experience pleasure and pain—affects the central nervous system. His advancements in the field of neuroscience have greatly increased our understanding of the relationships between neurobiological chemicals and some of the world's most widespread neurological disorders, such as Parkinson's Disease, Alzheimer's Disease, and Schizophrenia. Such an achievement is one I hold in tremendous regard and I truly hope my colleagues recognize the importance of Dr. Greengard's groundbreaking discovery.

Neurological diseases touch most every human being in some way. As the founder and Co-Chair of the Congressional Working Group on Parkinson's Disease, I am especially energized by Dr. Greengard's research. I sincerely hope that medical and academic professionals, buoyed by Dr. Greengard's achievements, continue their pursuit of uncovering the causes of the most pressing neurological disorders.

Dr. Greengard is a genuinely fascinating individual. He currently serves as the head of the Laboratory of Molecular and Cellular Neuroscience at The Rockefeller University in New York City and is the director of the Zachary and Elizabeth M. Fisher Center for Research on Alzheimer's Disease, also at Rockefeller. The Fisher Center, where I serve as a member of the Board of Trustees alongside Fisher CEO Michael Stern, is an extraordinarily valuable research center where Dr. Greengard has made pioneering discoveries in neuroscience which provide a more conceptual understanding of how the nervous system functions at the molecular level. His research into the abnormalities associated with Dopamine serves as a window through which scientists can examine the effects that Dopamine has on psychiatric disorders of human beings, such as substance abuse and Attention Deficit Disorder.

Dr. Greengard has dedicated his life to scientific exploration. Since 1953, when he received his Ph.D. in biophysics from Johns Hopkins University, Dr. Greengard has worked as a scientific professional in every sense of the word. From his days as a scholar at Cambridge University in London, and years as a professor of pharmacology at Yale University, Dr. Greengard has possessed a passion for knowledge into the scientific basis of human existence. His life is nothing short of an admirable testament to the joy of scholarship and the rewards of knowledge.

Mr. Speaker, I am immeasurably proud to have such an esteemed American living and working within my district. Dr. Greengard's Nobel Prize is a well-deserved honor and a tremendous reward for his dedication and tireless pursuit of scientific truth.

## CONGRATULATING MIRIAM LOPEZ

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to warmly congratulate Miriam Lopez for her new position as President of the Florida Bankers Association.

After obtaining a Masters in Business Administration from the University of Miami, Miriam began her career as a commercial loan officer with Southeast First National Bank of Miami. In 1985, she became President and CEO of TransAtlantic Bank becoming responsible for all the daily operations of the bank. Previously, she held senior positions with Republic National Bank and Intercontinental Bank.

Being active in civic and charitable organizations, Miriam is a member of the finance council of the Archdioceses of Miami, Board Member of the Downtown Development Authority, and St. Thomas University Board of Directors. She was appointed to the Florida Comptroller's Banking Sunset Task Force and the State of Florida International Affairs Commission. Among her illustrious honors, the Coalition of Hispanic American Women nominated Miriam for the Vivian Salazar Quevedo ''Women of the Year'' Award.

Since 1992, Miriam became part of the American Bankers Association. She served on the Community Bankers Council and on its executive committee. She also chaired the American Bankers Association Community Council and its Banking Advisor Program.

With a personal and professional interest in furthering education for public school children in our area, Miriam frequently addresses educational forums and community groups on the value of education, savings, and honesty.

We are privileged to have her as the first Cuban-American woman President of the Florida Bankers Association and to have the benefit of her banking expertise. It is my great pleasure to join Miriam's family, especially her husband, Peter, friends, and colleagues in celebrating this special occasion. We all wish her continued success in her future endeavors.

## H.R. 5159 AMENDING TITLE 38 TO PROVIDE TAX RELIEF FOR THE CONVERSION OF COOPERATIVE HOUSING CORPORATIONS INTO CONDOMINIUMS

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce an important piece of legislation. There are some in my district and around the country who would like to convert their cooperative housing units into condominiums but do not because section 216 of the Internal Revenue Code unfairly taxes such conversions.

During the late 1950's and early 1960's the first high-rise apartments were built in Hawaii. Developers formed cooperative housing corporations for ownership. In a cooperative, a corporation owns the land and building, and individuals and families purchase a share in the corporation that grants them the right to live in a particular unit. This enabled homeowners to own their apartments rather than rent them, making home ownership possible for more individuals and families.

As construction of high rise apartments increased, Hawaii enacted the nation's first condominium property laws. Condominiums permit a unit holder to own the unit directly rather than indirectly as stock in a cooperative corporation. Condominiums proved easier to finance and were better received by the public. The vast majority of high-rise apartment buildings constructed since 1963 have been condominiums rather than cooperatives.

The cooperatives that were constructed before condominium laws were enacted have a number of finance and marketing problems. Many banks in Hawaii will not lend more than 70 percent of a cooperative's purchase price, compared with up to 90 percent for a condominium. In addition, banks have generally used an amortization rate of 15 years, compared to 30 years for condominiums, and charge 1 percent more interest for cooperative housing loans. Furthermore, the sale price of a condominiums can be 15 to 40 percent higher than a similar cooperative apartment. Finally, Private Letter Ruling No. 8445010 the IRS recognized that unit holders in cooperatives have greater difficulty acquiring mortgages. These differences discourage the purchase of shares from cooperatives and making selling a unit nearly impossible.

As a result of these shortcomings many who invested in cooperative housing want to convert their ownership form. This is accomplished through converting cooperative housing corporations into condominiums. In a conversion the cooperative corporation dissolves and reconstitutes itself as a condominium with the share holders owning their apartment directly. No substantive change in ownership is involved. The Internal Revenue Code discourages conversions because it treats the dissolution of the cooperative corporation as a taxable event. Prior to the 1986 Tax Reform Act (P.L. 99–514) corporations dissolved without taxation. This became a classic way in which corporations bought and sold one another without paying a tax on the capital gains. This bill protects against this tax loophole. When a cooperative corporation dissolves in the process of conversion, the original basis of the property remains the basis for the condominium building. Individual unit holders also retain as their basis the price paid for a share purchased in the cooperative corporation. In the future, if the new owners of the building or an individual condominium owner sell their deed the gain in value over the original basis will be taxed.

The IRS and Congress have recognized that this tax is unfair. In Private Letter Ruling No. 8812049 the IRS agreed that the conversion tax was severe because a tenant-stockholder continues to live in the same unit and incurs the same cost. Congress also agreed that this conversion tax was excessive and amended the Internal Revenue Code eliminating the tax incurred by unit holders along as the unit was their primary residence. While this amendment did not repeal the tax at the corporate level (the major impediment to cooperative conversions) the amendments repealed in 1997. Since 1997 cooperative corporations and individual unit holders that want to convert to condominiums and benefit from higher lending rates, longer amortization periods, lower interest rates and a higher market value have been discouraged by the Internal Revenue Code which requires them to update the original basis.

This bill eliminates the unfair conversion tax at the corporate and individual level that do not include a transfer of ownership. It also ensures that no tax loopholes created by requiring that the original basis be assumed by the tenant and property owners. On passage of this bill cooperatives retain the option of conversion.

I urge my colleagues to cosign this bill and end this unfair tax.

## HIGH COST OF PRESCRIPTION DRUGS

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Ms. STABENOW. Mr. Speaker, for the past six months, I have been reading letters on the floor of the House of Representatives from senior citizens from all over the State of Michigan.

These seniors have shared their stories with me about the high cost of prescription drugs. They all have one thing in common: these seniors rely solely on Medicare for their health insurance, so they do not have any prescription drug benefit.

They must pay for their prescription drugs themselves, and with the high prices, they often are forced to make the decision between buying the prescription drugs they need or buying food or heating their homes.

We must enact a voluntary, Medicare prescription drug benefit that will provide real help for these seniors.

This week, I will read a letter from a senior in Lansing, MI, who asked that she remain anonymous.

TEXT OF THE LETTER

It seems every time I see a doctor, I am given a new prescription. I now take six a day. They cost close to $200 a month. I also take six non-prescription drugs a day.

We really need some help. It is very hard for a retired senior on a fixed income.

I sometimes skip a pill to make them last a little longer.

In these economic good times, it is a national tragedy that seniors are putting their health at risk and skipping the medications they need because they cannot afford them.

The 106th Congress will soon adjourn. Our days to enact prescription drug reform are numbered.

I support the Democratic plan that will provide a voluntary, real Medicare prescription drug benefit.

## COMMUNICATION FROM PHARMACIA

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Mr. STARK. Mr. Speaker, I am today submitting for the RECORD a letter from the pharmaceutical manufacturer, Pharmacia. This letter was written in response to my October 3rd letter to the company's President & Chief Executive Officer, Fred Hassan.

My recent letter, submitted to the Congressional Record on October 3rd, provided evidence that Pharmacia for many years has been reporting and publishing inflated and misleading price data and has engaged in other improper, deceptive business practices in order to manipulate and inflate the prices of certain drugs. The price manipulation scheme has been executed through Parmacia's inflated representations of average wholesale price (''AWP'') and direct price (''DP''), which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers. This pricing scheme by Pharmacia and other drug companies is estimated to have cost taxpayers over a billion dollars.

Unfortunately, Pharmacia's recent letter provides no meaningful explanation for the company's actions which have overcharged Americans and put patient safety at grave risk. Instead, President Hassan places the blame on the Department of Health and Human Services' difficult reimbursement policies. In this letter he states: ''As you know, Medicare and Medicaid reimbursement policies are considerably complex'' and ''From my perspective, it is the designing of a system to replace the current system that to date has proven to be difficult.'' The alleged complexity of Medicare's reimbursement system is no excuse for Pharmacia deliberately publishing inflated and misleading price data and engaging in other deceptive business practices—business practices which the letter fails to mention.

Contrary to Mr. Hassan's accusation, Medicare's current reimbursement method is simple. Medicare pays 95% of a covered drug's average wholesale price (AWP). Regardless of the merits of the system, Pharmacia, and other drug companies, have abused this system by reporting inflated drug prices—plain and simple.

I appreciate the fact that Mr. Hassan is taking the issues I raised in my letter ''very seriously'' and is ''continuing to investigate'' the allegations made in my letter. But I firmly believe that the blame for reporting misleading—and possibly fraudulent—price data as well as engaging in other deceptive company practices must not and cannot be placed on HHS'

reimbursement policies. Mr. Hassan writes that the "current system has proven to be untenable. . . ." It is the pricing practices of companies like his that have made it untenable.

Pharmacia's behavior overcharges taxpayers—particularly patients—and endangers the public health by influencing the practice of medicine. It is for all of these reasons that I have called on the FDA to conduct a full investigation into such drug company behavior.

The letter from Pharmacia follows:

PHARMACIA CORPORATION,
*Peapack, NJ, October 16, 2000.*

Re: Your Letter of October 3, 2000

Hon. FORTNEY PETE STARK,
*Cannon House Office Building, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE STARK: I am the President, Chief Executive Officer, and a member of the Board of Directors of Pharmacia Corporation ("Pharmacia"). For your information, Pharmacia was created earlier this year upon the merger of Pharmacia & Upjohn, Inc., and Monsanto Company.

In my capacity as Chief Executive Officer of Pharmacia, I write to acknowledge receipt of your letter of October 3, 2000, addressed to Pharmacia & Upjohn, Inc., and to address preliminarily the issues that you raise regarding the reporting and publishing of certain price data for several prescription medications sold by Pharmacia.

Initially, I want to provide you with my personal assurance that Pharmacia takes the issues raised in your letter very seriously. For your information, Pharmacia has actively provided information regarding our pricing practices to a number of investigative bodies. Also, the Company is committed to continuing to work with the appropriate authorities until any differences that may exist in the understanding of this matter are resolved.

As to the particulars of your letter, you should know that Pharmacia is continuing to investigate the allegations made in your letter, as well as those that have been reported recently in various news media regarding the pharmaceutical industry's practices in the area of reimbursement.

As you know, Medicare and Medicaid reimbursement policies are considerably complex. Indeed, in correspondence from the administrator of the Health Care Financing Authority ("HCFA"), it was publicly noted in a letter addressed to the Honorable Tom Bliley, Chairman, Commerce Committee, U.S. House of Representatives, that HCFA has been "actively working to address drug payment issues, both legislatively and through administrative actions, for many years." In fact, Ms. DeParle, the HCFA Administrator, notes that her Agency tried several alternative approaches in the early 1990's but that none were adopted. In fact, in 1997, the Administration proposed to pay physicians and suppliers their so-called "acquisition costs" for drugs, but the proposal was not adopted. Instead, the Balanced Budget Act of 1997 reduced Medicare payments for covered drugs from 100% to 95% of the average wholesale price or "AWP".

From my perspective, it is the designing of a system to replace the current system that to date has proven to be difficult. Indeed, the current system has proven to be untenable and we would welcome the opportunity of working with you, Congress, HCFA, and any other interested regulatory agencies and stakeholders to develop reimbursement guidelines that are simple, transparent, and representative of the current market conditions.

Finally, I want you to know that—in accordance with your request—I will share your letter and this response with the members of Pharmacia's Public Issues and Social Responsibility Committee of the Board of Directors. In addition, Pharmacia will continue to participate constructively in the public dialogue with regard to whether changes will be made in this arena either legislatively or through administrative action.

Sincerely,

FRED HASSAN.

## HONORING MRS. CLEOTILDE CASTRO GOULD

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Mr. UNDERWOOD. Mr. Speaker, From a pool of very worthy candidates, the Guam Humanities Council elected to bestow the 2000 Humanities Award for Lifetime Contribution upon Mrs. Cleotilde Castro Gould, a retired educator and well-known local storyteller. This very distinguished award honors the contributions of individuals who, over the years, have worked towards the promotion and advancement of local culture and traditions. To Mrs. Gould, the conferral of this honor is both timely and well deserved.

Mrs. Gould is primarily known as an educator and as a specialist on Chamorro language and culture. In 1974, she played a key role in the formation of the Guam Department of Education's Chamorro language and Culture program. She served as the program's director until her recent retirement. Her many talents include that of singing, songwriting and creative writing. She is a talented singer of Kantan Chamorrita (Chamorro Songs) and has written several songs made popular by local island performer, Johnny Sablan. In the 1980's, she obtained funding to document the Kantan Chamorrita song form. The result was a video record of the ancient call-and-response impromptu song form which is practiced today by few remaining artists.

However, her claim to fame is that of being a storyteller. Her great talent in conveying ancient Chamorro legends to the younger generation has placed great demand on her skills throughout the island's many schools. Mrs. Gould has represented the island as a storyteller in a Pacific islands tour sponsored by the Consortium of Pacific Arts and Cultures and she employed the same talent in 1988 as part of the Guam delegation to the Pacific Festival of Arts in Australia. In addition, Mrs. Gould is also the writer and creator of the Juan Malimanga comic strip. A daily feature in the Pacific Daily News, Guam's daily newspaper, the strip and its characters embody the Chamorro perspective and our local tendency to use humor in order to get points across or to express criticism in a witty and nonconfrontational manner. Mrs. Gould is one of my best friends and favorite colleagues in education. She represents the best in that indomitable Chamorro spirit.

Through her song lyrics, the Comical situations she has concocted, and the lessons brought forth by her storytelling, Mrs. Gould has touched a generation of children, young adults and students. Her exceptional ability to communicate with people form a wide range of age and educational backgrounds has enabled her to pass on the values and standards of our elders to the younger generation. Her life has been dedicated towards the preservation of our island's culture and traditions. For this she rightfully deserves commendation.

Also worthy of note are several distinguished island residents, who, in their own ways, have made contributions to our island. Dirk Ballendorf, a professor of History and Micronesian Studies, through his scholarly work and research, has provided the academic community a wide body of material on the history and culture of our island and our region. Professor Lawrence Cunningham, the author of the first Chamorro history book, has been largely instrumental in the inclusion of Guam History in the secondary school curriculum and the participation of island students in local and national Mock Trial debate competitions. Professor Marjorie Driver's translation of documents pertaining to the Spanish presence in the Mariana Islands has generated enthusiasm among the local community and brought about a desire to get reacquainted with their heritage and traditions. The Reverend Dr. Thomas H. Hilt, the founder of the Evangelical Christian Academy, has fostered the development of a generation of students and donated his time and efforts providing assistance and counsel to troubled kids. Local banker, Jesus Leon Guerrero, founder of the first locally chartered full service bank on Guam, the Bank of Guam, has made great contributions towards the economic, political, and social transformation of Guam. Newspaperman Joe Murphy has written a daily newspaper column for the last thirty years and has provoked our thoughts and encouraged us to get involved in our island's affairs and concerns. The director of the Guam Chapter of the American Red Cross, Josephine Palomo, in addition to her invaluable assistance during disaster related situations, has established a program which encourages involvement among the island's senior citizens in social and healthful activities. Professor Robert F. Rogers, through his scholarly work and provision of guidance and advise to political science majors in the University of Guam, has fostered the development of policy and leadership within our region. Finally, former Senator Cynthia Torres, one of the first women to be elected to the Guam Legislature, has made great contributions towards the advancement of women and vulnerable members in our island society.

On behalf of the people of Guam, I commend and congratulate these wonderful people for their contributions. Their passion and dedication has gone a long way towards the development of a new generation who, like them, will dedicate their lives and their work towards the humanities. To each and everyone of these individuals, I offer my heartfelt gratitude. Si Yu'os Ma'ase'.

## CHAIRMAN'S FINAL REPORT CONCERNING THE NOVEMBER 13 SUBCOMMITTEE ON FORESTS AND FOREST HEALTH HEARING IN ELKO, NEVADA

### HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 23, 2000*

Mr. GIBBONS. Mr. Speaker, last year on November 13th, the Subcommittee on Forests

and Forest Health held a hearing in Elko, Nevada to study the events surrounding the closure of the South Canyon Road by the Forest Service. After a thunderstorm washed out parts of the road in the Spring of 1995, the agency prohibited the community of Jarbidge from repairing it—going so far as to initiate criminal action against the county. At this hearing, we learned that it wasn't just parts of the road that washed away in that storm but also the Federal Government's failure to use common sense. The South Canyon Road has been used by local residents since the late 1800s—to now keep the citizens of Elko County from maintaining and using what is clearly theirs is a violation of the statute commonly referred to as RS 2477. This is an issue of national significance, demonstrating ongoing attempts by the Federal Government, particularly under this Administration, to usurp the legal rights of States and Counties. So for this reason, the subcommittee has done extensive research into the fundamental questions concerning the South Canyon Road, specifically: who has ownership of the road and who has jurisdiction over the road? Subcommittee Chairman CHENOWETH-HAGE has compiled her research into this, her final report on the November 13th hearing. I would now respectfully ask that it be submitted into the RECORD of this 106th Congress.

CHAIRMAN'S FINAL REPORT—HEARING ON THE JARBIDGE ROAD, ELKO COUNTY, NEVADA, SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

PREFACE

By invitation of Congressman Jim Gibbons of Nevada, the Subcommittee on Forests and Forest Health held an oversight hearing in Elko Nevada on November 13, 1999, on a dispute between Elko County and the United States Forest Service (USFS). The County of Elko claimed ownership of a road known as the Jarbidge South Canyon Road by virtue of their assertion of rights under a statute commonly referred to as RS 2477. The USFS asserted they do not recognize the county's ownership rights and claimed jurisdiction over the road under the Treaty of Guadalupe Hidalgo, the proclamation creating the Humboldt National Forest, the Wilderness Act, the Federal Land Policy and Management Act (FLPMA), the Endangered Species Act, and the Clean Water Act. This issue came to a head when the USFS directed its contractor to destroy approximately a one-fourth mile section of the Road, thus preventing its use by parties claiming private rights of use which could be accessed only by the Road. Also, access to the Jarbidge Wilderness Area was closed off by the action of the USFS.

Chairman Chenoweth-Hage submits this final report to members based on the testimony given and records available to the Subcommittee. Representatives of the USFS failed to defend their position from a legal standpoint, submitting no legal analysis that justified their position. Instead, they simply ''ruled'' that they did not recognize the validity of the County's assertion to the road.

The investment of time in the historic perspective leading up to the County's assertion was fruitful, yielding numerous clearly worded acts of Congress, backed up in a plethora of case law. I have attempted to bring that historic perspective to this report, because the Congressional and legal background cannot be ignored if we are to view the western lands issues in the framework Congress and the courts have intended.

I therefore submit my final report on the hearing on the Jarbidge Road.

Summary: The Basic Questions of Ownership and Jurisdiction

The dispute over the Jarbidge South Canyon Road (Road) between Elko County, Nevada and the United States Forest Service (USFS) involves two basic questions:

1. Who has ownership of the road?
2. Who has jurisdiction over the road?

Ownership is defined as control of property rights.

Jurisdiction is defined as the right to exercise civil and criminal process.

The United States argues that when the Humboldt National Forest was created in 1909, the road in question became part of the Humboldt National Forest. The United States argues that the Humboldt National Forest is public land owned by the United States and the USFS, as agent for the United States, has both ownership and jurisdiction. The United States has responded to the RS 2477 issue (Section 8, Act of July 26, 1866) by arguing that no RS 2477 road which was established in a national forest after the creation of the national forests, was valid, and all roads within the national forest fall under USFS jurisdiction after passage of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA).

Evidence was presented by Elko County in an effort to establish proof of ownership of the Jarbidge South Canyon Road. This evidence includes documents and oral testimony, showing that the road was established in the late 1800s on what had been a pre-existing Indian trail used by the native Shoshone for an unknown period of time prior to any white settlement in the area.

Elko County claims jurisdiction over the Jarbidge South Canyon Road by virtue of evidence that the road was created to serve the private property interests of the settlers in the area. Elko County cites various private right claims to water, minerals, and grazing which the road was constructed to serve.

The crucial factor in determining which argument is correct is to determine whether the federal land upon which the Road exists is ''public land'' subject to federal ownership and jurisdiction or whether the federal land upon which the Road exists is encumbered with private property rights over which the state of Nevada and private citizens exercise ownership and jurisdiction.

In any dispute of this kind, it is essential to review, not only prior history, but also the public policy of the United States as expressed in acts of Congress and relevant court decisions.

I. Breaking Down the Principles of Ownership

A. The law prior to Nevada Statehood.

1. The Mexican cession and ''Kearney's Code.''

Nevada became a state on October 30, 1864. Prior to that time the area in question was part of the territory of Nevada. The territory of Nevada had been created out of the western portion of the territory of Utah. Utah Territory has been a portion of the Mexican cession resulting from the Mexican War of 1845–46. U.S. Brigadier General of the Army of the West, Stephen Watts Kearney, instituted an interim rule, commonly referred to as ''Kearney's Code,'' over the ceded area pending formal treaty arrangement between the U.S. and Mexico. The Mexican cession was formalized two years later with the Treaty of Guadalupe Hildago, February 2, 1848.

Mexico recognized title of the peaceful/Pueblo (or ''civilized'') Indians (either tribally or as individuals) to the lands actually occupied or possessed by them, unless abandoned or extinguished by legal process (i.e. treaty agreements). The Mexican policy of inducing Indians to give up their wandering ''nomadic, uncivilized'' life in favor of a settled ''pastoral, civilized'' life, was continued by Congress after the 1846 session and was the very basis of the government's Indian allotment and reservation policy. Mexico and Spain retained the mineral estate under both private grants and public lands as a sovereign asset obtainable only by express language in the grant or under the provisions of the Mining Ordinance.

2. The acquisition by the U.S.

When the area was ceded to the U.S., the U.S. acquired all ownership rights in the lands which had been previously held by the Mexican government. This included the mineral estate and the then unappropriated surface rights. Indian title, where it existed, remained with the respective Indian tribes. All other private property existing at the time of the cession, was also recognized and protected. Kearney's Code also recognized all existing Mexican property law and continued, in force, the laws ''concerning water courses, stock marks and brands, horses, enclosures, commons and arbitrations'', except where such laws would be repugnant to the Constitution of the United States. The Supreme Court of the United States, has upheld the validity of Kearney's Code, stating that Congress alone could have repealed it, and this it has never done.

In 1846, the area where the Jarbidge South Canyon Road presently exists was acquired by the United States. The United States, like Mexico, retained the mineral estate, while the surface estate was open to settlement. Settlement of the surface estate continued under United States jurisdiction in much the same way it had proceeded under Mexican jurisdiction. Towns, cities and communities grew up around agricultural and mining areas.

3. The characteristics of the land and custom of settlement under Mexican law.

The Mexican cession, which is today the southwestern portion of the United States, consisted primarily of arid lands, interspersed with rugged mountain ranges. These mountain ranges were the primary source of water supply for the arid region. The water courses were part of the surface estate. Control or development of the land by settlers for either agricultural uses or mining depended on control of the water courses.

The most expansive (and most common) method of settlement under the Mexican ''colonization'' law was for the individual settler to establish a cattle and horse (ganado de mejor) or sheep and goat (ganado de menor) farm, known as a ''rancho'' or ranch. These ranches were large, eleven square leagues or ''sitos'' (approximately one-hundred square miles). The individual settler (under local authorization) would acquire a portion of irrigable crop land and an additional allotment of nearby seasonal/arid (temporal or agostadero) land and mountainous land containing water sources (canadas or abrevaderos) as a ''cattle range'' or ''range for pasturage.'' Four years of actual possession gave the ranchero a vested property right that could be sold (even before final federal confirmation or approval of the survey map (diseno). Control of livestock ranges depended on lawful control of the various springs, seeps and other water sources for livestock pasturage and watering purposes. Arbitration of disputes over water rights and range boundaries (rodeo or ''round-up'' boundaries) were adjudicated by local authorities (jueces del campo or ''judges of the plains'').

4. Mexican customs of settlement were maintained under U.S. rule.

This same settlement pattern of appropriate servitudes or rights (servidumbres) for pasturage adjacent to water courses, continued after the area was ceded to the United

States in 1846, One of the first acts of the California legislature after the Mexican cession was to re-enact, as state law, the previous Mexican ''jueces del campo'' or ''rodeo'' laws governing the acquisition and adjudication of range (or pasturage) rights on the lands within the state.

The new settlers on lands in the Mexican cession after 1846, were not trespassers on the lands of the U.S., since Kearney's Code had continued in effect all the previous laws pertaining to water courses, livestock, enclosures and commons (stock ranges). Under Mexican law, water rights, possessory pasturage rights, and right-of-ways were easement rights. Mexican land law was based on a split-estate system (surface/mineral titles and easements) which the United States Courts were unfamiliar with and for which no federal equivalent law existed. Problems in sorting agricultural (rancho) titles/rights from mining titles/rights quickly became apparent when the courts began the adjudication of Spanish and Mexican land claims. Congress (like Spain and Mexico) had previously followed a policy of retaining mineral lands and valuable mines as a national asset.

5. Congress further defines and codifies settlement customs through the Act of 1866 with the establishment of mineral and surface estate rights.

There was no law passed by Congress to define the settlement process for the western mineral lands until Congress addressed this problem by a series of acts beginning in the 1860's. Key among the split-estate mining/settlement laws was the Act of July 26, 1866. Congress established a lawful procedure whereby the mineral estate of the United States could pass into the possession of private miners. Private mining operations could then turn the dormant resource wealth of these lands into active resource wealth for the benefit of a growing nation.

The 1866 Act also dealt with the surface estate of the mineral lands. The act clearly recognized local law and custom and decisions of the court, which had been operating relative to these lands and extended these existing laws and customs into the future. The 1866 Act created a general right-of-way for settlers to cross these lands at will. It also allowed for the establishment of easements.

At this point, it is important to note the definitions of these key terms:

A right-of-way is defined as the right to cross the lands of another.

An easement is defined as the rights to use the lands of another.

Sections 8 and 9 of the 1866 Act are the seminal U.S. law defining the rights of ownership in the Jarbidge South Canyon Road. Section 8, which was later codified as Revised Statute 2477, deals with the establishment of ''highways'' across the land. The term highways as used in the 1866 Act refers to any road or trail used for travel. The right-of-way portion of this act was an absolute grant for the establishment of general crossing routes over these lands at any point and by whatever means was recognized under local rules and customs.

Section 9 of the Act of July 26, 1866, ''acknowledged and confirmed'' the right-of-way for the construction of ditches, canals, pipelines, reservoirs and other water conveyance/storage easements. Section 9 also guaranteed that water rights and associated rights of ''possession'' for the purpose of mining and agriculture (farming or stock grazing) would be maintained and protected.

B. The Law After Nevada Statehood.

1. The states adopt Mexican settlement customs, as affirmed by Kearney's Code and 1866 Act.

Once settlers in an area had exercised the general right-of-way provisions of the 1866 Act to establish permanent roads or trails, those roads or trails then, by operation of law, became easements (which is the right to use the lands of another). The general right-of-way provisions of the 1866 Act gave Congressional sanction and approval to the authorization of Kearney's Code respecting water courses, livestock enclosures and commons, and local arbitration respecting possessory rights. All of the states and territories, west of the 98th meridian ultimately adopted water right-of-way related range/trail property laws similar to the former Mexican laws in California, New Mexico, and Arizona. These range rights were ''property'' recognized by the Supreme Court.

2. The Supreme Court upholds states' adoption of settlement customs and attached range rights.

In Omaechevarria v. Idaho, it was held that all Western states had adopted range law similar to Idaho's, that those laws were a valid exercise of the state's constitutional police power and did not infringe on the government's underlying property interest. Grazers took possession and control of certain range areas primarily by gaining lawful control of water courses. The water courses were under the jurisdiction of State and Territorial government by authority of Kearney's Code and the 1866 Act. The general right-of-way provision of the 1866 Act became an easement for grazing, the bounds of the easement being determined by the exterior boundaries of the area the grazier could effectively possess and control.

3. Only the states possess the authority to define property.

As a general proposition, the United States, as opposed to the several states, is not possessed of a residual authority enabling it to define property in the first instance. The United States has performed the role of agent over lands which are lawfully owned by the union of states, or the United States. Individual States in the southwest, established laws deriving from local custom and court decisions (common law) for determining property rights. These were the local laws, customs, and decisions of the court affirmed by Congress in the Act of July 26, 1866. The Act extended this principle to all the western states and conferred a license on settlers to develop property rights in both the mineral estates and surface estate of the mineral lands of the United States.

C. Congress Affirmation of Local Laws and Customs Regarding Ownership.

1. Congress has passed numerous Acts recognizing surface and mineral estate rights.

The argument of the United States claiming ownership of the Jarbidge South Canyon Road raises a perplexing question. To arrive at the conclusion that the United States Forest Service owns the Road based on the Mexican cession to the United States in 1846, is to ignore local law, custom, court decisions, and the Congressional Act that confirmed those local laws, customs, and court decisions in 1866. The United States in its reach to claim all title to the lands in question must ignore the subsequent acts of Congress which are predicated on the Act of July 26, 1866 as well as voluminous case law which have consistently upheld the acts of Congress in the disposal of the surface estate and/or mineral estate into private hands. The acts and their relevant case law include, but are not limited to:

1. The Mining Act of 1872, confirming lawful procedure for citizens to acquire property rights in the mineral estate of federal lands;

2. The Act of August 30, 1890, which confirmed private rights and settlement then existing on the surface estate of federal lands;

3. The General Land Law Revision Act of March 3, 1891, which further confirmed existing private rights (settlement) on the land;

4. The Act for Surveying Public Lands of June 4, 1897, also known as the Forest Reserve Organic Act which excluded all lands within Forest Reserves more valuable for agriculture and mining and guaranteed rights to access, the right to construct roads and improvements, the right to acquire water rights under state law, and continued state jurisdiction over all persons and property within forest reserves.

2. The courts insist that these laws must be read on pari materia (all together).

The courts have stated repeatedly that laws relating to the same subject (such as land disposal laws) must be read in pari materia (all together). In other words, FLPMA or any other land disposal act cannot be read as if it stands alone. It must be read together with all its parts and with every other prior land disposal act of Congress if the true intent of the act is to be known.

3. Each of these Acts contain ''savings'' clauses protecting existing right, including FLPMA.

All acts of Congress, relating to land disposal contain a savings clause protecting prior existing rights. FLPMA contains a savings clause protecting prior existing property rights. There is an obvious reason for this. Any land disposal law passed by Congress without a savings clause would amount to a ''taking'' of private property without compensation. This could trigger litigation against the United States and monetary liability on the part of the U.S.

II. Determining the Ownership of Jarbidge South Canyon Road

A. Executive order creating Humboldt National Forest, Where the Road Resides, and relevant Congressional acts contain a savings clause protecting Preexisting rights.

The Presidential Executive Order which created the Humboldt National Forest contained a savings clause, protecting all existing rights and excluding all land more valuable for agriculture and mining. The Road was in existence long before there was a Humboldt National Forest. The Road was a prior existing right, having been confirmed by the Act of 1866 and related subsequent acts of Congress as well as court decisions. The Road was never a part of the Humboldt National Forest, and could not be made a part of the Humboldt National Forest without triggering the Fifth Amendment of the Constitution of the United States dealing with ''takings'' and ''compensation.''

The Wilderness Act which created the Jarbidge Wilderness Area also contained a savings clause protecting prior existing rights.

B. The United States makes errant arguments claiming ownership of the Road.

1. The U.S. argument regarding ''public lands'' resulting from Mexican cession logically fails on its face.

The U.S. argues that the Mexican cession of 1846, ratified in the Treaty of Guadalupe Hidalgo in 1848, conveyed the Road and the land of the Road crosses to the United States, which some 150 years later remain ''public land'' unencumbered by private rights. If this argument is valid, the myriad other roads, highways, towns, cities, ranches, farms, mines and other private property which did not exist in the southwest in 1846 but which exists today also remain the sole property of the United States. One cannot logically reach the first conclusion without accepting the later.

2. The true nature of ''public lands.''

''Public Lands'' are ''lands open to sale or other dispositions under general laws, lands to which no claim or rights of others have attached.'' The United States Supreme Court has stated: ''It is well settled that all land to which any claim or rights of others has attached does not fall within the designation

of public lands.'' FLPMA defines ''public lands'' to mean ''any land and interest in land owned by the United States within the several states and administered by the Secretary of the Interior through the Bureau of Land Management.'' The mineral estate of lands within the exterior boundaries of National Forests are administered by the Secretary of the Interior through the Bureau of Land Management.

The mineral estate in the Humbolt National Forest where no claims or rights have attached is ''public land'' according to FLPMA. The mineral estate in these lands is still open to disposition under the mining laws of the United States. Private agricultural and patented mineral lands, as well as surface estate rights in grazing allotments or subsurface rights in unpatented mining claims are not public lands within the definition set forth in FLPMA.

The Road is bounded on both sides by mining claims and lawfully adjudicated grazing allotments. This fact is clear from the testimony and the evidence presented to the Subcommittee. The record shows that mining, grazing rights and water rights as well as general access right-of-ways were established on these lands in the late 1800's and preceded the establishment of the Humboldt National Forest and the Jarbidge Wilderness Area by many years. No evidence has been submitted to the record showing any lawful extinguishment of these rights which would effect a return of the area in question to ''public land'' status, giving rise to a trespass against the United States.

3. The United States errantly cites FLPMA as extinguishing RS 2477 rights.

The United States has also argued that no RS 2477 road could be created in a national forest after the date of creation of the national forest. They cite FLPMA as authority for this argument. This does, however, ignore the fact that FLPMA applies to all federal lands. FLPMA itself confirms all prior existing roads, whose origins predate October 21, 1976.

The United States claims that FLPMA allows the USFS to permit right-of-ways, and thus gives them the right to exercise control over existing roads in the national forest. However, FLPMA was amended in 1985 to clarify that the USFS has no authority to impose regulations on prior existing roads that would diminish the scope and extent of the original grant. Any regulatory control of an existing RS 2477 road diminishes the scope and extent of an existing right. The regulatory control of right-of-ways cited by the United States only applies to right-of-ways created after October 21, 1976.

Nothing in the law allows the USFS to usurp control over right-of-ways, existing prior to October 21, 1976, or to change the definition of a road which had existed prior to 1976. Congress clarified this issue in Section 198 of the Department of Interior Appropriations Bill for 1996: ''No final rule or regulation of any agency of the federal government pertaining to the recognition, management, or validity of a right-of-way, pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an act of Congress subsequent to the date of enactment of this act.''

III. Establishing Jurisdiction

A. Determining whether State or Federal Government has jurisdiction is key.

The USFS has threatened arrest and criminal prosecution of various individuals in the road dispute. The USFS has threatened litigation against Elko County for Elko County's attempt to defend against a ''taking'' of its property and jurisdiction. The United States and its agency, the USFS claims to have jurisdiction over the matter involved in this dispute. Jurisdiction differs from ownership, in that ownership is the control of property rights and usually vests in individuals and corporate entities, while jurisdiction is the right to exercise civil and criminal process, a right which usually vests in government. The question in this dispute is: does the United States have jurisdiction? Or does Elko County as a subdivision of the state of Nevada have jurisdiction?

B. The establishment of jurisdiction depends on proper use of the term ''Public Lands.''

The United States makes its claim to jurisdiction on the premise that the national forests are public lands subject to the jurisdiction of the United States. The term ''public lands'' has a lawful definition. When used in a dispute over lawful rights, the lawful definition of ''public lands'' must be used. In recent years, this term has been widely misused by the government to encompass all lands for which the federal government has a management responsibility. In reality, the lawful definition of ''public lands'' are ''lands available to the public for purchase and/or settlement.'' The courts have repeatedly held that when a lawful possession of the public lands has been taken, these lands are no longer available to the public and are therefore no longer public lands.

Possession of the mineral estate in public lands could be lawfully taken under the mining acts. Where valid mining claims exist, that land is no longer public land. Possession of the surface estate could be lawfully taken under various pre-emption and homestead acts of Congress. Possession and settlement of the surface estate for grazing areas on the mineral lands of the United States derived from the general right-of-way provisions of the Act of July 26, 1866 and was confirmed by the Act of August 30, 1890. Congress revised the land laws to conform to the intent of the Act of August 30, 1890 with the passage of the General Land Law Revision Act of March 3, 1891.

1. Congress has withdrawn the lands from the public domain through various Acts.

Congress provided for the withdrawal of lands from the public domain as forest reserves in Section 24 of the Act of March 3, 1891. The intent of Congress as expressed in the 1891 and 1897 Acts was to protect timber stands (from exploitation by large, rapacious timber and mining corporations) in order to provide a continued supply of wood for settlers and by so doing improving watershed yields to provide a continuous water supply for appropriation by settlers. These Acts also contained numerous survey and administrative provisions providing for the identification and adjudication of prior existing private property rights within the exterior boundaries of the reserves. When the forest reserves were withdrawn from the public lands, the lands within the reserves were only available to the public for purchase or settlement after the date of the withdrawal if they were more valuable for agricultural (stock grazing) or mining purposes, and if they were not already occupied by prior possession.

2. The adjudicatory process.

The adjudication applied to rights established, whether for homesteads, roads, ditches, or range easements, prior to their withdrawal as forest reserves. Adjudication of the prior rights on the forest reserves resulted in lawful recognition of rights to lands within the exterior boundaries of the forest reserves (later renamed as national forests after 1907). For example, homesteads in fee simple, absolute title, and water right and right-of-way related surface estate rights in the form of grazing allotments were some of the lawful rights recognized. Homesteads, grazing allotments, and mining claims ceased being public lands upon their adjudication by property authority.

On national forest/reserves being established for a split-estate purpose of providing timber for settlers (and enhancing water yield), miners and ranchers could only cut or clear timber for fuel, fences, buildings and developments related to the mining or agricultural use of the claims or allotments.

D. The proper adjudication of the Humboldt National Forest belongs to the State.

1. Grazing allotments cover the entire forest.

The Humboldt National Forest was adjudicated prior to 1920. The grazing allotments were identified and confirmed as a private property right to the surface state of the forest reserves. These grazing allotments cover the entire Humboldt National Forest, including the area traversed by the Road. The Road traverses the lawfully adjudicated Jarbidge Canyon allotment.

2. The Supreme Court has confirmed state jurisdiction.

On May 19, 1907, the U.S. Supreme Court held in the case of *Kansas* v. *Colorado* that the United States was only an ordinary proprietor within the state of Colorado and subject to all the sovereign laws of the state of Colorado. The court ruled that forest reserves were not federal enclaves subject to the doctrine of exclusive legislative jurisdiction of the United States. Local peace officers were to exercise civil and criminal process over these lands. Forest Service rangers were not law enforcement officers unless designated as such by state authority. The USFS had no general grant of law enforcement authority within a sovereign State. The court has also held that a right-of-way and related improvements (as well as vehicles on the right-of-way) within a federal reservation were private interests separate from the government's title to the underlying land and that the United States had no legislative (civil or criminal) jurisdiction without an express cession from the state.

The Court has held that when the United States disposes of any interest in federal lands that there is an automatic relinquishment of federal jurisdiction over that property. By clear and identical language, Congress has stated in the Organic Act of June 4, 1897, the Eastern Forests (Week's) Act of 1911, and the Taylor Grazing Act of 1934, that there was no intention to retain federal jurisdiction over private interests within national forests. The courts have consistently upheld the ruling in *Kansas* v. *Colorado* since 1907. Even standing timber within a national forest (once sold under a timber contract) ceases to be federal property subject to federal jurisdiction.

CONCLUSION

As laid out in this report and in the hearing record, un-rebutted evidence presented in the Road dispute clearly demonstrates that the United States and its agent, the US Forest Service, have no claim to ownership of the Road. Control of property rights to the road clearly vests in the state of Nevada and Elko County on behalf of the public who created the road under the general right-of-way provisions of the Act of 1866. Even if Elko County disclaimed any interest in the road, the individual owners whose mines, ranches and other property are accessed by the road may have a compensable property right in the road.

Futher, the state of Nevada and its subdivision (Elko County) have lawfully exercised jurisdiction over the Road. This jurisdiction would appear to include the right to maintain the road under the laws of the state of Nevada.

Federal rules and regulations cannot extinguish property which derives from state law.

For the USFS to implement regulations under the Endangered Species Act, Clean Water Act or any other federal authority, which would divest citizens of their property is to trigger claims for compensation by the affected citizens. For the USFS to institute criminal action against Elko County for exercising its lawful jurisdiction over the road and the land adjacent to the Road is a usurpation of power upon which the US Supreme Court has long since conclusively ruled.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 24, 2000 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### OCTOBER 25

9 a.m.

Armed Services

To resume hearings on issues related to the attack on the U.S.S. *Cole;* to be followed by a closed hearing (SH–219).

SH–216

10 a.m.

Foreign Relations

European Affairs Subcommittee

Near Eastern and South Asian Affairs Subcommittee

To hold joint hearings to examine the Gore and Chernomyrdin diplomacy; to be followed by a closed hearing.

SD–419

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S10851–S10894***

**Measures Introduced:** One bill and one resolution were introduced, as follows: S. 3227, and S. Con. Res. 154. **Page S10892**

**Measures Passed:**

***Coin Collectors Contributions:*** Senate agreed to S. Con. Res. 154, to acknowledge and salute the contributions of coin collectors. **Page S10883**

***2002 Winter Olympic Commemorative Coin Act:*** Senate passed H.R. 3679, to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee, clearing the measure for the President. **Page S10883**

**Water Resources Development Act:** Senate disagreed to the amendment of the House to S. 2796, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, agreed to the House request for a conference, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Smith (NH), Warner, Voinovich, Baucus, and Graham. **Pages S10852–81**

**Estuary Habitat and Chesapeake Bay Restoration Act:** Senate agreed to the conference report on S. 835, to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs. **Pages S10881–83**

**Messages From the House:** **Pages S10889–90**

**Communications:** **Pages S10890–92**

**Statements on Introduced Bills:** **Page S10892**

**Additional Cosponsors:** **Pages S10892–93**

**Additional Statements:** **Pages S10887–89**

**Enrolled Bills Presented:** **Page S10890**

**Recess:** Senate convened at 4:31 p.m., and recessed at 5:15 p.m., until 3:00 p.m., on Tuesday, October 24, 2000. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10884.)

## *Committee Meetings*

*(Committees not listed did not meet)*

**U.S.S. COLE ATTACK**

*Committee on Armed Services:* On Friday, October 20, Committee concluded closed hearings to examine issues related to the attack on the U.S.S. *Cole* in Yemen, after receiving testimony from officials of the Intelligence Community.

# House of Representatives

## *Chamber Action*

**Bills Introduced:** 2 public bills, H.R.5524–5525; and 1 resolution, H. Con. Res. 433, were introduced. **Page H10534**

**Reports Filed:** Reports were filed today as follows.

H.R. 3312, to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions and disputes in administrative programs, amended (H. Rept. 106–994, Pt. 1). **Page H10533**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designated Representative Pease to act as Speaker pro tempore for today. **Page H10476**

**Recess:** The House recessed at 12:36 p.m. and reconvened at 2 p.m. **Page H10476**

**Recess:** The House recessed at 3:23 p.m. and reconvened at 4: p.m. **Page H10523**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Establishment of Dr. Nancy Foster Oceanographic Scholarship Program:*** H.R. 5086, amended, to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster; agreed to amend the title; **Pages H10477–90**

***Vicksburg Campaign Trail Battlefields Preservation:*** S. 710, to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail—clearing the measure for the President; **Pages H10490–91**

***Landusky School District Patent for Surface and Mineral Estates:*** S. 1218, a bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots—clearing the measure for the President; **Page H10491**

***Cascade Reservoir Land Exchange:*** S. 1778, to provide for equal exchanges of land around the Cascade Reservoir—clearing the measure for the President; **Pages H10491–92**

***Conveyance of Land to Washakie and Big Horn Counties, Wyoming:*** S. 610, to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming—clearing the measure for the President; **Page H10492**

***State of Wyoming Land Exchange:*** S. 1030, to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws—clearing the measure for the President; **Pages H10492–93**

***Conveyance of Land to Powell, Wyoming:*** S. 2069, to permit the conveyance of certain land in Powell, Wyoming—clearing the measure for the President; **Page H10493**

***Conveyance of Land to Park County, Wyoming:*** S. 1894, to provide for the conveyance of certain land to Park County, Wyoming—clearing the measure for the President; **Pages H10493–94**

***Coal Market Competition:*** S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State—clearing the measure for the President; **Pages H10494–95**

***Arizona National Forest Improvement and Sedona Land Conveyance:*** S. 1088, to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility—clearing the measure for the President; **Pages H10495–96**

***Sales of Hoover Dam Products and Publications:*** S. 1275, to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund—clearing the measure for the President; **Page H10496**

***Colorado River Basin Salinity Control:*** S. 1211, to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner—clearing the measure for the President; **Pages H10496–97**

***Sand Creek Massacre National Historic Site, Colorado:*** S. 2950, to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado—clearing the measure for the President; **Pages H10497–98**

***Saint-Gaudens Historic Site, New Hampshire:*** S. 1367, to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary—clearing the measure for the President; **Pages H10498–99**

***Indian Land Consolidation Act Amendments:*** S. 1586, to reduce the fractionated ownership of Indian Lands—clearing the measure for the President; **Pages H10499–H10504**

***Conveyance*** agree to the Senate amendments to H.R. 3657, to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California—clearing the measure for the President; **Pages H10504–05**

***Glacier Bay National Park, Alaska:*** S. 501, to address resource management issues in Glacier Bay National Park, Alaska—clearing the measure for the President; **Pages H10505–06**

***Tribal Justice Systems Legal Assistance:*** S. 1508, amended, to provide technical and legal assistance for tribal justice systems and members of Indian tribes; **Pages H10506–08**

***Indian Lands Investment, Business, and Economic Development:*** S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands—clearing the measure for the President; **Pages H10508–09**

***Native Americans Business Development and Trade Promotion:*** S. 2719, to provide for business development and trade promotion for Native Americans—clearing the measure for the President; **Pages H10509–11**

***Job Creation on Indian Reservations:*** S. 1509, amended, to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations; **Pages H10511–12**

***Indian Arts and Crafts Protection:*** S. 2872, to improve the cause of action for misrepresentation of Indian arts and crafts—clearing the measure for the President; **Page H10512**

***Nampa and Meridian, Idaho Conveyance:*** S. 3022, to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District—clearing the measure for the President; **Pages H10512–13**

***Spanish Peaks Wilderness Act:*** S. 503, designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''—clearing the measure for the President; **Pages H10513–14**

***Native Hiring and Contracting in Alaska:*** S. 748, to improve Native hiring and contracting by the Federal Government within the State of Alaska—clearing the measure for the President; **Pages H10514–15**

***Lake Tahoe Restoration:*** H.R. 3388, amended, to promote environmental restoration around the Lake Tahoe basin; **Pages H10515–17**

***Bend Feed, Oregon Canal Pipeline Project:*** S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon—clearing the measure for the President; **Pages H10517–18**

***Klamath Basin, Oregon and California Water Supply Enhancement:*** S. 2882, to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California—clearing the measure for the President; **Pages H10518–19**

***Management of Salmon Creek Watershed of the Upper Columbia River:*** S. 2951, to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River—clearing the measure for the President; **Page H10519**

***Reclamation Safety of Dams:*** H.R. 3595, amended, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; **Pages H10519–20**

***Miwaleta Park, Oregon Expansion:*** Agreed to the Senate amendments to H.R. 1725, to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land—clearing the measure for the President; **Pages H10520–21**

***Washington-Rochambeau Revolutionary Route National Heritage:*** H.R. 4794, to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War; **Pages H10521–22**

***Toiyabe National Forest, Nevada Boundary Adjustment:*** S. 439, amended, to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada. Agreed to amend the title; **Page H10522**

***Diamond Valley Lake Interpretive Center and Museum—Western Center for Archaeology:*** S. 2977, a bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles—clearing the measure for the President; **Pages H10522–23**

***Airport Security Improvement:*** S. 2440, amended, to amend title 49, United States Code, to improve airport security; and **Pages H10523–27**

***Japanese-American Memorial to Patriotism:*** S. Con. Res. 139, authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism. **Pages H10527–28**

**Senate Messages:** Message received from the Senate appears on page H10476.

**Referrals:** S. 1854 was referred to the Committee on the Judiciary and S. 2943 was referred to the Committee on International Relations. **Page H10532**

**Quorum Calls—Votes:** No quorum calls or votes developed during the proceedings of the House today.

**Adjournment:** The House met at 10 a.m. and adjourned at 4:55 p.m.

# *Committee Meetings*

No Committee meetings were held.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D1092)*

H.R. 1143, to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries. Signed October 17, 2000. (P.L. 106–309)

H.R. 4365, to amend the Public Health Service Act with respect to children's health. Signed October 17, 2000. (P.L. 106–310)

H.R. 5362, to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers. Signed October 17, 2000. (P.L. 106–311)

S. 1198, to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies. Signed October 17, 2000. (P.L. 106–312)

S. 2045, to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens. Signed October 17, 2000. (P.L. 106–313)

S. 2272, to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997. Signed October 17, 2000. (P.L. 106–314)

## COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 24, 2000

### Senate

No meetings/hearings scheduled.

### House

No Committee meetings are scheduled.

*Next Meeting of the* **SENATE**

**3 p.m., Tuesday, October 24**

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**Senate Chamber**

**Program for Tuesday:** After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 5 p.m.), Senate may consider any cleared legislative and executive business, including conference reports, when available.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**10:30 a.m., Tuesday, October 24**

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**House Chamber**

**Program for Tuesday:** Consideration of Suspensions:

(1) S. 1453, Sudan Peace Act;

(2) H. Con. Res. 414, Reestablishment of Representative Government in Afghanistan;

(3) H. Con. Res. 410, Condemning the Assassination of Father John Kaiser and others in Kenya;

(4) H.R. 3514, Chimpanzee Health Improvement, Maintenance and Protection;

(5) H.R. 4757, Streamlined Environmental Reporting and Pollution Prevention;

(6) H.R. 3312, Merit Systems Protection Board Administrative Dispute Resolution;

(7) H.R. 5143, Designation of U.S. Postal Facility as the Morgan Station in Paducah, Kentucky;

(8) H.R. 5144, Designation of Tim Lee Carter Post Office Building in Tompkinsville, Kentucky;

(9) H.R. 5068, Designation of Marjory Williams Scrivens Post Office in Miami, Florida;

(10) H.R. 4940, Designation of the American Museum of Science and Energy in Oak Ridge, Tennessee;

(11) H.R. 2413, Computer Security Enhancement Act;

(12) H.R. 4271, National Science Education Act;

(13) S. 1474, Palmetto Bend Conveyance Act;

(14) H.R. 782, Older Americans Act Amendments;

(15) S. 1865, America's Law Enforcement and Mental Health Project;

(16) H. Res. 605, Implementation of the Amber Plan to recover abducted children; and

H.R. 4656, Land Conveyance to Lake Tahoe Basin to the Washoe County School District for an elementary school site (closed rule, one hour of debate).

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## Extensions of Remarks, as inserted in this issue

HOUSE

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